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**CHILTERN**  
District Council



## Licensing & Regulation Committee

**Wednesday, 14th December, 2016 at 6.30 pm**

**Large & Small Committee Room, King George V House, King George V Road,  
Amersham**

### **A G E N D A**

- 1 Evacuation Procedures
- 2 Minutes (*Pages 3 - 6*)  
To sign the Minutes of the meeting held on 28 June 2016.
- 3 Apologies for Absence
- 4 Declarations of Interest
- 5 Hackney Carriage and Private Hire Licensing Policy (*Pages 7 - 14*)
  - Appendix 1 - Hackney Carriage and Private Hire Policy (Pages 15 - 112)*
  - Appendix 2 - Consultation Response Table (Pages 113 - 116)*
  - Appendix 3 - Consultation Responses (Pages 117 - 134)*
  - Appendix 4 - Minutes of Meetings with the Chiltern Taxi Drivers Association (Pages 135 - 148)*
  - Appendix 5 - Tint levels (Pages 149 - 150)*
  - Appendix 6 (Pages 151 - 154)*
  - Appendix 7 - Equality Impact Assessment (Pages 155 - 158)*

6 Exclusion of the Public (if required)

To resolve that under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act.

**Note:** All Reports will be updated orally at the meeting if appropriate and may be supplemented by additional reports at the Chairman's discretion.

**Membership: Licensing & Regulation Committee**

Councillors: J J Rush (Chairman)  
E A Walsh  
E A Culverhouse  
M Flys  
G K Harris  
M J Harrold  
C J Jackson (Vice-Chairman)  
P M Jones  
C M Jones  
R J Jones  
D J Lacey  
C J Rouse  
P N Shepherd  
N I Varley  
F S Wilson

**Date of next meeting – Thursday, 30 March 2017**

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**CHILTERN DISTRICT COUNCIL**

**MINUTES of the Meeting of the  
LICENSING & REGULATION COMMITTEE**  
held on **28 JUNE 2016**

**PRESENT:** Councillor J J Rush - Chairman  
" C J Jackson - Vice Chairman

Councillors: M Flys  
G K Harris  
M J Harrold  
D J Lacey  
C J Rouse  
N I Varley

**APOLOGIES FOR ABSENCE** were received from Councillors E A Walsh, E A Culverhouse, P M Jones, C M Jones, R J Jones, P N Shepherd and F S Wilson

**3 MINUTES**

The Minutes of the meetings of the Licensing & Regulation Committee held on 26 November 2015 and 17 May 2016, copies of which were circulated at the meeting, were agreed by the Committee and signed by the Chairman as a correct record.

**4 DECLARATIONS OF INTEREST**

Councillor D Lacey, a Chesham Town Councillor, confirmed that he had not had any personal involvement in Chesham Town Council's decision to object to the street trading consent application (item 10) and could therefore take part in discussions and vote on this item at this meeting.

Councillor N Varley, a Chesham Town Councillor, confirmed that he objected to and had voted against the street trading consent application when it was considered by Chesham Town Council, and as such would not take part in any discussions on item 10 and would not vote, but could remain in the room as an observer.

**5 MINUTES OF THE LICENSING SUB COMMITTEE HELD ON 08 OCTOBER 2015**

The Minutes of the Licensing Sub Committee meeting held on 8 October 2015 were agreed as a correct record.

**6 MINUTES OF THE LICENSING SUB COMMITTEE HELD ON 02 MARCH 2016**

The Minutes of the Licensing Sub Committee meeting held on 2 March 2016 were agreed as a correct record.

**7 REPORT FOR FILM CLASSIFICATION POLICY**

The British Board of Film Classification (BBFC) determines the classification of films nationally, but the Council is also the classification body for the public exhibition of films shown within its administrative area. If a film has not been classified by the BBFC it must not be shown at a premise without first having been classified by the Council (unless an exemption applied under the Licensing Act 2003). A film distributor, for example, may also appeal to the Council against a decision of the BBFC and request that the Council reclassify a film. As such, the Committee were asked to approve the proposed policy and procedure for determining film classifications.

It was noted that a film would only need to be classified if it would be shown publically. A number of exemptions from regulation were also in place under the 2003 Act. This included, for example, films intended for information or educational purposes.

In response to a question regarding why the policy had not been put in place before now, it was noted that although the Council had a responsibility to determine film classifications, no requests had been made to the Council to make their own decision on a film classification since the introduction of the Licensing Act 2003, and only one had been received prior to that in 2002.

The Council, when setting a fee for film classifications, was required to take into account the costs to the Council, and fees set by other local authorities could not be taken into account.

**RESOLVED –**

- 1. That the draft policy for dealing with the classification of films be adopted with immediate effect.**
- 2. That the guidance issued by the BBFC to assist in the classification and re-classification of films be adopted.**

**AND RECOMMENDED TO COUNCIL –**

- 3. That the Head of Healthy Communities be authorised to determine the classification and re-classification of films including appeals under the licensing legislation in accordance with the Policy.**
- 4. That all cases not determined by the Head of Healthy Communities under delegated authority be dealt with by the Licensing Sub-Committee.**
- 5. That the level of fee for the classification of films be set at £47, plus £1 per minute of the full length of the submitted film, plus any costs associated with the hire of any associated venue or equipment costs.**

## 8 HACKNEY CARRIAGE & PRIVATE HIRE LICENSING POLICY

The Council was reviewing its hackney carriage and private hire licensing policy in light of changes to legislation, case law and the way in which the Council delivered licensing services. As such, Members were asked to consider the draft policy prior to a 12 week consultation. During the discussion the following key points were made:

Concern was raised regarding the proposed change to the vehicle age policy. Whilst recognising that this policy was designed to protect the public from harm it could potentially affect a large number of drivers. Figures on the number of vehicles that would be affected by the proposed change were requested, and would be provided at the meeting when the consultation responses would be considered by the Committee. Following a discussion it was agreed that the proposed policy change be highlighted to drivers and operators in the consultation letter that would be sent to them so that they could assess the effect to them and respond to the consultation accordingly.

It was suggested that the executive plate should be retained because it provided greater reassurance to residents. They were also used by the police to identify licensed vehicles. It was suggested however that the dispensation could be expanded to widen the type of work that this would apply to, for example, to include vintage vehicles. It was also suggested that drivers who were hired continuously by the same client could be included in this. Requiring a driver to request a separate dispensation for each client, even if they were from the same company, was considered excessive.

In response to a question it was clarified that the proposed disclosure and barring service (DBS) update service requirement was an enhancement to the current full DBS checks. This would mean that criminal record checks did not go out of date and avoided delays.

One Member requested a demonstration of the knowledge test that was required to be undertaken by drivers.

### **RESOLVED –**

- 1) That the draft hackney carriage and private hire licensing policy be approved for consultation subject to the inclusion of a note on the consultation letter, to be sent to all drivers and operators, highlighting the proposed change to the vehicle age policy which may affect them.**
- 2) That the consultation be carried out over a 12 week period to enable all interested parties to submit comments to the Council.**
- 3) That the results of the consultation be reported back to the Licensing and Regulation Committee for further consideration prior to a recommendation from the Committee to Full Council.**

**9 REVIEW OF HACKNEY CARRIAGE FARES**

The Council had received a request from the hackney carriage trade to increase the fares relating to the “Flag” rate that may be charged. As such, the Committee were requested to consider the request along with the information in the report. After noting the request that had been received by the trade, and following a discussion, it was

**RESOLVED –**

**That the hackney carriage trade be requested to provide further information and specific reasons to support their request to increase the fares relating to the “Flag” rate that may be charged, to enable Members to make a decision on the request.**

**10 STREET TRADING CONSENT APPLICATION**

The Council had received an application for Street Trading Consent to sell Indian foods from a catering trailer situated on Chesham High Street. In accordance with the Council’s Street Trading Policy a number of organisations had been consulted. One objection to the application had been received from Chesham Town Council and in accordance with the adopted Policy the application must then be determined by the Licensing & Regulation Committee.

Members considered the application and the objection received from Chesham Town Council. The objection referred to the proposed location, including it being within a conservation area, and impact on similar businesses nearby. It was noted that the Council’s Street Trading Policy did not provide for a public consultation.

**RESOLVED –**

**That the application for Street Trading Consent be refused due to the loss of amenity, visual appearance, the impact on the conservation area and the risk of food odour that could not be mitigated in a sensitive environment.**

*Note: Councillor N Varley took no part in the discussions and did not vote on the above application.*

**The meeting ended at 7.38 pm**

|                            |   |
|----------------------------|---|
| <b>SUBJECT:</b>            | <b>Hackney carriage &amp; private hire licensing policy</b> |
| <b>REPORT OF:</b>          | Interim Director of Services – Anita Cacchioli              |
| <b>RESPONSIBLE OFFICER</b> | Head of Healthy Communities – Martin Holt                   |
| <b>REPORT AUTHOR</b>       | Nathan March, 01494 732249, nmarch@chiltern.gov.uk          |
| <b>WARD/S AFFECTED</b>     | All   |

### 1. Purpose of Report

- 1.1 This report is to provide the Committee with details of the responses to the 12 week consultation that took place on the draft Hackney carriage and private hire licensing policy, so that these can be considered so that the draft policy can be finalised and recommended for adoption by Council.
- 1.2 Some changes have been proposed to the draft policy as a result of the responses received, and these are detailed in the report and attached draft policy for Members approval.
- 1.3 **RECOMMENDATION**
- 1.4 It is recommended that
- i) The Committee reviews the consultation responses and the proposed amendments to the draft policy as indicated in Appendix 1.
  - ii) The Committee advises whether further changes should be made to the draft policy in line with the consultation responses, with any further minor changes to be agreed by the Head of Healthy Communities in consultation with the Chairman of the Licensing & Regulation Committee prior to recommendation to Council.
  - iii) Members give particular attention to door stickers, window tint levels and vehicle age as significant concern has been raised regarding these aspects of the draft policy.
  - iv) A recommendation be made to Council to adopt the revised draft policy once changes have been agreed in line with the above recommendations.

### 2. Reasons for Recommendations

- 2.1 Once recommendations i), ii) and iii) have been followed, the responses to the consultation will have been given full consideration, any appropriate changes considered will have been made to the draft policy and it will be fit to be recommended for adoption by Council.

### 3. Background

- 3.1 A review of the Council's adopted Hackney carriage and private hire policy was previously by the Licensing & Regulation Committee on 28<sup>th</sup> June 2016 and the draft policy approved for consultation by the Committee.
- 3.2 A 12 week consultation period for the draft policy concluded on the 21<sup>st</sup> September 2016.
- 3.3 Consultation with the trade included direct text messaging and a letter to all licensed drivers and operators. The wider consultation involved a dedicated web page on the Council's website, use of

social media, and emails to the Police, Highways Authority, neighbouring authorities and interested stakeholders e.g. residents groups.

3.4 Two meetings were held with Chiltern Taxi Drivers Association; one was chaired by the Licensing & Regulation Committee Chairman and attended by 51 members of the trade and an informal drop in session for members of the trade was held during the consultation to allow any clarifications or items to be considered. Officers were available throughout this day so that members of the trade could attend as and when able to do so; officers of the Licensing team were available to answer questions the trade had in relation to the draft policy and consultation process.

3.5 There were 12 responses to the consultation, the breakdown of these is shown in the table below:

| Respondent                         | No. of Responses |
|------------------------------------|------------------|
| Minuted Trade Association Meetings | 2                |
| Individual trade responses         | 5                |
| Council departments                | 2                |
| Other Local Authorities            | 2                |
| Other                              | 1                |

3.6 It is important to note that the minutes of the trade association represent the views of at least 51 drivers as this was the attendance at the first meeting. Therefore where objections were made by the Chiltern Taxi Drivers Association, this is advised throughout the report and in the related appendices to ensure that it is clear that this is the case.

3.7 The overall summary of the comments made in relation to the draft policy and more general comments have been collated and provided as Appendix 2.

3.8 A response which was received from another licensing authority is not included with the report as it made suggested amendments (listed in Appendix 2) throughout the full draft policy, a copy of this response with these draft amendments is available on request. These were generally minor amendments, which have been considered and addressed and suggested minor amendments made to the draft policy. All of the other original responses (as submitted to the Council) from the trade and other stakeholders are attached as Appendix 3 and minutes of the meetings held with trade association are attached as Appendix 4. The minutes attached were taken contemporaneously and were circulated to the trade representatives that attended each meeting and have been agreed as an accurate reflection of the discussions that took place.

#### 4. **Draft policy amendments following consultation**

4.1 Following consideration of the responses to the consultation, a number of changes (including typographical errors and words of clarification) are proposed to the draft policy, many of these are explained in Appendix 2, with reference to pages that have been amended in the draft policy.

4.2 Significant concerns were raised by the trade with regards to 3 issues which the Council has direct control over through its policy – door stickers, vehicle age and window tints. Given the complex nature in relation to decisions on these issues, further information is provided on each below so that Members can consider whether they are in agreement with the revised draft policy as it is presented in Appendix 1, or would prefer further changes to be made.

#### 4.3 **Window tints**

- 4.3.1 Trade respondents generally felt that the current policy on tints is unfair, and cited that many modern vehicles are produced with higher tint levels than the Council permits. The argument is made that if the tints are legally acceptable, why should licensed vehicles have to have these replaced. However a key point is that vehicles are manufactured for general use and not specifically for use as licensed private hire or hackney carriage vehicles. Purposely built hackney carriage vehicles do not have tinted windows.
- 4.3.2 However, respondents' views were that more and more vehicles are being produced with darker tints, particularly multi-purpose vehicles (MPVs) such as higher spec'd Ford Galaxys and Mercedes Vitos, which are popular due to their seating capacity. Although some models would normally fall outside of the required tint levels, there are a large number of these vehicles on the fleet currently, which will be due to these being lower spec models, or owners paying to have the tinted windows replaced. According to respondents, the cost of replacing these windows is potentially around £1000, which is an additional financial burden when replacing their vehicle, if replacement vehicles have unacceptable tints at time of purchase, and may mean that they choose older or lower quality vehicles as a result.
- 4.3.3 The current restriction for tinted windows has not changed and appears in the draft policy as follows:
- Glazing** *All vehicles will be tested with a light meter. Any vehicle with a reading lower than the following will not be licensed. Front Windscreen 75%, Front Side Windows 70%, All other Windows 30%. The lower the number the darker the tint*
- 4.3.4 Appendix 5 shows the tint levels for a variety of vehicles that are popular within the trade. It shows that the majority of vehicles are suitable under the current tint requirements.
- 4.3.5 There is no case specific evidence available to show that tinted windows have been a factor in any recorded offences being committed in taxis. Although it can be reasonably accepted that windows which allow better vision into a vehicle do provide protection to both the driver and the passengers as it is more likely that any incidents and/or offences may be witnessed by someone outside of the vehicle.
- 4.3.6 The tinting of vehicles is linked to minimising solar gain and the use of air-conditioning and fuel economy, which is connected to the Council's aims of promoting sustainability and could be considered to increase the comfort of the passenger.
- 4.3.7 Given the considerations above, together with the information provided in Appendix 4, currently no change has been made to the draft policy.

#### **4.4 Door Stickers**

- 4.4.1 National legislation and case law make it clear that 'a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.' And this therefore supports the use of door stickers and similar distinguishing features (such as vehicle colour in some areas) to make it obvious as to the district that a vehicle is licensed by.
- 4.4.2 There are various pros and cons associated with the requirement to have door stickers, the points raised in the consultation are highlighted below, together with other relevant information.
- 4.4.3 Respondents generally accepted the need for door stickers on private hire vehicles, but felt that they are unnecessary on hackney carriages. Respondents also pointed to the fact that many other

authorities do not require door stickers. The table below shows the current situation for other nearby council areas:

| <b>Council area</b> | <b>Door stickers for HCV</b> | <b>Door Stickers for PHV</b> |
|---------------------|------------------------------|------------------------------|
| Aylesbury Vale      | No                           | Yes                          |
| Wycombe             | No                           | Yes                          |
| Watford             | Yes                          | Yes                          |
| Reading             | Yes                          | Yes                          |
| West Berkshire      | Yes                          | No                           |
| Wokingham           | No                           | No                           |
| Slough              | Voluntary (none taken up)    | Voluntary (none taken up)    |
| Bracknell Forest    | Voluntary                    | Voluntary                    |
| South Bucks         | Yes                          | Yes                          |

Table 2

- 4.4.4 Table 2 shows that there is no standard approach across authorities in their policies with regards to door stickers, there is also significant variance with regards to the design of door stickers.
- 4.4.5 Some of the responses have suggested that door stickers have led to their car being broken into with the perception being that as they are a licensed vehicle it is more likely that money may have been left in them.
- 4.4.6 Door stickers clearly identify to the passenger that the vehicle is a licensed hackney carriage and able to ply for hire in the district.
- 4.4.7 Door stickers include the plate number, this makes it easier for members of the public and for the Council to identify vehicles when necessary.
- 4.4.8 The door stickers currently include a partnership 'together we can' logo and the Thames Valley Police logo. It is felt that these logos are reassuring to members of the public as an indication that the council works with partner agencies, including the police and that all licensed vehicles and drivers are required to undergo regular checks.
- 4.4.9 The design of the door stickers is part of the concern of the trade, and the view expressed by the Chiltern Taxi Drivers Association is that the police logo being displayed on the sticker criminalises the drivers. Drivers all have to have criminal record checks and this is considered to negate the requirement for door stickers. The Trade has been very clear that its view is that requiring these door stickers in their current design is a form of indirect discrimination, because the large majority of the drivers are Asian. This view is not supported by the Equality Impact Assessment conducted in relation to the draft policy, and is considered to be the perception of the objectors.
- 4.4.10 In addition to the design concerns of the stickers, another argument against these stickers is that they lead to damage being done to the car when removed, particularly with regards to the paintwork fading. Whilst this is accepted as a possible impact of the door stickers when a vehicle is licensed for a sustained period of time, the Council may consider it to be an unfortunate consequence of this requirement, but one which does not justify the removal of the requirement from the current policy and would have to be accepted by the vehicle owner as a consequence when considering to get the vehicle licensed.
- 4.4.11 Many of the Chiltern hackney carriage drivers work for operators, as well as taking their own jobs off of the ranks and in these cases their vehicles usually bear door stickers which display the company

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that they work for. Therefore there is no difference in the impact that these stickers have on potential damage to the vehicle and the Council's door stickers.

4.4.12 Chiltern District Council and South Bucks District Council are currently undergoing a rebranding exercise as part of the shared service programme, it would be possible to review the design of door stickers as part of this exercise if considered valuable to do so.

4.4.13 Following consideration of the consultation responses and the other information above it is recommended that door stickers continue to be required to be displayed on hackney carriages and private hire vehicles.

#### **4.5 Vehicle age**

4.5.1 The current policy includes the following age requirements:

*Vehicle age policy*

*At the time a vehicle is first licensed (including changes of vehicles if not to a currently licensed vehicle) the vehicle must normally be less than 7 years of age. The vehicles age will be determined by the vehicle registration document. The age limit may be exceeded if the vehicle complies with all applicable standards. Once a vehicle reaches 12 years of age the licence will only be renewed if the vehicle has passed 3 compliance tests each year, at approximately 4 monthly intervals.*

4.5.2 The Council therefore expects vehicles to be no older than 7 years when first licensed. However, in practice, as all vehicles are required to pass compliance tests, this age restriction becomes almost meaningless. The draft policy still maintains the 7 year age requirement, but makes it much more exceptional for older vehicles to be licensed.

4.5.3 The proposed vehicle age policy has the requirements below:

*Vehicle age policy*

*AP.1 Subject to paragraph AP.4, a licence shall not be granted in respect of any vehicle which is more than seven (7) years old in the case of an application for a new hackney carriage or private hire vehicle licence in respect of the vehicle and more than ten (10) years old in the case of an application for the renewal of a licence*

*AP.2 Subject to paragraph and AP.4, the Council will not allow the transfer of a licence to a vehicle which is more than seven (7) years old*

*AP.3 Under paragraphs AP.1 and AP.2 the age of the vehicle shall be calculated with reference to the registration documentation for the vehicle.*

*AP.4 With reference to the ages of vehicles, in the case of purpose built hackney carriages and of vehicles which are considered to be of an 'exceptional standard' each application will be considered on its own merits prior to a determination being made. The maximum age for licensing of these vehicles shall be twelve (12) years.*

4.5.3 A response was received from the Council's Principal Environmental Protection Officer which related to the vehicle age restrictions proposed and stated:

*Many studies have found that the vehicles that polluted the most tended to be those that were older models, had higher mileage, poorer fuel economy, and were less-well-maintained. Therefore restricting older vehicles is supported.*

- 4.5.4 7 objections, including objections raised at the 2 meetings with the Chiltern Taxi Drivers Association, were received with regards to the strengthening of the vehicle age requirements. 1 of the objectors to this aspect of the policy states that their vehicle is over the 12 year maximum proposed and they intend to work until they or the car wears out. Although they went on to say that the car is kept clean and well maintained.
- 4.5.5 A large number of vehicles (127 of 320 - 39% of the licensed vehicles are over 10 years old) would be affected by the change of the policy in this regards, although it is not possible to determine how many of these would meet the 'exceptional standard' that would be required for a vehicle to be licensed for an additional 2 years. However, this part of the draft policy would only affect existing licence holders when they come to change their vehicle.
- 4.5.6 Information is provided in appendix 6 in relation to the impact of age and mileage on reliability of vehicles to assist Members, however unfortunately it is very difficult to establish the true impact of a vehicles age and reliability for a number of reasons. The main issue is that there does not appear to be suitable data to truly show what happens to vehicles' reliability as they get older. Therefore, Members must consider the likely impact of age on a vehicle's reliability based on their knowledge and experience of such issues.
- 4.5.7 The options available to Members are to:
- 1) adopt the proposed age condition in the draft policy or
  - 2) to retain the existing age condition and incorporate this in to the draft policy
  - 3) to determine an alternative to the proposed or current age policies.

## **5. Issues raised during consultation that are not relevant to the review of the current Policy**

- 5.1 A number of issues were raised by the trade as part of their responses to the consultation which are not related to the draft policy, but it is accepted that there are shared concerns within the trade in relation to the issues which frequently featured in responses, so these are highlighted to the committee below.
- 5.2 There has been a variety of concerns expressed by the trade in relation to the way that the Council is currently delivering its Licensing functions. Where possible, these concerns have been responded to during the consultation, but if individuals continue to have concerns the Councils formal complaints procedure is the appropriate way for these to be dealt with.
- 5.3 Size and quality of driver's badges, the CTDA has expressed that drivers would like something smaller and smarter than what they currently have. The draft policy does not provide specific information as to the nature of the badge and this is an operational issue. Alternative badges are being investigated, but the Council must ensure that any alternative option does not increase costs or affect efficiency as this will have a negative impact on the Licensees.

## **6. Corporate Implications**

- 6.1 Legal

The policy affects the approach that the Council will be taking for hackney carriage and private hire licensing. This will impact on the level of compliance and enforcement actions taken.

## 6.2 Equalities Act 2010

The impact of the policy on equalities has been considered whilst conducting the review, and no adverse equality issues were identified at the time that the draft policy was revised and approved for consultation. However, during the consultation a number of responses highlighted significant concerns that the draft policy was indirectly discriminatory, specifically in relation to ethnicity and religion, so the original Equalities Impact Assessment (EIA) carried out was reviewed in light of these concerns.

More detail is contained within the main body of this EIA report attached at appendix 7 but in summary, the EIA established that whilst the majority of individuals who hold licences are of Asian ethnicity, the draft policy is not discriminatory as it is applied evenly to all licensees irrelevant of their ethnicity or religion and it is necessary to have a robust policy in place in order to effectively regulate the licensing of hackney carriage and private hire to ensure that the council meets its responsibilities to protect the public.

## 7. Links to Council Policy Objectives

7.1 The publication of an effective Hackney carriage and private hire policy links to all 3 of the Council's headline objectives:

1. Delivering cost- effective, customer- focused services
2. Working towards safe and healthier local communities
3. Striving to conserve the environment and promote sustainability.

## 8. Next Steps

The next steps will be as stated in the recommendations.

|                           |  |
|---------------------------|--|
| <b>Background Papers:</b> | <p>Draft Chiltern District Council Hackney Carriage and Private Hire Policy as agreed for consultation by the Licensing &amp; Regulation Committee on 28th June 2016</p> <p>Hackney carriage &amp; private hire licensing policy &amp; associated documentation adopted 26th February 2014.</p> <p>Taxi and private hire vehicle licensing: best practice guidance 2 March 2010.</p> |
|---------------------------|--|



Classification: OFFICIAL



# CHILTERN DISTRICT COUNCIL

[www.chiltern.gov.uk/taxi](http://www.chiltern.gov.uk/taxi)

## Hackney Carriage and Private Hire Policy

Adopted on \*\*\*\*\*  
Effective from \*\*\*\*\*

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Classification: OFFICIAL



Classification: OFFICIAL

## Definitions

For the purpose of this policy -

**The application** shall mean the application made by an individual (or individuals) for the grant or renewal of a licence

**Authorised officer** shall mean any officer within the Council authorised by the Council's scheme of delegations

**The Council** shall mean Chiltern District Council

**Hirer** shall mean any person or persons who from time-to-time hires or books the vehicle

**Licensee(s)** shall mean the person(s) named in the licence

**Operator** shall mean a person holding a licence to operate private hire vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976. A private hire operator's licence is required to enable a person to accept or invite bookings for private hire vehicles

**Working day** any day other than a Saturday, a Sunday, Christmas day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom

## Introduction

This policy has been produced pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 which places the duty on Chiltern District Council to carry out licensing functions in respect of hackney carriage and private hire vehicles, drivers and operators.

In carrying out its said regulatory licensing functions, the Council will have regard to this policy document. Where it is necessary for the Council to depart from this policy, clear reasons will be given for doing so.

Following consultation and adoption by the Council, this policy shall be kept under review and revised as necessary. The Head of Healthy Communities is authorised to make minor amendments to the policy. In addition, amendments to this policy may be authorised without consultation by the Council.

The policy refers to guidance that is available to applicants, drivers and operators and proprietors to assist them with the application processes and the running of the service. This guidance, application forms and current fees are available on the Chiltern District Council Website.

## Background

Hackney carriage and private hire vehicles have a distinct role to play in an integrated transport system. They are able to provide services in situations where public transport is

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either not available (for example in rural areas, or outside “normal” hours of operation such as in the evenings or on Sundays), and/or for those with mobility difficulties.

## **Chiltern Council boundary**

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## Chiltern District Boundary



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### Practice, guidance & legislation

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The Department for Transport (DfT) has national responsibility for hackney carriage and private hire legislation in England and Wales. As a result of the Office of Fair Trading producing a report on the UK hackney carriage and private hire trade, the DfT was asked to produce best practice guidance for local licensing authorities. The latest guidance was issued in March 2010<sup>1</sup> titled 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' and represents examples of good or best practice from within England and Wales. However, the document recognises that licensing authorities may reach their own decisions both on overall policies and on individual licensing matters, in the light of their own circumstances.

The Council has therefore taken account of the DfT guidance to develop this policy.

This policy also takes account of the legislative basis of the Council's taxi licensing powers, including those contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as amended.

### **Equality Act 2010<sup>2</sup>**

In addition, the Equality Act 2010 has implications for both hackney carriage and private hire operators and drivers in respect of disabled access to vehicles.

#### **Duties to assist passengers in wheelchairs**

Section 165 places a duty on a driver of designated wheelchair accessible hackney carriages and private hire vehicles. The duties are:

- To convey the passenger while in the wheelchair
- Not to make any additional charge for doing so

If the passenger chooses to sit in a passenger seat;

- To take such steps as are necessary to ensure that the passenger is conveyed in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required to enable the passenger to get in or out of the vehicle and to secure/convey the wheelchair as appropriate.

Section 167 of the Equality Act allows licensing authorities to maintain a list of "designated vehicles", that is, a list of wheelchair accessible hackney carriages and private hire vehicles licensed in their area. The consequence of being on this list is that the driver must undertake the duties in section 165.

#### **Guide dogs and assistance dogs (sections 168 to 171 of Equality Act 2010)**

Councils are able to issue certificates to drivers who are exempt by their doctors under strict medical grounds from the duty to carry guide and assistance dogs. Exemption certificates will only be issued when written requirement for this exemption is provided by the drivers registered GP practice.

<sup>1</sup> <http://www.dft.gov.uk/publications/taxi-private-hire-licensing/>

<sup>2</sup> [http://www.opsi.gov.uk/acts/acts2010/ukpga\\_20100015\\_en\\_1](http://www.opsi.gov.uk/acts/acts2010/ukpga_20100015_en_1)

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There is comprehensive guidance issued by the DfT in 2010 about the duties to carry guide and assistance dogs and the procedure for granting medical exemptions etc.

## Policy aims & objectives

### Objectives

- the protection of the public
- the maintenance of a professional and respected hackney carriage and private hire trade
- access to an efficient and effective local transport service
- the protection of our local environment.

### Aims

The Council will aim to achieve these objectives in the following ways:

- by ensuring that licensed vehicles do not give rise to a risk to passenger safety
- by ensuring that licensed drivers are fit and proper persons and achieve as high a standard of good practice as is possible
- by ensuring that licensed vehicles meet emissions standards and encouraging the use of low polluting vehicles
- by encouraging the use of vehicles that are more accessible to persons who have disabilities
- by ensuring that licensed vehicles are comfortable and properly insured
- by liaising with the County Council highways department to encourage that taxis and private hire form part of the wider strategic transport and local transport plans
- by working in partnership with a variety of other agencies to support the Council's objective in relation to both the public and the trade
- by reducing the frequency with which licence holders are required to attend the council offices
- by ensuring online accessibility to allow remote application by new and existing licence holders
- by utilising electronic and mobile communication methods including the use of SMS messaging and extranet sites

### Methods

The methods to be employed will be

- work with the taxi and hackney carriage trade to deliver ongoing improvements innovate, and deal with emerging issues
- setting the standards for the licensing of vehicles, drivers and operators
- annual licensing and routine inspection of vehicles, with appropriate follow-up action
- routine inspection of documents, with appropriate follow-up action
- routine checks of driver's medical fitness and criminal record history during the time the licence is in force and knowledge of the district, highway code and licensing policy as well as driving ability (at the time of application)
- investigation of complaints with appropriate follow-up action
- liaison with Thames Valley Police, neighbouring local authorities and other agencies concerning issues of mutual concern

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- prosecution, monitoring of contraventions, suspension or revocation of licences for breach of conditions or legislation
- proper training and development of council officers
- continue to meet ongoing performance and efficiency targets for the service
- provision of information to licensees about good practice and what to expect of any inspecting officer
- promote the use of training/courses for licensees,
- provide mandatory training when it is considered appropriate to do so
- promotional activities to inform and encourage and maintain high standards

In seeking to meet these aims the Council will actively cooperate, assist and seek advice from agencies including:

- Thames Valley Police
- Driver and Vehicle Standards Agency
- Bucks County Council
- Other local authorities
- Town and Parish Councils
- Chiltern Railways
- Disclosure and Barring Service
- Department for Transport
- Driving and Vehicle Licensing Agency
- Home Office
- Department for Work and Pensions
- Other relevant agencies and departments

### Uniformity

The authority acknowledges the need to act in a consistent and uniform manner and advocates a common-sense approach to the selection of enforcement action and activities.

The following areas are all considered important in achieving uniformity:

- the awareness of and adherence to this policy
- training, qualifications and supervision of staff and training for Members. Regular practical training and update sessions will be essential to ensure uniformity. Use of joint training initiatives with other authorities will also be undertaken
- the ongoing monitoring and auditing of licence holders, testing stations, and activities
- liaising with other enforcement agencies, adjoining authorities and trade bodies.
- compliance with relevant codes of practice/circulars (where not inconsistent with this policy)

### Administration of licences

Applications for licences will only be validated and then determined when all documents and fee (as applicable) are received, as stated within this policy.

The Council will always aim to produce licences as promptly as possible. Applications will normally be considered within 28 days of validation and, depending on circumstances, an application can then be granted, refused or deferred.

### General fees guidance

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In the event of an application not leading to the issue of a licence, a refund will be provided with the exception of an administration fee. Other costs incurred by an applicant such as the cost of any medical and DSA test (paid directly to the provider), knowledge test or criminal record check will not be reimbursed.

In the event of a licensed driver or operator surrendering their licence before its expiry, a refund will be provided for any remaining full years of the licence

Where the surrender is as a result of illness certified to the Council by a registered medical practitioner a pro rata refund shall be payable for the remaining full months of the licence.

All licence fees must be paid by credit/debit card or BACs. In exceptional cases payment by cash or cheque may be considered, but applicants and licensees wishing to pay with these methods should contact the Licensing section in writing with reasons for the request so that this can be considered on a case by case basis.

### Service standards

Subject to amendment from time to time by the Head of Healthy Communities it is the intention of the Council to offer the following service levels:

You are able to contact the licensing team by email, through the website, by appointment in person, or by phone. However, the preferred method of contact is via email to reduce the need for licence holders to travel to the council offices and to allow the team to deal with enquiries as effectively as possible.

The Licensing section can be contacted by phone on 01494 732063 between the following times, 08:30 to 17:30 on Mondays to Thursdays and 08:30 to 17:00 on Fridays.

Although the Council has 28 days to issue a licence upon receipt of a valid application, **the Licensing section will strive to:-**

- Issue a private hire driver / hackney carriage driver licence as promptly as possible and usually within 7 working days of the application being validated
- Issue a private hire / hackney carriage vehicle licence as promptly as possible and usually within 7 working days of the date of receipt of a complete and valid application
- Issue change of vehicle licences as promptly as possible and usually within 2 working days of the application being validated

### Notification of decisions

Any notice required to be served by the Council under this licence or under any of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 shall be deemed to have been properly served if sent by pre-paid post to, or left at the last known address of, the holder of the licence.

### Monitoring

All documents will be checked for authenticity when submitted. Routine random checks will also occur throughout the year. In addition, visits will be made both to the ranks and to regular trade pick up points to check compliance. Checks of proprietor and operator documents and records will also be made and Taxi ranks/stands and other frequented locations will also be conducted.

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The Council will also work in partnership with other agencies and neighbouring authorities to undertake compliance and enforcement activities.

All complaints against licence holders will be monitored and investigated and action taken in line with this policy as appropriate

## Records

An up to date electronic record will be kept and maintained of all application details, fees paid, deposits and licences issued, together with the public registers as required by law.

## Data protection

All information held on files and databases about an applicant is confidential, under the Data Protection Act 1998. However, the Council is under a duty to protect the public and to protect the public funds it administers, and to this end may use any information provided by an applicant within this authority. The Council is under a duty to maintain Public Registers in accordance with the legislative requirements and all registers will be maintained on line through the Council's Licensing Public Access system

For the purposes of crime prevention, and with the purpose of protecting the public and/or protecting public funds we may also share any information held with other bodies responsible for public functions, where there is a legal basis or a legal obligation to do so. For the most recent Council policy please visit [www.chiltern.gov.uk](http://www.chiltern.gov.uk)

## Safeguarding

The Council is committed to ensuring the safety and welfare of all vulnerable persons including children and young people, to whom we provide services directly or indirectly and with whom we come into contact.

Drivers are on the frontline, often coming into contact with people who may be vulnerable, for example because they are young, have learning difficulties, be suffering ill health, or be elderly or who have drunk to excess on a night out, or who may have taken an illegal substance. Such persons may be travelling alone or accompanied by another person.

Sadly there are persons who prey on precisely these people and drivers are often best placed to raise concerns over what they hear or see occurring whilst in their vehicles.

Drivers may also have concerns over the vulnerability of passengers whom are being dropped off at locations in or out of the district. For example drivers in other authorities have reported concerns that young persons are being dropped off at a particular guest house, hotel or house and are either distressed before being dropped off or after they have been picked up as a fare paying passenger.

Information is provided on the Council's website in relation to safeguarding and applicants and licensees have a duty to report matters if they suspect harm.

## When you have concerns regarding a child

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If you are worried about a young person, you must do something.

There are specialists who can advise you on what to do next. They can also talk to any young person themselves.

If you are concerned about a young person you can contact the First Response Team on 0845 460 0001 or email: [secure-cypfirstresponse@buckscc.gcsx.gov.uk](mailto:secure-cypfirstresponse@buckscc.gcsx.gov.uk)

If you think a child or young person is in immediate danger call 999.

### **When you have concerns regarding an adult**

If you need to speak to someone urgently about a vulnerable adult:

Report abuse: 0800 137915 or email: [safeguardingadults@buckscc.gov.uk](mailto:safeguardingadults@buckscc.gov.uk)

Speak to the adult social care team: 01296 383204

Outside office hours: 0800 999 7677

For up to date information you should visit the safeguarding section of the Bucks County Council website:

<http://www.buckscc.gov.uk/social-care/buckinghamshires-multi-agency-safeguarding-hub>

### **Abuse of Drivers by member of the public**

The Council strongly disapproves of any form of abuse, discriminatory or otherwise, directed at drivers by members of the public. However, the Council is not the appropriate authority to investigate such incidents, unless these form part of a counter allegation following a complaint about a driver, in which case information will be obtained from all parties prior to a decision being made on the appropriate action for the Council to take. Incidents of this nature should be reported to the Police via 101 so that they can be investigated. The Council will assist the police with regards to such investigations as far as possible.

### **Use of mobile applications**

The use of mobile applications (apps) is becoming increasingly common for a wide range of uses, including many taxi companies and private hire operators. The Council supports the use of such innovation, which has many potential public safety benefits.

Apps must be approved by the Council prior to their use, and must not have a negatively impact on public safety.

## **Hackney carriage and private hire driver licences**

Only applicants who comply with the requirements and conditions relating to the licensing of private hire drivers or hackney carriage drivers will be licensed.

Existing drivers must comply with the conditions of their licence, this policy and any relevant legislation during the period of their licence. Failure to do so will result in the consideration of the various sanctions outlined in this policy.

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All new applicants are required to pass a specialist driving test as part of their application. Existing drivers who have not passed a driving test as prescribed by the Council will only be permitted to carry up to 4 passengers. This will be stipulated on their licence. Existing drivers are entitled to take the specialist driving test at any time and once passed will be issued a badge permitting 8 passengers, at no additional cost on production of their certificate.

Further, sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require that “a district council shall not grant a drivers licence to drive a private hire vehicle or hackney carriage unless they are satisfied that an applicant is a fit and proper person”.

### Fit and proper person - information required for an assessment to be made

To prove that a person is fit and proper person to hold a hackney carriage or a private hire driver’s licence or dual licence they must provide evidence of:

- Driving standard - through a specialised DSA hackney carriage drivers test driving test supplied by a Council approved provider (details available on request)
- Medical fitness - on the Council’s prescribed form, signed by the applicants GP or medical practitioner
- Criminal history and behaviour - through an enhanced DBS check
- Knowledge of the local area, highway code, legislation and requirements relating to a hackney carriage and private hire and the Council’s policy in the form of a ‘knowledge test’ designed by the Council
- Three references as to their character and reliability

Details of the above will be obtained and considered at the time of application, together with any other relevant information. A driver will be required to maintain their ability to be a fit and proper person whilst licensed and must report any driving offences, changes to medical conditions, civil or criminal offences for which they have been interviewed or charged.

If the Council suspects that a driver may have fallen short of the standards required. The Council may need to conduct further enquiries to verify any information provided or as to the fitness of a person to hold a licence. By submitting an application for a licence or holding a licence the applicant gives their consent to the release of data where necessary.

Any applicant subsequently found to have provided false information will be dealt with in accordance with the provisions of this policy.

### Driving standard and knowledge

The following requirement must be demonstrated to establish a person’s driving standards are acceptable:

- That a valid full EC driver’s licence has been held for three years prior to application
- That a person passes a specialised driving test supplied by a Council approved provider (details available on request) ~~Driving Standards Agency (DSA) taxi/private hire assessment course~~ prior to application to ensure they are aware of the hazards of driving. The requirement to take a driving course helps ensure a standard of driving. ~~The driving assessment will be conducted by an examiner from the DSA.~~ The applicant must provide a signed copy of the assessment pass certificate before their application can be validated which must be current at the time it is submitted.

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Through the written knowledge test assessment drivers will be tested on their knowledge of the local area. In addition, drivers will be tested on policy, related law, customer awareness, and elements of the Highway Code. The test is computerised and is conducted in the Council offices. An application cannot be validated unless the applicant has passed the appropriate knowledge test. Applicants taking the test may not receive assistance from a third party.

Drivers must conduct themselves in a professional manner and collections should be punctual, drivers polite and knowledgeable of local routes, and vehicles should be kept clean and operate in accordance with conditions, byelaws and legislative requirements. Hackney drivers should only charge the metere rate or below.

Drivers must not initiate any dialogue of a “sexual” nature with a passenger including by telephone contact, social media, email or any other form of communication. Licensed drivers are not permitted to become involved “sexually”, or have sexual contact with a passenger, whether consent is given or not and whether or not the vehicle is carrying a fare paying passenger at the time.

Mobile devices can only be used if they have are held in a cradle and are used completely hands free.

### **Medical fitness**

Drivers are not required to hold a group II, EC full driving licence, but they will have to demonstrate compliance with the medical standards for a group II licence and will have to provide a medical certificate, on the Council’s prescribed form, to this effect. This should be no older than 3 months at the time of the application being completed.

All drivers are required to provide a certificate signed by their registered medical practitioner to declare whether or not they are physically fit to be the driver of a hackney carriage or private hire vehicle. A medical certificate must be submitted at first application, every 3 years up to 60 years of age, and annually thereafter.

Where an existing licensed hackney carriage driver applies to obtain a private hire licence, or vice versa, an additional medical will not be required.

The Council will have regard to the published Department of Transport “best practice” guidance (as updated from time to time) when considering the medical fitness of new applicants with insulin dependent diabetes or existing licence holders diagnosed with insulin dependent diabetes during the duration of their licence.

Where there is reasonable doubt over a driver’s fitness, the Council will require the driver to undertake a medical examination by a registered medical practitioner at any time as specified by the Council.

The applicant is responsible for the payment of all fees required for any medical examination.

### **Offender history and behaviour**

When submitting an application for a licence to drive a hackney carriage and/or private hire vehicle, applicants must declare any criminal or civil cautions or convictions they may have, whether they are foreign or domestic.

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Even those regarded as 'spent' under the Rehabilitation of Offenders Act 1974, must be declared.

In addition to this applicants must notify us if they have been charged with an offence or have any pending prosecutions and if they have ever had a licence suspended, revoked or refused by another authority.

Failure to declare convictions and/or cautions, or giving false information to obtain a licence is an offence and will be treated very seriously. Likewise, giving false information or withholding information to keep a licence will be treated very seriously.

If an applicant has not been a resident in the UK for a period of five years, they will need to obtain a "certificate of good conduct" or similar document from the relevant embassy.

Applicants will also need to register with the Disclosure and Barring Update Service and providing consent to the Council carrying out a check with the Disclosure and Barring Update Service, which will disclose any cautions or convictions that they may have. Information received from the DBS will be treated in the strictest confidence, and will be retained on manual and computer records for no longer than is deemed necessary.

Proof of identity is required in order to obtain the Data Barring Service enhanced disclosure. Applicants will be required to provide, amongst other documents, a birth certificate or valid passport, a copy of their EC full driving licence and two utility bills identifying their address. The full requirements are based on the DBS requirements in operation at the time of application and may therefore be varied by the service from time to time.

Applicants must provide a valid DBS enhanced disclosure certificate (that was issued within the last 3 months) and provide details of all convictions/cautions as part of the application.

Section 111 of the Local Government Act 1972 allows district councils to send the drivers application form to the Police, (or other authorised body) and request the chief officer's observations as to the applicant.

Where an existing driver has been interviewed, charged or convicted of an offence, or other relevant information comes to the attention of the Council (such as a caution or fixed penalty notice being issued) which brings into question whether the driver is still a fit and proper person to hold a drivers licence, action may be taken, as outlined in this policy ([page no.](#)).

The existence of a criminal record or disclosure of other information will not necessarily stop any person from gaining or keeping a licence. The decision will be based on the policy on criminal convictions and behaviour on pages [\\*\\*.\\*\\*](#) of this policy.

#### Dual driver's licences

As some individuals may wish to be able to carry out a combination of hackney and private hire work, the Council will provide a dual drivers licence to reduce the burden on the applicant. Dual licence holders are required to comply with any conditions or byelaws that are relevant to the work they are carrying out at any time, which will be dependent on the licensed vehicle being used.

New applicants for dual licences will be required to obtain an additional qualification as part of the application process [such as a relevant BTEC or NVQ](#).

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## Private hire operator licences

### Fit and proper person

Applicants for private hire operator licences are required to pass the private hire knowledge test.

With regard to criminal convictions/cautions, an operator is not an exempted profession under the Rehabilitation of Offenders Act 1974; therefore only unspent convictions will be taken into consideration when determining whether an applicant is a fit and proper person. In assessing an application for an operator's licence, the policy on criminal convictions and behaviour on pages **\*\*-\*\*** of this policy will be referred to.

The decision whether to grant or refuse a licence will be based on whether the convictions/cautions were declared, the type of offences and the total number of convictions/cautions recorded against each individual applicant.

The overriding consideration in reaching a decision will be based on whether the operator (the individuals listed as licensees on the application) can fulfil their roles and run the company without posing any likely threat to the general safety of the public.

If a situation arises where an operator licence application from a registered company is likely to be refused solely on the declared convictions of one individual within the organisation, the application may still proceed if the applicant decides to withdraw the name of that individual from the licence application.

Accordingly when submitting an application to be a registered private hire operator you must declare any unspent cautions or convictions you may have, whether they are foreign or domestic. Failure to declare convictions and/or cautions or giving false information to obtain a licence is an offence and will be treated very seriously. Likewise giving false information or withholding information to keep a licence will be treated very seriously. If you have not been a resident in the UK for a period of five years, you will need to obtain a dated 'certificate of good conduct' or similar document from your relevant embassy.

Applicants will need to obtain a basic disclosure certificate which will reveal any unspent convictions or cautions. The Disclosure certificate, issued within the last 3 months, must be submitted with the application in order to validate it.

Where an existing operator has been charged or convicted of an offence, or other relevant information comes to the attention of the Council which brings into question whether the driver is still a fit and proper person to hold an operator's licence, action may be taken, as outlined in this policy

The existence of a criminal record or disclosure of other information will not necessarily stop a person from gaining or keeping a licence. The decision will be based on the policy on criminal convictions and behaviour on pages **\*\*\*\*** of this **p**Policy, and in accordance with this section.

### Previous applications

If anyone named on an application has previously been refused an operator's licence or held an operator's licence which was suspended or revoked elsewhere, they will be expected to provide details of the refusal, suspension or revocation in their application.

### Planning permission

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All premises to be used as a private hire operator base or operations running from a residential address will require the appropriate planning consent or permitted development rights for that use class. All applicants must provide a certificate of lawfulness or planning consent in relation to the premises they intend to use.

### Use of mobile applications

The use of mobile applications (apps) is becoming increasingly common for a wide range of uses, including many taxi companies and private hire operators. The Council supports the use of such innovation, which has many potential public safety benefits. Apps must be approved by the Council prior to their use, and must not have a negative impact on public safety.

## Hackney carriage and private hire vehicle licences

### Type of vehicle

The Transport Act 1985 allows licensing authorities to regulate vehicle standards. Circular 8/86 accompanying the Transport Act, states that authorities will wish to ensure that vehicles are mechanically sound, roadworthy and safe. The following will be applied.

- Only vehicles holding or built to the standards required by the M1, M2 and M3 European whole vehicle type approval will be licensed.
- Any converted vehicles will be required to hold the appropriate low volume type approval certificate in the M classification or the enhanced single vehicle certificate together with the original M type approval.

### Vehicle standards

All vehicles must have full vehicle type approval. The authorised testing stations listed are all permitted to undertake vehicle checks on behalf of the Council. In addition, an officer of the Council may require an additional test to be undertaken or the applicant to be directed to a specific testing garage in all cases at the expense of the applicant/licence holder. The officer also retains the option to check any vehicle for standard of condition of appearance.

Only vehicles that comply with the requirements and conditions relating to private hire vehicles/hackney carriage vehicles or non-standard private hire vehicles will be licensed. The vehicle must remain in the condition as determined by those conditions throughout the licensed period. The Council shall refer to its enforcement policy when dealing with licensees who fail to comply with these conditions or relevant legislation.

### Vehicle age policy

**AP.1** Subject to paragraph **AP.4**, a licence shall not be granted in respect of any vehicle which is more than seven (7) years old in the case of an application for a new hackney carriage or private hire vehicle licence in respect of the vehicle and more than ten (10) years old in the case of an application for the renewal of a licence

**AP.2** Subject to paragraph and **AP.4**, the Council will not allow the transfer of a licence to a vehicle which is more than seven (7) years old

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**AP.3** Under paragraphs **AP.1** and **AP.2** the age of the vehicle shall be calculated with reference to the registration documentation for the vehicle.

**AP.4** With reference to the ages of vehicles, in the case of purpose built hackney carriages and of vehicles which are considered to be of an 'exceptional standard' each application will be considered on its own merits prior to a determination being made. The maximum age for licensing of these vehicles shall be twelve (12) years.

In determining an application whereby the vehicle is considered to be of 'exceptional standard' it will be for the applicant to set out in writing why he/she considers the vehicle to be of 'exceptional standard'. A licensing officer will undertake an inspection of the vehicle and also seek information where necessary from the inspecting Mechanic at the vehicle testing station to assess the vehicle's mechanical condition.

The relevant officer will make a decision under delegated authority to either grant or renew the licence subject to a special condition requiring six (6) monthly mechanical testing and the production of a compliance test pass certificate to a licensing officer during the duration of the licence. The relevant officer may also make a decision to refuse the licence or to refer any application of concern to the Licensing Sub-Committee for determination.

In determining 'exceptional standard' the following standards should usually be met (but not limited to) -

- The vehicle must pass the Council's mechanical vehicle inspection.
- The bodywork must be in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips or rust or any other abrasions that may detract from the overall appearance of the vehicle.
- The general paint condition should not show signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.
- The interior trim, panels, seating and carpets etc. should be in excellent condition clean, free of damage and discoloration.
- The vehicle to be in excellent mechanical condition and in all respects safe and roadworthy with no signs of corrosion to the mechanical parts, chassis, underside or body work.
- The boot or luggage compartment must be in good condition, clean and undamaged.
- Passenger areas must be free from damp or any other odours that may cause passenger discomfort

The vehicle service record can also be used as supporting evidence of exceptional condition in that a vehicle of exceptional condition would normally be expected to demonstrate regular servicing and maintenance in accordance with the manufacturer's service specification.

### **Insurance and vehicle excise (road tax)**

All hackney carriages and private hire vehicles must be licensed and insured specifically for use as a hackney carriage or private hire for that specific purpose, such insurance must include public and employer's liability insurance where appropriate. Proof of current insurance must be submitted with each application for a licence unless it has already been provided to the Council. Proof of change or renewal of insurance during the course of the licence must also be provided to the Council. The insurance must be continuous for the period of the vehicle licence. If cover notes are provided they must run consecutively.

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The vehicle must be taxed whilst it is licensed as a hackney carriage or private hire vehicle.

When a vehicle is temporarily removed from use as a hackney carriage or private hire vehicle and removed from the public highway, the licensee can notify the licensing officer in writing and temporarily return the vehicle plate and internal plate, removing the need to provide documentation for this period.

### Accessibility

The Council recognises the need to promote the use of wheelchair accessible vehicles to ensure that all members of the community are able to benefit from the service that they provide. A 50% reduction in fee will therefore be provided to vehicles meeting the definition within the section of this policy - 'Requirements relating only to hackney carriage vehicles'. Whilst all newly issued hackney plates must be wheelchair accessible, private hire vehicle applications for these types of vehicle are also welcomed by the council.

### Reducing air pollution

The Council is committed to encouraging applications for more fuel efficient vehicles. Vehicle pollution has a significant impact to air quality in the district, and there is widespread agreement that more must be done to reduce the number of higher polluting vehicles. The Council will therefore offer a reduction of 50% on vehicle licence fees for any vehicle that falls within band A, B or C for road tax purposes as at the date of the application/renewal. The V5 document provided on application will be used in order to establish any discounted rates being given.

LPG vehicles also get a 50% reduction in fees for both private hire and hackney carriage vehicles. In cases of LPG converted vehicles, applicants are required to produce, at time of application, certification issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG association code of practice. If an LPG conversion involves installation of a fuel tank in the boot space, adequate space must remain free for stowage of luggage and any spare wheel in a location that does not impinge on the passenger carrying area of the vehicle.

[Drivers are also advised that vehicles should not be left to idle for sustained periods as this causes unnecessary pollution and increases their fuel costs.](#)

### Advertising

Other than the Chiltern door stickers, no signs, notices, advertisements, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from any licensed vehicle except as required by any statutory provision or with prior written approval of the Council. In relation to other advertising materials, any false, misleading or inaccurate material contrary to this policy and/or its conditions will result in the taking of enforcement action.

All advertising material must be approved in writing by the Council prior to use or display, an administration fee of £25 will be payable per batch of advertising.

With the exception of the Council's issued private hire stickers, any advertising material must not use the Council's logo.

### Taximeter calibration

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The taximeter shall be calibrated, following a change to the table of fares or when requested by the Council. A certificate of calibration provided by the taximeter installer must be produced on first issue, transfer or when the seal is damaged or missing.

## Policy on convictions and conduct - new applicants

### Definitions

“**free of conviction**” shall mean from the date the applicant was convicted. If the incident did not amount to a criminal offence or is not to be prosecuted, then the relevant date will be the date of the incident.

“**offence**” shall mean any criminal offence and/or any other behaviour including a civil penalty which brings into question whether the applicant is a fit and proper person.

In this policy, conviction shall mean a criminal conviction or a civil penalty. However if the applicant is on trial, is not to be convicted or the incident did not amount to a criminal offence, the suggested periods free from convictions shall be considered by the Council when making their decision, taking all the evidence before them into account.

Each case is to be taken on its own merit.

Some discretion may be appropriate if the offence and/or behaviour is isolated and there are mitigating circumstances. Equally the history of offending (including multiple offences/combinations of offences /types of offences) and/or behaviour may warrant a longer period free from convictions.

Accordingly whilst it is possible that an applicant may have a number of convictions that, individually, meet the guidelines below, the overall offending history must be considered when assessing the applicant’s suitability to be licensed.

A series of civil or criminal offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence is isolated and there are mitigating circumstances, but **the overriding consideration is the protection of the public.**

Simply remaining free of convictions will not necessarily be sufficient to show that a person is fit and proper where other circumstances/evidence bring this into question. Furthermore it should always be remembered that the periods free of conviction in this section are suggested minimums.

Whilst the time period detailed in this section provides guidance to potential applicants as to how long they should wait before applying for a licence following described offences/convictions, any application made following these guidelines is still subject to the same considerations as to whether the applicant is fit and proper, and therefore simply following the guided timescales in no way guarantees the granting of a licence.

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Notwithstanding and without prejudice to any other provision within this document, ordinarily the Council would as a minimum expect the standard rehabilitation periods identified in the Rehabilitation of Offenders Act 1974 to have expired.

Criminal convictions or civil penalties will be considered by officers or, in cases of doubt, by the licensing sub-committee.

An application from any person awaiting trial for an offence which brings into question whether they are a fit and proper person (including but not limited to death by dangerous driving, drugs, violence, sexual offences, dishonesty, driving under the influence of alcohol or drugs, or offences of a habitual nature) will not normally be considered until the outcome of the trial.

In order for the Council to fully consider the case on its merits, the applicant should provide a written statement of the offences (including any that they are awaiting trial for), with evidence, covering the nine points in the paragraph below, which would be available for examination by the Council.

Where the Council becomes aware of issues including previous criminal history/convictions, any arrest, any charges, inappropriate behaviour for a hackney carriage/private hire driver and/or significant comments on any DBS check, consideration will be given to each applicant's suitability for licensing against the following criteria (in no particular order):

- nature of the offence/conduct/charge etc.
- circumstances in which the offence/conduct/charge etc. was committed
- circumstances of the individual concerned
- subsequent periods of good behaviour
- overall conviction/behaviour history
- sentence imposed by the court
- seriousness of the offence/conduct/charge etc
- any other character check considered reasonable (e.g. personal references)
- taking all the above issues into account, together with any other relevant issues, whether the protection of the public may be at risk.

These guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct which may be relevant as to whether an individual is a fit and proper person to hold a hackney carriage or a private hire driver's licence.

### **Minor motoring offences**

Convictions for minor traffic offences such as speed limit offences, or non-endorsable traffic offences such as obstruction or waiting in a restricted street should not prevent a person from applying to be a hackney carriage or private hire driver. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a hackney carriage or private hire licence may be granted 12 months after its restoration but a warning should be issued as to future conduct.

### **Traffic offences involving the loss of life**

A very serious view should be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life and applicants with the following offences will not normally be licensed.

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- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by careless driving
- Causing death by driving for any other reason
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

### **Major traffic offences not involving the loss of life**

A very serious view should also be taken of any applicant who has been convicted of a major traffic offence even if it has not involved the loss of life, as it raises questions as to the applicant's ability to protect the public.

Before an application is considered, an applicant should be free of conviction for 10 years and since the completion of the sentence, whichever is longer, for offences such as:

- Dangerous driving
- Reckless Driving
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

### **Other serious traffic offences**

Other serious traffic offences include:

- Accident offences
- Driving without due care and attention
- Driving whilst using a mobile phone or mobile device
- Careless driving
- Construction and use offences
- Licence offences
- Traffic direction and sign offences
- Driving whilst disqualified
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

Insurance offences and alcohol/drug offences are dealt with under their own separate subsections below.

Theft/unauthorised taking of a vehicle are dealt with under the 'dishonesty' subsection below.

Any conviction for a serious traffic offence under 'other serious traffic offences' in this policy should normally merit refusal to issue a licence and no further application should be considered until a period of 7 years either free of conviction or since completion of the sentence, whichever is longer, has elapsed.

More than one conviction for a traffic offence within two years should merit refusal to issue a licence and no further application should be considered until a period of 5 years either free of convictions or since completion of the sentence, whichever is longer, has elapsed.

### **Drink driving/driving under the influence of drugs (including medication) or**

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### **legal highs**

A serious view is taken of driving or being in charge of a vehicle whilst under the influence of drink or drugs or legal highs, as licensees are professional vocational drivers and drink/drug driving convictions raise serious concerns for the safety of the public. An isolated incident of drink driving or driving under the influence of legal drugs should not necessarily debar an application but strict warnings will be given as to future behaviour. However an exception to this is the use novel psychoactive substances (NPS - commonly referred to as legal highs) which will be treated in the same regards as illegal drugs below

At least 5 years should elapse, after the restoration of the EU full driving licence, before an applicant be considered for a private hire or hackney carriage drivers licence.

More than one conviction for these offences or any conviction for driving under the influence of illegal drugs should raise grave doubts as to the applicant's fitness to drive the public and therefore hold a licence.

If there is reason to suspect persistent alcohol and/or drugs use, misuse or dependency (e.g. two or more offences relating to alcohol or drugs, with or without a vehicle) a specialist medical examination and report should be required before an application is entertained to ensure that the applicant meets the DVLA Group 2 medical standards in relation to alcohol/drug misuse and dependency. If the applicant is found to be (or to previously have been) alcohol or drug dependent, a period of 5 years should elapse after treatment is complete before a further licence application is considered.

### **Drunkness without a motor vehicle**

An isolated conviction for drunkness need not debar a driver from obtaining a licence. However a number of convictions could indicate a medical problem necessitating a medical examination. In some cases a warning would be sufficient. If there is reason to suspect persistent alcohol use, misuse or dependency (e.g. two or more offences for drunkness with or without a motor vehicle) a specialist medical examination and report may be required to ensure that the applicant meets the DVLA Group 2 medical standards in relation to alcohol misuse and dependency.

### **Illegal drugs without a motor vehicle**

A serious view is taken of any illegal drugs related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.

An applicant would normally be expected to be free of convictions relating to the possession of illegal drugs for 5 years requiring at least 5 years to have passed since the completion of the sentence.

An application will normally be refused where the applicant has more than one conviction for offences related to the possession of illegal drugs and has not been free of conviction for 7 years with at least 7 years to have passed since the completion of the sentence.

An application will normally be refused where the applicant has a conviction for an offence related to the supply, importing or production of illegal drugs and has not been free of conviction for 10 years with at least 10 years to have passed since the completion of the sentence.

If there is reason to suspect persistent drugs use, misuse or dependency (e.g. two or more convictions relating to any drugs, with or without a vehicle) a specialist medical examination and report will normally be required before an application is entertained to

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ensure that the applicant meets the DVLA Group 2 medical standards in relation to drug misuse and dependency. If the applicant is found to be (or to previously have been) drug dependent, a period of 5 years should elapse after treatment is complete before a further licence application is considered.

### Sex and indecency offences

As hackney carriage and private hire drivers often carry unaccompanied and vulnerable passengers. Applicants who have been convicted of sexual or indecency offences (or where there is other behaviour and/or evidence to suggest a disposition to commit such offences) must be closely scrutinised. Applicants with convictions for sexual offences will usually be refused.

In particular:

- (i) An application will normally be refused where the applicant has a conviction for an offence such as:
- Rape
  - Assault by penetration
  - Offences involving children or vulnerable adults
  - Sexual assault
  - Indecent assault
  - Possession of indecent photographs, child pornography etc.
  - Exploitation of prostitution
  - Trafficking for sexual exploitation
  - Indecent exposure
  - Similar or replacement offences to those listed above (including attempted or conspiracy to commit)
  - Any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
  - Soliciting (e.g. kerb crawling)
  - Importuning
  - Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

If a licence is granted a strict warning as to future conduct should be issued.

A person on the sex offenders register would not be considered a fit and proper person to hold a licence.

### Violence

As taxi and PHV drivers maintain close contact with the public, a firm line should be taken with drivers with offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved loss of life or serious injury.

At least 5 years free of conviction with at least 5 years to have passed since the completion of the sentence before an application is considered from anyone whose offending history and/or other behaviour/evidence suggests an aggressive or violent disposition, and even then a strict warning should be administered as to future conduct.

However given the range of offences that involve violence, consideration must be given to the nature of the offences. In particular:

- (i) An application will normally be refused where the applicant has a conviction for an offence such as:

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- Murder
  - Manslaughter
  - Manslaughter or culpable homicide while driving
  - Terrorism offences
  - Kidnapping
  - Threats to kill
  - Wounding with intent to cause grievous bodily harm
  - Grievous bodily harm
  - Robbery
  - Burglary
  - Possession of a weapon
  - Any 'hate' crime or offence ordinarily falling within paragraph (iii) below aggravated by a 'hate' crime
  - Similar or replacement offences to those listed above (including attempted or conspiracy to commit)
- (ii) Before an application is granted, an applicant should be free of conviction for at least 7 years with at least 7 years to have passed since the completion of the sentence, whichever is longer, for offences including:
- Assault occasioning Actual Bodily Harm
  - Assault with intent to resist arrest
  - Assault on Police
  - Domestic Violence related offences (unless these are covered by (i) above)
  - Harassment
  - Similar or replacement offences to those listed above (including attempted or conspiracy to commit)
- (iii) Before an application is granted, an applicant should be free of conviction for at least 5 years with at least 5 years to have passed since the completion of the sentence, for offences including:
- Arson
  - Common assault
  - Public Order offences
  - Criminal Damage
  - Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

An application will normally be refused if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

### **Dishonesty**

Taxi and PHV drivers are expected to be persons of trust. They deal with cash transactions and valuable property may be left in their vehicle in error. Drivers are required to deposit such property with the police within 48 hours. The widespread practise of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is relatively easy for a dishonest driver to defraud the public by demanding more than their legal fare etc. This for example would include misuse of MPV additional occupancy rates. Licence holders also have access to the names and addresses of their customers and their daily movements. Overseas visitors may not be familiar with the currency or costs of journeys and may be vulnerable to an unscrupulous driver. Accordingly a serious view should be taken of any conviction involving dishonesty. Nationally it has been known for drivers to pass information on vulnerable persons to others for later abuse or to abuse vulnerable persons, including taking money from such

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persons.

Offences involving dishonesty for the purposes of this policy include theft, fraud, benefit fraud, handling or receiving stolen goods, forgery, conspiracy to defraud, obtaining money or property by deception, other deception, taking a vehicle without consent, driving whilst disqualified and any similar offences (including attempted or conspiracy to commit).

An application will normally be refused if an applicant has been convicted of burglary or more than one conviction for other dishonesty offences in the last 10 years.

### **Insurance offences**

A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident would normally prevent a licence being granted until a period of three years from the date of the offence has expired. More than one conviction for these offences within the past ten years would normally prevent a licence from being granted.

### **Licensing offences**

This subsection applies to licensing offences not covered elsewhere within this convictions and behaviour section of the policy such as plying for hire, using an unlicensed vehicle/driver.

At least 12 months free of conviction should elapse before an application will be considered. Unless there is significant mitigation, an applicant will normally be refused until a period of at least three years free of conviction has expired where the applicant has committed more than one licensing offence within the last five years.

An applicant with an isolated conviction that is more than one year old, may be licensed subject to a written warning.

Individuals previously licensed by the Council and revoked for offences connected to their licence will not normally be granted a further licence in the future. Cases such as this will be considered by the Head of Service under their delegated authority, or may be referred to a sub-committee for determination.

### **Cautions**

An admission of guilt is required before a caution can be issued. Accordingly cautions will be assessed in the same way as a conviction by the court.

### **Non-conviction information**

If an applicant has, on more than one occasion, been arrested or charged, but not convicted for an offence or is subject to an antisocial behaviour injunction/order or similar order, which suggests he/she may not be a fit and proper person, or if there is other evidence to suggest the applicant may not be a fit and proper person, consideration should be given to refusing the application.

Failing to declare convictions on the application form should normally result in refusal and at least twelve months elapsing from the date of receipt of the application form before an application will be considered and a new application will be required.

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As with the rest of this part of the policy, in assessing the action to take, the safety and security of the travelling public must be the paramount concern.

### **Suspension/refusal/revocation by another Council**

An applicant who has been suspended/refused/revoked by another Council may not be considered “fit and proper” for a period of at least 3 years from the date of the suspension/refusal/revocation. This period may be extended depending on the circumstances of the revocation.

The Council shall also have a right to make enquiries of that other authority.

## **Policy on convictions and conduct for existing licensees**

### **Definitions**

‘Free of conviction’ shall mean from the date the applicant was convicted. If the incident did not amount to a criminal offence or is not to be prosecuted, then the relevant date will be the date of the incident.

‘Caution’ an admission of guilt is required before a caution can be issued. Accordingly cautions will be assessed in the same way as a conviction by the court.

‘Offence’ shall mean any criminal or civil offence and/or any other behaviour including a civil penalty which brings into question whether the applicant is a fit and proper person.

In this policy, conviction shall mean a criminal or civil penalty. However if the applicant is on trial, is not to be convicted or the incident did not amount to a criminal offence, the suggested periods free from convictions shall be considered by the Council when making their decision, taking all the evidence before them into account.

### **Time of action**

Licence holders are required to advise the Council when they are notified that they are being investigated for any offence so that the Council can consider the appropriate action to take against the licensee as detailed below.

The actions described below will be taken when the Council becomes aware of offences.

However, where licensees do not inform the Council in a timely manner, this will be a further consideration with regards to the effect that those offences have on the licensee’s status as a fit and proper person.

If offences come to light on the standard renewal of criminal record check, or through a third party this will have a significant impact on the consideration of whether the person remains fit and proper to hold a licence. Licence holders may be revoked or suspended from holding a licence.

### **Policy details**

Each case is to be taken on its own merit.

Any person awaiting trial for or suspected of committing an offence which brings into

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question whether they are a fit and proper person (including but not limited to death by dangerous driving, drugs, violence, sexual offences, dishonesty, driving under the influence of alcohol or drugs, or offences of a habitual nature) will normally be revoked pending the outcome of an investigation or trial.

Although each case will be assessed on its own merits in line with this policy, licence holders should expect the revocation of their licence for these types of offences to be immediate in nature. The initial consideration regarding revocation will be undertaken by officers. However, in cases of doubt these will be referred to the licensing sub-committee.

When considering whether a licence should be suspended or revoked, some discretion may be appropriate if the offence and/or behaviour is isolated and there are mitigating circumstances. Equally the history of offending (including multiple offences/combinations of offences/types of offences) and/or behaviour may warrant a longer period free from convictions. Accordingly the overall offending history must be considered when assessing the applicant's suitability to be licensed.

Therefore any licence holder awaiting trial for or suspected of committing an offence or demonstrating behaviour which, taken together with the licence holder's history of offending (including multiple offences /combinations of offences /types of offences) and behaviour (including before the licence was granted and during the course of the licence), leads the Council to believe that the licence holder is not a fit and proper person to hold a licence, may have their licence suspended or revoked.

Whilst it is possible that a licence holder may have a number of previous convictions that, individually, meet the guidelines below, the overall offending history must be considered when assessing the licence holder's suitability to continue to be licensed. A series of offences/behaviour over a period of time is more likely to give cause for concern than an isolated minor conviction/demonstration of unacceptable behaviour. Obviously some discretion can be afforded if an offence is isolated and there are mitigating circumstances, but **the overriding consideration is the protection of the public.**

In order for the Council to fully consider a case on its merits, the licence holder should provide a written statement of the offences, with evidence, covering the nine points in the paragraph below, which would be available for examination by the Council.

Where the Council becomes aware of issues including previous criminal history/convictions, any arrest, any charges, inappropriate behaviour for a hackney carriage/PHV driver and/or significant comments on any DBS check, consideration will be given to each licence holder's suitability for licensing against the following criteria (in no particular order):

- nature of the offence/conduct/charge etc.
- circumstances in which the offence/conduct/charge etc. was committed
- timely notification to the Council of offence/conduct/charge
- circumstances of the individual concerned
- subsequent periods of good behaviour
- overall conviction/behaviour history
- sentence imposed by the court
- seriousness of the offence/conduct/charge etc.
- any other character check considered reasonable (e.g. personal references)
- taking all the above issues into account, together with any other relevant issues, whether the protection of the public may be at risk

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These guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct which may be relevant as to whether an individual is a fit and proper person to continue to hold a hackney carriage or a private hire driver's licence.

Any written warning as to future conduct could result in the licensed driver being required to pay an administration fee.

### **Minor motoring offences**

Convictions for minor traffic offences, such as speed limit offences, or non-endorsable traffic offences such as obstruction or waiting in a restricted street should not prevent a person from continuing with his/her licence. If sufficient points have been accrued to require a period of disqualification of the licence holder's EU full driving licence then a hackney carriage or private hire licence may be granted after its restoration but a warning should be issued as to future conduct.

Further disqualification from driving as a result of penalty points being accrued may result in refusal to issue a licence

### **Traffic offences involving the loss of life**

A very serious view should be taken of any licence holder who has been charged or convicted of a driving offence that resulted in the loss of life.

Accordingly the licence would ordinarily be revoked with immediate effect when suspected of offences such as:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by careless driving
- Causing death by driving for any other reason
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

### **Major traffic offences not involving the loss of life**

A very serious view should also be taken of any licensee who has been convicted of a major traffic offence even if it has not involved the loss of life, as it raises questions as to the licence holder's ability to protect the public.

Accordingly where a driver is charged/convicted with a major traffic offence not involving the loss of life such as:

- Dangerous driving
- Reckless Driving
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

The Council should consider the circumstances surrounding the incident and decide whether the licence should be suspended or revoked.

### **Other serious traffic offences**

Other serious traffic offences include:

- Accident offences

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- Driving without due care and attention
- Driving whilst using a mobile phone or mobile device
- Careless driving
- Construction and use offences
- Licence offences
- Traffic direction and sign offences
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

Insurance offences and alcohol/drug offences are dealt with under their own separate subsections below.

Theft or unauthorised taking of a vehicle are dealt with under the 'dishonesty' subsection below.

A conviction for a serious traffic offence should normally merit revocation of the taxi or PHV drivers licence and no new application should be considered until a period of 3 years free of conviction or since completion of the sentence, whichever is longer, has elapsed.

A warning as to future driving and advice on the standard expected of hackney carriage and private hire drivers would also normally be given. The written warning as to future conduct could require the licensed driver to pay an administration fee and require that the driver attends a defensive driving course

More than one conviction for a serious traffic offence within two years should merit revocation of the hackney carriage or private hire drivers licence.

#### **Drink driving/driving under the influence of drugs (including medication)**

A licensed driver awaiting trial for driving or being in charge of a vehicle whilst under the influence of drink or drugs should be revoked with immediate effect pending the outcome of the trial. If the licence holder is not convicted, a new licence application can be made and where the application is successful the licence will be issued in an expedited manner following the Council's expedition policy.

A serious view is taken of driving or being in charge of a vehicle whilst under the influence of drink or drugs, as licence holders are professional vocational drivers and drink/drug driving convictions raise serious concerns for the safety of the public.

Any conviction for these offences or any conviction for driving under the influence of illegal drugs (including convictions prior to the grant of the licence) should raise grave doubts as to the licence holder's fitness to drive the public and therefore hold a licence.

#### **Drunkenness without a motor vehicle**

An isolated conviction for drunkenness need not debar a driver from retaining his/her licence. However a number of convictions could indicate a medical problem necessitating a medical examination. In some cases a warning would be sufficient. If there is reason to suspect persistent alcohol use, misuse or dependency (e.g. two or more offences for drunkenness with or without a motor vehicle) a specialist medical examination and report may be required to ensure that the licence holder meets the DVLA Group 2 medical standards in relation to alcohol misuse and dependency.

#### **Illegal Drugs without a motor vehicle**

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A licensed driver awaiting trial for an illegal drug related offence should be revoked pending the outcome of that trial. If the licence holder is not convicted, a new licence application can be made and where the application is successful the licence will be issued in an expedited manner following the Council's expedition policy.

A serious view is taken of any illegal drugs related offence. Licence holders are professional vocational drivers and any association with illegal drugs raises serious concerns as to whether they are a fit and proper person to be a licensed driver.

If there is reason to suspect persistent drugs use, misuse or dependency (e.g. two or more convictions relating to any drugs, with or without a vehicle) a specialist medical examination and report will normally be required before an application is entertained to ensure that the applicant meets the DVLA Group 2 medical standards in relation to drug misuse and dependency. If the applicant is found to be (or to previously have been) drug dependent, a period of 5 years should elapse after treatment is complete before a further licence application is considered.

### Sex and indecency offences

Hackney carriage or private hire vehicle drivers often carry unaccompanied and vulnerable passengers; a licensed driver awaiting trial for a sexual or indecency offence (or where there is other behaviour and/or evidence to suggest a disposition to commit such offences) will be revoked with immediate effect pending the outcome of that trial. If the individual is not convicted, a new licence application can be made and where the applicant is considered to be fit and proper, the licence will be issued in an expedited manner following the Council's expedition policy.

A person entered onto the sex offenders register would not be considered a fit and proper person to continue to hold a licence.

Sex and Indecency Offences are detailed as:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Sexual assault
- Indecent assault
- Possession of indecent photographs, child pornography etc.
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Indecent exposure
- Soliciting (e.g. kerb crawling)
- Importuning
  
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

### Violence

Taxi and PHV drivers maintain close contact with the public, a firm line should be taken with drivers accused of offences involving violence. A licensed driver awaiting trial for an offence related to violence will be revoked with immediate effect pending the outcome of that trial. If the individual is not convicted, a new licence application can be made and where the applicant is considered to be fit and proper, the licence will be issued in an expedited manner following the Council's expedition policy.

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A licence may also be suspended and/or revoked if the licensed driver has exhibited behaviour or evidence suggests that they are of an aggressive or violent disposition.

However given the range of offences that involve violence, consideration must be given to the nature of the offence. In particular:

- (i) A licence will normally be revoked with little chance of a future licence being granted where the licence holder is convicted for an offence such as:
- Murder
  - Manslaughter
  - Manslaughter or culpable homicide while driving
  - Terrorism offences
  - Similar or replacement offences to those listed above (including attempted or conspiracy to commit)
- (ii) A licence will normally be revoked where the licence holder is convicted for an offence such as:
- Arson
  - Kidnapping
  - Threats to kill
  - Wounding with intent to cause grievous bodily harm
  - Grievous bodily harm
  - Domestic Violence related offences (unless these are covered by (i) above)
  - Robbery
  - Burglary
  - Possession of a weapon
  - Any 'hate' crime or offence ordinarily falling within paragraph (iii) below aggravated by a 'hate' crime
  - Similar or replacement offences to those listed above (including attempted or conspiracy to commit)
- (iii) The relevant officer will consider whether revocation is appropriate for the following offences
- Common assault
  - Assault occasioning Actual Bodily Harm
  - Assault with intent to resist arrest
  - Assault on Police
  - Public Order offences
  - Criminal Damage
  - Harassment
  - Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

A licence will normally be revoked if a licence holder is convicted of more than one offence of this nature within 10 years.

### Dishonesty

Hackney carriage and private hire drivers are expected to be persons of trust. They deal with cash transactions and valuable property may be left in their vehicle in error. Drivers are required to deposit such property with the police within 48 hours. The widespread practise of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is relatively easy for a dishonest driver to defraud the public by demanding more than their legal fare etc. This for example would include

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misuse of MPV additional occupancy rates. Licence holders also have access to the names and addresses of their customers and their daily movements. Overseas visitors may not be familiar with the currency or costs of journeys and may be vulnerable to an unscrupulous driver.

Accordingly a licensed driver awaiting trial for a dishonesty offence will be revoked pending the outcome of that trial. If the individual is not convicted, a new licence application can be made and where the applicant is considered to be fit and proper, the licence will be issued in an expedited manner following the Council's expedition policy.

Offences involving dishonesty for the purposes of this policy include theft, burglary, fraud, benefit fraud, handling or receiving stolen goods, forgery, conspiracy to defraud, obtaining money or property by deception, other deception, taking a vehicle without consent, driving whilst disqualified and any similar offences (including attempted or conspiracy to commit).

A licence will normally be revoked if a licence holder is convicted more than once in the 10 years for an offence of dishonesty (including prior to obtaining their licence).

### **Insurance offences**

A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An incident would normally result in a licence being revoked with a further application not being considered until a period of three years from the date of the offence has expired. A further application will not normally be considered if a licence holder has more than one conviction in the last 10 years for an offence of dishonesty (including prior to obtaining their licence).

### **Licensing offences**

This subsection applies to licensing offences not covered elsewhere within this criminal convictions and behaviour section of the policy such as plying for hire, using an unlicensed vehicle/driver, refusing to carry disabled persons. It also applies to non-compliance with this Policy, including not complying with the conditions of the licence.

Consideration will be given as to whether the licensing offence/non-compliance should result in the suspension or revocation of the licence. Consideration will be given to the seriousness of the offences/non-compliance as well as to the previous history of compliance.

### **Non-conviction information**

If a licence holder has, on more than one occasion (including prior to the application being granted), been arrested or charged, but not convicted for an offence or is subject to a Criminal Behaviour Injunction/Order or similar order which suggests he/she may not be a fit and proper person, or if there is other evidence to suggest the applicant may not be a fit and proper person, consideration will be given to revoking or suspending the licence or issuing a warning as to future conduct.

As with the rest of this part of the policy, in assessing the action to take, the safety and security of the travelling public must be the paramount concern.

### **Suspension, refusal, revocation by another Council**

If an existing driver is suspended, refused, revoked by another Council, enforcement action may be taken against them, depending on the reason for the action already taken.

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The Council shall also have a right to make enquiries of that other authority.

### **Expedition policy for revoked licences where reinstating a licensee is considered appropriate**

The Highcourt ruling of R (application of Singh) v Cardiff City Council [2012] EWCH 1852 (Admin) has established that it is unlawful to suspend and then revoke a driver for a single offence. Therefore it is necessary to revoke driver immediately if the Council becomes aware of information which gives serious concerns about a driver.

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This policy is to assist in the timely replacement of a driver's licence, when it has been revoked but following investigation it has established that the Council does not have any remaining concerns with regards to the fit and proper nature of the person.

A relevant officer of the Council will decide if an applicant falls in to this part of the policy and the applicant will be advised if this is the case.

The investigation of the Council with regards to establishing whether an individual is fit and proper will take into account any available information, but is not reliant on other authorities' investigations into any connected allegations, although information will always be requested from other agencies when they are known to be involved.

As the Council is required to consider each case on balance of probability, a police investigation which results in an individual not being convicted ~~may~~ not in itself be considered to be sufficient for the Council to issue a new licence to the individual as Police investigations are determined at a higher level of proof i.e. beyond reasonable doubt. In addition to this, a police investigation may uncover breaches of this policy committed by a driver and the Council would need to take these into account.

### **Process**

If the Council makes a decision ~~following the revocation of a licence~~ to issue a ~~revoked driver with a~~ new licence to a driver whose licence was previously revoked, a new application will be required from the individual but some existing documents which are 'in date' in terms of the Hackney carriage and private hire policy will normally be transferred to the new application.

Depending on the circumstances surrounding the revocation, some updated documents may be required and these will be determined on a case by case basis. For example, if a driver's health leads to their licence being revoked and their health subsequently improves so that they may be considered fit to be a licensed driver, a new medical would be required. The same would be the case for an individual who is subject to a police investigation, where their criminal history would be checked using the DBS update service; if the applicant is no longer signed up to this service, a new DBS would be required as part of their application (and they would need to re-register for the update service).

When a decision is made to issue a new licence, this will usually be processed within 5 working days of all required documentation being received.

### **Fees**

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The new licence will usually be issued for the period that the revoked licence had left to run and no further charge will be levied, with the exception of any connected costs such as for new documentation which will remain the applicant's responsibility.

## Guidelines for CCTV systems in hackney carriage & private hire vehicles

### Introduction

These guidelines set out to ensure that CCTV systems installed in hackney carriages and private hire vehicles licensed by the Council are properly managed whilst being used to prevent and detect crime; and enhance the health, safety and security of both drivers and passengers.

The decision whether to install CCTV in a licensed vehicle is at the discretion of the vehicle licence holder and vehicle owner (if these are different), all costs would need to be met by these individuals as the Council will not provide funding or assist in finding funding.

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Vehicle owners, who may also be the driver and/or operator, installing CCTV systems must fully comply with the requirements set out in these guidelines.

For the purposes of these guidelines the term "CCTV system" will include any electronic recording device attached to the inside of vehicle having the technical capability of capturing and retaining visual images and audio recording from inside or external to the vehicle. In addition to the standard CCTV camera system these may include for example, such devices as events/incident/accident data recording devices.

### The purpose of CCTV

The purpose of the CCTV system shall be to provide a safer environment for the benefit of the driver and passengers by:

- Deterring and preventing the occurrence of crime
- Reducing the fear of crime
- Assisting the Police in investigating incidents of crime
- Assisting insurance companies in investigating motor vehicle accidents
- General requirements

Any CCTV system to be fitted must, as a minimum, meet the requirements set out in this document. Only CCTV systems meeting these requirements and approved by the Council can be installed into licensed vehicles.

CCTV systems installed will be inspected as part of the annual licensing inspection to ensure they do not pose a risk to the safety of the passengers or the driver and are fitted safely and securely.

The installation and operation of CCTV must comply with the requirements of the Information Commissioner's CCTV Code of Practice.

All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations 1986. CCTV installed must also meet any other relevant

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legislation, including any new legislation which may be introduced following the installation of such systems.

All equipment must meet all requirements as regards safety, technical acceptability and operational/data integrity.

All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.

### **Automotive Electromagnetic Compatibility Requirements (EMC)**

CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle.

Any electrical equipment such as an in-vehicle CCTV system fitted after the vehicle has been manufactured and registered, is deemed to be an Electronic Sub Assembly (ESA) under the European Community Automotive Electromagnetic Compatibility Directive and therefore must meet with requirements specified in that Directive.

CCTV equipment should be e-marked or CE-marked. If CE marked confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles is required.

### **Camera design requirements**

The camera(s) must be fitted safely and securely, should not adversely encroach into the passenger area and must not impact on the safety of the driver, passenger or other road users.

### **Installation**

All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions.

The installed CCTV system must not weaken the structure or any component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.

All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers.

All equipment must be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger or driver area or impact on the luggage carrying capacity of the vehicle.

It is contrary to the Motor Vehicle (Construction and Use) Regulations, 1986, for equipment to obscure the view of the road through the windscreen.

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Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.

Viewing screens within the vehicle for the purposes of viewing captured images are not permitted.

All wiring must be fused as set out in the manufacturer's technical specification and be appropriately routed.

If more than one camera is being installed their location within the vehicle must be specific for purpose i.e. to provide a safer environment for the benefit of the Taxi/ PHV driver and passengers.

All equipment must be checked regularly and maintained to operational standards, including any repairs after damage.

All system components requiring calibration in situ should be easily accessible.

### Camera Activation Methods

Activation of the equipment may be via a number and combination of options, including:

- door switches
- time delay
- drivers' panic button
- or, in the case of an incident/event recorder, predetermined G-Force parameters set on one or more axis (i.e. braking, acceleration, lateral forces)

The CCTV system may be configured to record images for a short period of time before the trigger event, during the related incident and a short period following the related incident.

A direct wired link to the vehicle's taximeter, in the case of a Taxi, will not be acceptable.

### Audio Recording

CCTV systems must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. You must choose a system without this facility wherever possible; however, if the system comes equipped with sound recording facility then this functionality should be disabled.

- There are limited circumstances in which audio recording may be justified due to a specific threat to an individual's personal safety, e.g. when a 'panic button' is utilised in response to a threat of physical violence. Where this audio recording facility is utilised a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed. The time period that audio recording may be

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active should be the minimum possible and should be declared at the time of submission for approval of the equipment.

In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

### **Image Security**

Images captured must remain secure at all times.

The captured images must be protected using approved encryption software which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen. The Information Commissioner's Office has published guidance on how to keep personal data (including personal data contained in CCTV images) secure, on their website.

### **Retention of CCTV images**

The CCTV equipment selected for installation must have the capability of retaining images either:

- within its own secure, encrypted hard drive;
- using a fully secured and appropriately encrypted detachable mass storage device, for example, a compact flash solid state card;
- or where a service provider is providing storage facilities, transferred in real time using fully secured and appropriately encrypted GPRS (GSM telephone) signalling to a secure server within the service provider's monitoring centre.

Images must not be downloaded onto any kind of portable media device (e.g. CDs or memory sticks) for the purpose of general storage outside the vehicle.

CCTV equipment selected for installation must include an automatic overwriting function, so that images are only retained within the installed system storage device for a maximum period of 28 days from the date of capture. Where a service provider is used to store images on a secure server, the specified retention period must also only be for a maximum period of 28 days from the date of capture.

Where applicable, these provisions shall also apply to audio recordings.

### **Notification to the Information Commissioner's Office**

The Information Commissioner's Office (ICO) is the official regulatory body responsible for enforcing compliance with privacy and data protection legislation.

The law defines a "data controller" as the individual or organisation which has ultimate responsibility for how personal data is collected and processed. For the purpose of the installation and operation of in-vehicle CCTV, the "data controller" is the company, organisation or individual which has decided to have a CCTV system installed and operating within the vehicle. The data controller is ultimately responsible for how the images are stored and used and determines in what circumstances the images should be disclosed.

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‘Notification’ is the process by which a data controller informs the ICO of certain details about their processing of personal information. These details are used to make an entry in the public register of data controllers.

This means that any company, organisation or individual vehicle owner who has a CCTV system installed within a licensed vehicle must register with the ICO and obtain documented evidence of that registration. This documentary evidence may have to be presented to the Council at any time during the term of the vehicle licence.

The notification requires renewal on an annual basis, and payment of the appropriate fee specified on the ICO’s website.

### Using a third party service provider (data processor)

Where a service provider is used for the remote storage and/or management of CCTV data they will act as a ‘data processor’.

A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor.

There must be a formal written contract between the data controller and data processor (service provider). The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements.

Documentary evidence of the contractual arrangements may be required to be presented to a the Council official at any time during the term of the vehicle licence.

### Using recorded CCTV images

The data controller is responsible for complying with all relevant data protection legislation, as well as being legally responsible for the use of all images including any breaches of privacy and data protection legislation.

Any images and/or audio recordings should only be used for the purposes described earlier in these guidelines

Requests to view captured images may be submitted to the data controller by the Police or other statutory law enforcement agencies; the Council; insurance companies/brokers/loss adjusters; or exceptionally in exceptional circumstances, other appropriate bodies. The data controller is responsible for responding to these requests in accordance with the law. Police or other law enforcement agencies should produce a standard template request form, setting out the reasons why the disclosure is required. Alternatively a signed statement may be accepted.

All requests should only be accepted where they are in writing, and specify the reasons why disclosure is required.

Under the DPA, members of the public may also make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a ‘Subject Access request’. Such requests must only be accepted where they are in writing and include sufficient proof of identity (which may include a photograph to confirm they

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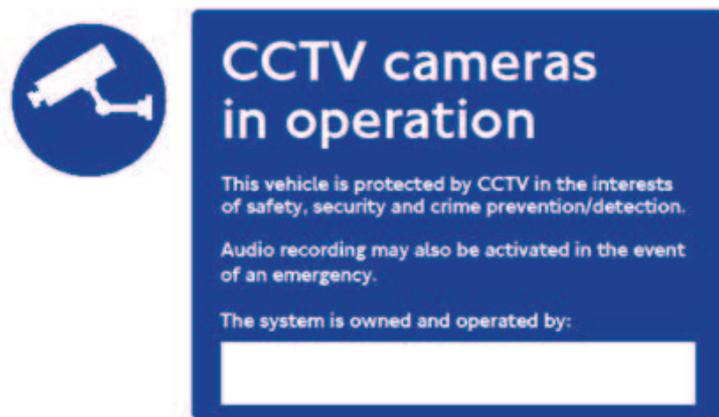
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are in fact the person in the recording). Data Controllers are also entitled to charge a fee for a subject access request (currently a maximum of £10). More guidance on handling subject access requests can be found in the ICO's Subject Access Request Code of Practice, which is available on their website.

### Signage

All vehicles fitted with a CCTV system must display the sign shown below in a prominent position. The driver may also verbally bring to the attention of the passengers that CCTV equipment is in operation within the vehicle, if it is felt necessary or appropriate.

The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle.



The name and contact details of the Data Controller must be provided in the blank space included on the sign template. The contact details can be in the form of either a telephone number, email address or website URL.

### Signage for external facing CCTV systems

Where a CCTV system is installed in order to record incidents outside the vehicle, it will not be practical to display a sign. Instead, when the CCTV is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded that their personal data was captured - as soon as practicable after the incident. They should also be informed the purpose for which the device has been installed, for example to facilitate their insurance company's investigation of insurance claims.

### Annual Certification from installer

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Any CCTV system should be checked annually by the installer and evidence of this must be provided to the Council. Where an installation company ceases to exist a similar installation company should be used

### CCTV Checklist

To assist individual drivers, owners, and operators who are considering the installation of a CCTV system, the Council has produced the summary checklist below to help ensure that all of the relevant approval requirements/standards are complied with.

Please tick

- Notification submitted to the Information Commissioner’s Office (ICO).  
www.ico.org.uk
- Has the ICO provided you with documentation to evidence your notification as the “data controller” associated with your system?
- Do you have documentary evidence regarding contractual arrangements with
- Any data processor or service provider associated with the operation or management of the CCTV system? (where applicable)
- Have you displayed the required signage, including the relevant contact details?
- Does the CCTV system meet the installation standards as set out in the ~~relevant~~ TPH inspection manual? Please see Taxi and Private Hire Licensing policy

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## Licensing enforcement

The Council issues hackney carriage and private hire driver and vehicle licences to ensure passenger safety.

The DfT guidance is clear on the necessity of enforcement to maintain high standards of public safety. All enforcement schemes need to be proportionate and transparent.

Any enforcement system needs to deal with persistent, low level breaches up to serious, possibly, criminal behaviour. There needs to be a grade of sanctions from informal warnings through to suspension and revocation of licence. It is clear that the majority of enforcement will be for relatively minor offences or breaches and will be undertaken by the licensing officer.

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## Enforcement options

There are a number of options that shall be considered following the identification of an activity for which the necessary licence, notice or registration has not been applied for or the Licensee has not complied with the conditions of a licence, notice or consent issued by the Council or byelaw made by the Council, or this policy or other legislation has been contravened. One or more of the following may be deemed appropriate:

- Verbal advice
- Inspection
- Issue of points via monitoring of contraventions system
- Suspension
- Revocation
- Refusal of future licence application or restriction of such licence by imposition of conditions
- Formal Caution
- Prosecution

There is a long standing relationship between the licensing team and the trade. This is based on the application of consistent standards for all parties.

## Enforcement Policy

The authority will have regard to the Police and Criminal Evidence Act Codes of Practice

### Verbal advice

To be followed where the vehicle or driver standards are found to be reasonably satisfactory but wanting in some minor respect.

### Inspection

Inspections will normally be of vehicles or documents/records. In most cases appointments will be made with adequate notice and at reasonable hours unless this would defeat the object of the inspection. Licensees will comply with officer requests to view documents or records and must attend appointments for inspections.

### Penalty points scheme

Any licensed person who has in the opinion of the licensing officer committed an infringement of the law or licence conditions will be served with a notice as follows:-

| Contraventions   | Points | x | Contraventions                                      | Points | x |
|--|--------|---|---|--------|---|
| No first aid kit   | 3      |   | Driver / vehicle cleanliness                        | 2      |   |
| No fire extinguisher   | 3      |   | Private hire parked on taxi rank                    | 4      |   |
| Failure to display badge   | 3      |   | Unattended vehicle on taxi rank                     | 4      |   |
| Failure to display <del>plate</del> / door stickers/Internal <del>Badge</del> <u>plate</u> | 3      |   | Obstructing the Licensing Team/Enforcement officer. | 6      |   |

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|  |   |  |   |                   |  |
|--|---|--|---|-------------------|--|
| Failure to notify change of details /convictions/FPN/fines and fine alternatives such as driving courses undertaken as a licence requirement - vehicle/driver/operator | 3 |  | Failure to produce documents on demand to the licensing enforcement officer | 3                 |  |
| Failure to report an accident to the licensing team  | 3 |  | Other licence requirements/breaches of legislation:-                        | Dependant on case |  |
| Failure to report a complaint - Driver/operator  | 3 |  | Carrying too many passengers  | 6                 |  |
| Horn misuse  | 2 |  | Refusal to carry guide dogs, hearing dogs, or service dogs (unless exempt)  | 6                 |  |
| Private hire plying for hire   | 6 |  | Smoking in vehicle  | 6                 |  |
| Defective tyres (per tyre)   | 4 |  | Overcharging  | 6                 |  |
| Using unapproved advertising on/in vehicle   | 2 |  | Use of handheld phone or radio whilst driving                               | 3                 |  |
| No smoke free signage  | 2 |  |   |                   |  |

Plate No: ..... Drivers name: ..... Drivers badge No: .....

Vehicle registration: ..... has been inspected as indicated above. The contravention(s) above mean(s) that you have acquired ..... points.

The vehicle must not be used until the contravention(s) above have been rectified and the vehicle is presented to the Council Offices by ...../...../..... \*

Failure to comply with this notice could lead to the revocation or suspension of your licences and does not rule out further proceedings when this matter is considered along with driver/vehicle history.\*

**Date:** ..... **Signed:** .....

\*Delete where appropriate

The Council operates a system whereby infringements of the law or licence conditions by a licence holder can be recorded and given a value dependent upon the nature of the infringement. This scheme reduces possible subjectivity from the enforcement process. Any licensee who, in the opinion of an authorised officer, has committed an infringement will be issued with a contraventions notice form.

This is a points based monitoring system where-by licensees receive a certain number of points against their hackney carriage or private hire licence for specific offences, similar to the way in which points are issued against a DVLA licence for motoring offences. If a driver reaches 12 points within a 12 month period, the licence will be referred to Head of Healthy Communities or the Licensing Sub-Committee for consideration. The decision maker will receive a report from officers and invite written representations from the licence holder. This system allows the Licensing department to become aware of patterns or problems. The penalty point scheme enables Members to give weight to patterns or problems when issues come before a sub-committee.

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The monitoring of contraventions system is only in place for breaches of conditions that the Council witnesses and/or investigates. If, for example, the Police deal with an issue by way of issuing a penalty notice or awarding penalty points/fine, the Council would not then issue points as well.

If the licence holder believes that points have been issued in error, or that there are mitigating circumstances not taken into account by the officer, there is a right of appeal to the Head of Healthy Communities, Chiltern District Council c/o King George V House, King George V Road, Amersham, HP6 5AW within 14 days of receiving the notice containing the points. The licence holder will receive notification of the decision of the appeal within 30 days of receipt of the notice of appeal.

The issue of points does not prevent the licensing section from taking any other or additional action, including prosecution where this is felt to be appropriate. For the avoidance of doubt, any breach of legislation, conditions, or offences not contained within the table will be dealt with in line with the hackney carriage and private hire policy.

### Allocation of penalty points

The penalty point scheme assists the trade in maintaining its high standards and will act as a first step in assuring compliance with the licence conditions.

#### Points for Unattended vehicles

A vehicle will be considered to be unattended if it is considered that the driver would not be available to be hired when a customer approached. Therefore, points would not be issued simply because the driver was standing outside of the vehicle, but would be likely to be issued if the driver is not close enough to the vehicle to acknowledge the customer when they approach. Taxi ranks are provided for drivers to show that they are available for hire, and are not a parking provision for licensed vehicles.

#### Contraventions that will be dealt with outside of the penalty points scheme

The following licence contraventions are considered to be very serious and therefore a single shall offence lead to consideration of whether a licence holder should be suspended or revoked:

- Unlicensed vehicle by a licensed driver
- Unlicensed driver using a licensed vehicle
- Failure to display hackney carriage or private hire plate on licensed vehicle
- Driving with no valid Insurance
- Driving with no valid compliance/MOT
- Contravention of suspension notice

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Whilst a defective tyre will normally lead to 4 points being issued, the Council will consider the severity of the defect and this could lead to a higher number of points being issued and potentially suspension or revocation of the driver's licence.

### Suspension of licences

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A suspension notice can be issued giving 21 days' notice before the suspension takes effect or can be with immediate effect in the interest of public safety.

Whilst each case will be taken on its own merit, generally; -

A suspension notice will normally be served in the following cases

- If there is a history of non-compliance with the licence conditions or legislation ~~and/or where~~ 12 points have been issued as detailed above in a twelve month period.
- If there is a significant contravention in terms of risk to members of the public due to non-compliance.
- If the person is not otherwise currently considered to be a fit and proper person to be a licensed driver.
- Any other serious matter
- The policy on criminal records and behaviour will be used to assess whether a suspension should be given and if so whether it should be with immediate effect.

Also, the Crown Prosecution Service or police may be asked to apply for bail conditions, which require ~~the hackney carriage proprietor's, and/or private hire vehicle, and/or private hire operator's licences~~ any/all licences affected by this policy to be revoked by the court.

**Comment [NM1]:** Drivers licences not included?

Where a licence is refused, revoked, suspended or not renewed the licence holder must be provided within 14 days of the decision being made, notice of the grounds on which the action was taken.

### Revocation of licences

In the case of a driver or operator licence, the test will be whether the driver/operator is a fit and proper person (assessed in accordance with this policy, current legislation, case law and guidance). If they are not, on the balance of probabilities, then the licence will be revoked.

The decision to revoke a licence will not be taken lightly. The Head of Healthy Communities has delegated authority to revoke licences if appropriate or can refer the licence to [a](#) Licensing Sub Committee if appropriate.

Voluntary offers to surrender a licence will be accepted if made in writing and the licence plate/disc/badge returned.

### Notification of decisions

Any notice required to be served by the Council under this licence or under any of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 shall be deemed to have been properly served if sent by pre-paid post to, or left at the last known address of, the holder of the licence.

### Appeal against refusal, suspension or revocation of a licence

The applicant or licence holder has the right of appeal to the Magistrates' Court (or Crown Court if relating to refusal to grant a hackney carriage vehicle licence) Appeal procedures to the Magistrate's' Court will be detailed with notices sent out. -On appeal to the

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Magistrates' Court a suspended or revoked licence can continue to be used until the appeal is heard with the exception of those licence holders suspended or revoked with immediate effect under section 61(2B)) of the Local Government (Miscellaneous Provisions) Act 1976

### Formal caution

This is an alternative to prosecution and requires that the offender must admit the offence.

In considering the issue of a formal caution the following will be taken into account: -

- The seriousness of the offence.
- The benefits of its use rather than prosecution, e.g. cost, speed, deterrent effect in respect of re-offending
- The intention to rectify the contravention
- The evidence regarding the contravention.
- Previous history of the offender
- Consideration of the public interest (application of public interest test)

Written information will be given or sent to the offender regarding the significance of the caution immediately prior to offer of the formal caution.

Formal cautions will always require first the signature of the offender and then the authorised local authority representative.

Copies of the caution will be sent to the offender and sent to the central registrar of convictions. The Legal department will hold the original caution.

### Prosecution

Prosecution will normally only be contemplated when the offences are serious, for example where there is a potential for risk to passenger safety, or as a result of refusal to accept other courses of action. Unlicensed persons or businesses will be considered for prosecution.

The following will be taken into account;

- the previous history
- the explanations or attitudes
- the probable public benefit
- would the use of a formal caution be more appropriate

Prosecution will be authorised by the Head of Healthy Communities after consultation with the Head of Legal and Democratic Services.

Should the Crown Prosecution Service be initiating action against a person or business for offences which also involve breaches of the; Police Town Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976 or byelaws made in respect of hackney carriages, they may be authorised to initiate proceedings under these acts.

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## Licence Requirements

### Chiltern District Council licence requirements relating to hackney carriage and private hire drivers

#### Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”)

These requirements apply to hackney carriage and private hire drivers. In determining what matters should be considered for a person to be a fit and proper person to be a driver the following applies:

#### Fit and proper person

Applications for a private hire drivers licence can only be made by fit and proper persons. A fit and proper person must:

- be medically fit
- comply with the Council’s guidelines for the issue of hackney carriage and private hire driver and operator licences policy and the Home Office circular with regard to cautions, convictions or pending court appearances as detailed in the Home Office circular
- not be entered on the sex offenders register
- be an experienced driver
- have the required knowledge of the district, highway code, policy and customer care

#### New applications

Applications will only be accepted if they are made on the form provided for the purpose by the Council. The form must be completed online and electronically signed by the applicant.

The first application for a drivers licence must be accompanied by two independent references as to the character of the applicant. The names, addresses, and phone number of the referees must be stated on the online form.

An application will also be only considered after it has proven that they have a right to work in the UK and the Council is in the receipt of ~~three~~<sup>two</sup> references, two passport-sized photographs, a full DVLA/ EU driving licence including photo card and ~~counterpart~~ DVLA code, a current medical certificate (not older than 3 months)\*, proof of identity (Passport/ Birth Certificate), a relevant knowledge test pass certificate, an enhanced Disclosure and Barring Service criminal record check (not older than 3 months), a ~~DSA driving test certificate (or higher level driving standards certificate)~~ specialist driving standards test certificate and a Certificate of Good Conduct from the relevant embassy for all applicants who have lived in the UK for less than 5 years (new applicants only) or who have been absent for a period of 9 months or more within the last three years for current licensees. If the Certificate is not issued in English, the applicant will be required to pay for the relevant translation. All fees must be paid when submitting the application. The driver’s badge deposit is payable prior to any badge being issued. ~~table~~

A medical certificate completed by the applicant’s registered medical practitioner is required to prove the applicant is fit to drive a licensed vehicle.

Where an existing licensed hackney carriage driver applies to obtain a private hire licence, or vice versa, no additional medical will be required.

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## Renewal

Applications will only be acceptable if they are made on the form provided for the purpose by the Council.

An application will only be considered upon receipt of the correct fee, two passport-sized photographs and a full DVLA/EU driving licence including photo card and ~~counterpart~~DVLA Code. Any additional documents that are due to expire within the renewal period **must also** be presented at renewal. In addition, the expired driver's badge must be returned to the Council in order to collect your replacement badge.

All fees must be paid at the time of renewal. **Only full applications will be accepted**, any missing documents or elements will mean your application will not be processed.

Licences will be issued following processing within 28 days of a full application.

All applications for the renewal of a licence must be made at least four weeks prior to the expiry of the existing current licence. Applications received less than 28 days prior to the expiry of the licence may not be issued prior to the expiry of the current licence, and in these cases the Licensee will not be able to work as a licensed driver or drive a licensed vehicle until the new licence is issued.

## Fees

The appropriate fee as prescribed from time to time by the Council must accompany all applications.

## Photographs

An application must be accompanied by two recent passport sized photographs of the applicant. It must be signed by the applicant. It must be taken against a light coloured background, and clearly show your full face. You must not wear sunglasses, or any head covering unless head covering is worn for religious or medical reasons. The photo will be used for the driver's badge that will be issued by the Council.

## Proof of identity

A birth certificate, ~~with~~ national insurance number, passport or new style photographic driver's licence must be produced on first application.

## Duration of driver's licence

The standard period that a licence shall remain in force is three years, commencing from the date the licence is granted, not the date of the application itself.

No licence will be issued for a period longer than the standard three year period, however if an applicant wishes to be considered for a licence with a shorter duration, this request must be put in writing at time of application. These requests will be considered on a case by case basis.

A driver's licence on renewal may be issued for a probationary period of less than three years as determined by the Council, dependant on the applicant's ability to demonstrate being a fit and proper person. Items that could be considered would include driver's

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experience, criminal record, references, past allegations, record of compliance with the conditions, outstanding fees and any other reasonable cause.

### Medical certificate

The standard of medical examination as required by Chiltern District Council is that normally associated with a group II driver's licence. All drivers are required to provide a certificate signed by their registered medical practitioner to the effect that they are physically fit to be the driver of a taxi or private hire vehicle. A medical certificate is required at first application, every 3 years up to 60 years of age, and annually thereafter. The applicant is responsible for the payment of all fees required for any medical examination.

The licensee shall notify the authorised officer in writing as soon as possible and in any event not later than fourteen days of any illness or injury affecting his or her fitness to drive in any way.

Where there is reasonable doubt over a driver's fitness, the Council may direct the driver for a medical examination by a specified registered medical practitioner at any time. The applicant is responsible for the payment of all fees required for any medical examination.

### Driving experience

A valid full DVLA/ EU drivers licence (Groups A and B) must have been held for a period of three years prior to application. Whilst each case will be taken on its merit, as a general principle a licence will not be granted where an applicant has been convicted of a serious driving offence in the past three years, or has more than six active points on their licence.

In addition to the above, all new applicants will have to demonstrate good driving ability and be aware of potential hazards. This will be assessed by the completion of a driving assessment by the DSA; aA valid (within valid date as printed on certificate) pass certificate will be required before the licence can be issued. Alternatively a driver can demonstrate his/her ability by being a member (by examination) of the Institute of Advanced Motorists, or holding a HGV/ PCV (PSV) licence.

### Disclosure and Barring Service criminal record check

A DBS enhanced disclosure is required on receipt of new applications. Applicants and existing drivers must sign up to the update service provided by DBS, providing a mandate for this to the Council. An authorised officer can make random checks whilst the licence is effective. This will require a DBS enhanced disclosure application form to be completed by the applicant. All applicants should refer to the Council's guidelines for issue of private hire driver and operator and Home Office circular with regards to any criminal convictions or cautions. A fee is required for this check.

Existing drivers at the time this policy is adopted will be required to sign up to the Update service when their current criminal record check is due to be updated.

### Convictions

Convictions will be dealt with in accordance with the policy on criminal convictions and behaviour in section [ ] of the hackney carriage and private hire policy.

In order to ensure protection of the public a driver must ensure immediate disclosure (within 72 hours) to the licensing officer in writing if they are charged, arrested,

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cautioned, or convicted of any offence during the period of their licence. Should knowledge of any offences be withheld, this will reflect on a person's fitness to be a licensed driver and ~~will~~ may lead to a licence being suspended.

### Drivers identity badge

A deposit will be required prior to the issue of a driver's badge and will be returnable upon the surrender of the driver's licence and return of badge. The badge shall be worn at all times the vehicle is being used as a licensed vehicle and in such a position and manner as to be plainly and distinctly visible. On the expiry, revocation or suspension of the licence the driver shall return the badge to the Council on demand.

### Compliance with legislation

Drivers, where applicable, ~~will~~ are expected to comply with the provisions of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, the byelaws made in respect of hackney carriages and conditions relating to the private hire driver's licence. ~~Also compliance-They are also expected to comply~~ with Section 37 of the Disability Discrimination Act 1995 and Equality Act (2010) in respect of assistance dogs.

It is prohibited for anyone (driver or passenger) to smoke within the vehicle at any time. Appropriate signage must be displayed inside the vehicle in accordance with the Health Act 2006.

The Council requires a An international no-smoking symbol at least 70mm in diameter must be displayed in the front passenger window or on the dashboard, and in the rear passenger window. The signs must be clearly visible from inside and outside of the vehicle.

### Insurance

The driver of a licensed vehicle must ensure the vehicle is insured for use for that specific purpose. Such insurance must be continuous and include legal liability for passengers.

### CCTV in vehicles

The licensee shall ensure that they do not drive a licensed vehicle with unauthorised facilities for recording visual or audio sources. All vehicles with an authorised CCTV system shall contain a certificate of authorisation. Any proposed CCTV system must satisfy the requirements of the CCTV conditions within the hackney carriage and private hire licensing policy and must be authorised by a relevant officer.

### Appeals procedure

Any person aggrieved by refusal to grant a licence may appeal to the Magistrate's Court within 21 days of a decision being made.

### Change of personal details

The driver shall immediately (within 7 days) notify the authorised officer in writing of any change in his or her personal details. Changes shall include: changes of address, name, martial status, phone number and mobile number.

### Suspension, revocation, and refusal to renew licence

- Without prejudice to these conditions, the Council may suspend, revoke or refuse to renew the licence when considered necessary to do so, on any of the following grounds

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The Council will have regard to this policy when making a decision to suspend, revoke or refuse to renew a licence.

### **Other offences**

The licensee shall be guilty of an offence if he or she:

- Wilfully obstructs an authorised officer acting in pursuance of Part II of the 1976 or the Town Police Clauses Act 1847;
- Fails to comply with any requirements made to him or her by the authorised officer;
- Without reasonable cause fails to give the authorised officer any other assistance or information which he may require for the performance of his or her functions.

### **Offence notification notice**

The Council has the power to charge fees not exceeding £25.00 for administration of and the control and supervision of hackney carriage and private hire drivers. These charges are detailed in the enforcement policy and will be issued in accordance with the Policy.

All fees and charges for the previous year shall have been paid before application for a renewal of a drivers licence can be accepted.

### **Conduct of driver**

The licensee shall:

- at all times be clean and respectable in his or her dress, behave in a civil and orderly manner, and not use foul and abusive language
- take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle
- assist any passenger in gaining access to or exiting from the vehicle
- assist any passenger with the loading and unloading of luggage into and out of the vehicle
- afford reasonable assistance in removing a passenger's luggage to or from the entrance of any house, station or place at which he or she may collect or set down a person
- unless otherwise directed by the hirer, shall proceed to the destination requested by the Hirer by the shortest possible route
- not drive the vehicle without the written consent of the proprietor of the vehicle
- not drink, eat, or play audio equipment in the vehicle without the express permission of the hirer
- shall ensure that no annoyance or disturbance is caused to residents or other road users whilst driving the vehicle
- not use the horn or lights of the vehicle or shout in order to signify to the Hirer or passengers that the Licensee is waiting for the Hirer or passengers
- not drive a licensed vehicle in a manner that may intimidate or have the potential to intimidate another road user
- take all reasonable steps to ensure the safety of luggage conveyed in, being loaded in or removed from the vehicle
- comply with all road traffic law

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- Not use a mobile phone whilst driving
- ensure that he or she does not drive a vehicle with more passenger capacity than their badge authorises
- not smoke or permit a passenger to smoke in the vehicle
- ensure that regulation “No Smoking” signs are prominently displayed on the front passenger window or dashboard and on the rear passenger window of the vehicle you are assigned. The sign to be an international “No Smoking” signs 70mm in diameter
- not initiate any dialogue of a “sexual” nature with a passenger including by telephone contact, social media, email or any other form of communication. Licensed drivers are not permitted to become involved “sexually”, or have sexual contact, with a passenger whether consent is given or not and whether or not the vehicle is carrying fare paying passengers at the time.
- Conversations that are likely to offend or upset passengers should also be avoided, examples would be conversations of a personal nature, but whether a conversation would be considered ‘likely’ to offend or upset a passenger would be considered by the Council on an individual basis if a complaint is recieved.

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### Passengers

The licensee shall not:-

- Convey or permit to be conveyed in the vehicle a greater number of persons than that prescribed in the licence for the vehicle
- Without the consent of the Hirer convey or permit to be conveyed any other person in the vehicle.
- Allow to be conveyed in the front of the vehicle:
  - Any child below the age of three years
  - More than one person above the age of three years
  - An infant in arms

The licensee shall ensure that all passengers between three and twelve years of age or 135cm in height wear an appropriate child restraint to travel in the front of a vehicle. If not available, these passengers must use an adult seat belt in the rear of the vehicle.

### Lost property

- The licensee shall ensure that, immediately after the termination of any hiring or as soon as practicable thereafter, the vehicle is searched thoroughly for any property which may have been accidentally left therein,
- The licensee shall ensure that any property accidentally left, or found or handed to him in the vehicle will be, taken to a police station within 48 hours of it being found.

### Written receipts

The driver shall, if requested by the hirer, provide them with a written receipt for the fare paid.

### Animals/assistance/guide dogs

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The driver shall not convey in a licensed vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle. The driver shall ensure that any animal belonging to or in the custody of any passenger is conveyed in the rear of the vehicle. The driver shall transport any person and his/her guide or assistance dog without additional charge. Holders of an exemption certificate from carrying animals (issued because of medical reasons) must display the certificate in a prominent position.

It is an offence to refuse to carry assistance/guide dogs.

### **Prompt attendance**

The driver of a licensed vehicle shall promptly attend at the appointed time and place unless delayed or prevented by sufficient cause.

### **Deposit of licence**

The [licenseedriver](#) shall deposit his or her paper licence with the vehicle [Proprietor/](#) licensee before commencing to drive the vehicle. The licence shall be retained by the vehicle licensee until such time as the driver ceases to drive that vehicle.

The licensee/proprietor must also ensure the driver holds a current [DVLA](#) driving licence in respect of the number of passengers authorised on the vehicle licence/plate.

### **Taximeter**

A licensed driver shall not drive the vehicle unless the taximeter (where fitted) is in working condition and has been sealed by a meter company, who have issued the licensee with a calibration certificate. The licensed driver shall not cause the fare recorded to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.

The Licensee shall not tamper with or permit any person to tamper with any taximeter with which the vehicle is fitted, with the fittings thereof, or with the seals affixed thereto. The Licensee shall ensure that when the vehicle is not in use the taximeter is switched off

### **Fare to be demanded**

- The driver shall not demand from any hirer of a licensed vehicle a fare in excess of any previously agreed. If the vehicle is fitted with a taximeter the fare shown on the face of the taximeter is the highest fare that can be charged. The driver shall not demand any fare higher than that shown on the face of the taximeter.
- The licensee shall cause any statement of fares provided by the operator to be exhibited inside the vehicle, in clearly distinguishable letters and figures.

### **Seatbelts**

It is recommended that when driving the vehicle the licensee should wear a seat belt at all times.

### **Insurance**

The driver of a licensed vehicle shall ensure that he or she is covered by a valid insurance policy for public hire (and private hire if private hire bookings are accepted from licensed operators) which includes legal liability for passengers before commencing to drive the vehicle, and shall ensure that they do not act in any way which might invalidate the insurance.

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The licensee shall, on being requested to do so, produce the insurance certificate to a police officer or an authorised officer.

### **Accidents and damage to the vehicle**

The licensee shall report to the authorised officer any accident (motoring or otherwise) involving the vehicle and/or any damage materially affecting the safety, performance or appearance of the vehicle within 72 hours of the accident using the form issued by the Council. In the interests of public safety the Licensee of any vehicle involved in an accident will be required to submit a compliance certificate to the Council. The licensee shall ensure that the vehicle is not used for hire until it has been inspected and approved by the authorised officer or a new compliance certificate has been obtained where appropriate as considered by the Council on receipt of the reported details of the incident.

### **Inspections**

The licensee shall not obstruct the authorised officer or any police officer from carrying out any inspection or test of the vehicle.

### **Copy of licence and requirements**

The licensee shall at all times when driving the vehicle carry with him or her a copy of their licence and these requirements, and shall make it available for inspection by the hirer, any other passenger, the authorised officer or a police officer upon request

### **Variation of requirements**

The Council reserves the right to vary, delete or waive any of these requirements

### **Delivery of notices**

Any notice required to be served by the Council under any licence granted or under any of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 shall be deemed to have been properly served if sent by pre-paid post to, or left at the last known address of the holder of the licence.

### **CCTV in vehicles**

The licensee shall ensure that they do not drive a licensed vehicle with unauthorised facilities for recording visual or audio sources. All vehicles with an authorised CCTV system shall contain a certificate of authorisation. Any proposed CCTV system must satisfy the requirements of the CCTV conditions contained within the hackney carriage and private hire licensing policy.

### **Appeals procedure**

Any person aggrieved by refusal to grant a licence may appeal to the Magistrate's Court within 21 days of a decision being made.

## **Requirements relating to hackney carriage and private hire vehicles**

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## Local Government (Miscellaneous Provisions) Act 1976 (“The 1976 Act”)

### Applications

All applications will only be acceptable if they are made on the form provided for the purpose by the Council, the form must be completed online and electronically signed by the applicant. An application will only be considered after production of the vehicle registration document, MOT (when required by law), Certificate of Compliance, (European whole vehicle type approved, if required), insurance certificate, and fee.

### RENEWAL

Applications will only be acceptable if they are made on the online form provided for the purpose by the Council.

An application for renewal will only be considered upon receipt of the correct fee, the Vehicle Registration document, and any additional documents that are due to expire within the renewal period. This may include: Insurance, MOT, and compliance certificate. In addition, the expired vehicle plate must be returned to the Council in order to collect your replacement.

All fees must be paid at the time of renewal. **Only full applications will be accepted**, any missing documents or elements will mean your application will not be processed.

Licences will be issued following processing within 28 days of a full application.

All applications for the renewal of a licence must be made at least four weeks prior to the expiry of the existing current licence. Applications received less than 28 days prior to the expiry of the licence may not be issued prior to the expiry of the current licence, and in these cases the licensee will not be able to work as a licensed driver until the new licence is issued.

### Fee

The appropriate fee, paid in full, as prescribed from time to time by the Council, must accompany all applications.

### Duration of vehicle licence

All licences shall remain in force for a maximum of one year only, commencing from the date of the granting of the licence.

### Dual plating

No ~~application shall be considered~~ licence shall be granted where the proposed vehicle is already licensed by another Council. Such vehicles may be licensed following the surrender of the existing licence. Providing they meet the criteria of this policy and a full application is made.

### Change of vehicle or transfer of licence

An application by the licence holder for a change of vehicle or an application to transfer the licence will only be considered after production of the vehicle registration document, MOT, certificate of compliance, (European whole vehicle type approved, if required), insurance certificate, valid taximeter calibration certificate and the relevant fee. In the

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case of a transfer application a dated letter stating that the vehicle and the plate are being transferred from the current holder to the new owner. This letter must include addresses, plate number, vehicle type and registration.

**Please note a change of vehicle application, and a transfer of a vehicle licence cannot take place at the same time.**

### Type of vehicle

The Transport Act 1985 allows licensing authorities to regulate vehicle standards. Circular 8/86 accompanying the Transport Act, states that authorities will wish to ensure that vehicles are mechanically sound, roadworthy and safe. The following will be applied.

- The vehicle must not be left hand drive
- Only vehicles holding or built to the standards required by the M1, M2 and M3 European whole vehicle type approval will be licensed.
- Any converted vehicles will be required to hold the appropriate low volume type approval certificate in the M classification or the enhanced single vehicle certificate together with the original M type approval.
- The vehicle must be maintained throughout the term of the vehicle licence, to a high standard of appearance to the complete satisfaction of the Council, and kept in the condition stated in the standards for conditions of appearance of a hackney carriage or private hire vehicle.

**AP.1** Subject to paragraph **AP.4**, a licence shall not be granted in respect of any vehicle which is more than seven (7) years old in the case of an application for a new hackney carriage or private hire vehicle licence in respect of the vehicle and more than ten (10) years old in the case of an application for the renewal of a licence

**AP.2** Subject to paragraph and **AP.4**, the Council will not allow the transfer of a licence to a vehicle which is more than seven (7) years old

**AP.3** Under paragraphs **AP.1** and **AP.2** the age of the vehicle shall be calculated with reference to the registration documentation for the vehicle.

**AP.4** With reference to the ages of vehicles, in the case of purpose built hackney carriages and of vehicles which are considered to be of an 'exceptional standard' each application will be considered on its own merits prior to a determination being made. The maximum age for licensing of these vehicles shall be twelve (12) years.

- In determining an application whereby the vehicle is considered to be of 'exceptional standard' it will be for the applicant to set out in writing why he/she considers the vehicle to be of 'exceptional' standard. The Licensing team leader will undertake a joint inspection of the vehicle with a licensing officer and also seek information where necessary from the inspecting mechanic at the vehicle testing station to assess the vehicles mechanical condition.
- The relevant officer will make a decision under delegated authority to either grant/renew the licence subject to a special condition requesting six (6) monthly mechanical testing and the production of a mechanical report to a licensing officer during the duration of the licence. The Licensing team leader may also make a

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decision to refuse the licence or to refer any application of concern to the Licensing Sub-Committee for determination.

- In determining “exceptional standard” the following standards should usually be attained (but not limited to)
- The vehicle must pass the Council’s mechanical vehicle inspection (compliance test).
- The bodywork should be in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips or rust or any other abrasions that may detract from the overall appearance of the vehicle.
- The general paint condition should not show signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.
- The interior trim, panels, seating and carpets etc should be in excellent condition clean, free of damage and discoloration.
- The vehicle service record can be used as supporting evidence of exceptional condition in that a vehicle of exceptional condition would normally be expected to demonstrate regular servicing and maintenance in accordance with the manufacturer’s service specification.
- The vehicle to be in excellent mechanical condition and in all respects safe and roadworthy with no signs of corrosion to the mechanical parts, chassis, underside or body work.
- The boot or luggage compartment to be in good condition, clean and undamaged.
- Passenger areas should be free from damp or any other odours that may cause passenger discomfort
- The vehicle shall have at least four road wheels and a spare wheel or a canister of tyre inflator/repair kept in the vehicle
- No vehicle shall be licensed which would require any passenger to climb over any luggage in the vehicle or climb into any boot space
- All seats, front and rear must be fitted with seat belts
- The vehicle must be submitted for a mechanical test at a garage authorised by the Council and may be inspected for suitability by the Council’s licensing officer. A certificate of compliance with the standards required under the Road Traffic Act 1972, Sections 43 and 44 must be provided by the garage. In addition to those standards required by the MOT the items detailed in the attached form are required
- The Council’s licensing officer may direct the vehicle to be inspected in accordance with the certificate of compliance at a specific testing station
- A certificate of compliance will be valid for 1 year from date of issue.
- The vehicle should contain a portable dry powder 1kg capacity fire extinguisher. The extinguisher must conform to BS EN3 1996 Standard, and should be mounted in

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a convenient position in the vehicle. The extinguisher shall be marked with the [hackney carriage/private hire vehicle licence number](#)

- A first aid kit complying with the Health and Safety (First Aid) Regulations 1981 should be carried in the vehicle. The kit to be marked with the [hackney carriage/private hire licence number](#)
- Vehicles that have been converted to use liquid petroleum gas and/or Compressed Natural Gas, require compliance with the Liquid Petroleum Gas Association's Code of Practice No.11
- That a valid certificate certifying compliance with the standards of the Code of Practice No. 11 be submitted with all new applications in respect of converted private hire and hackney carriage vehicles unless such vehicles were factory converted from new

**Comment [NM2]:** Isn't this bit for HCVs too

### Seating capacity

The seating capacity of any [hackney carriage/](#) private hire vehicle shall be calculated in accordance with the provisions of Regulation 44 of the Road Vehicles (Registration and Licensing) Regulations 2002, (SI 2002 No. 2742) and the Council's decision shall be binding.

### Testing of vehicles

A licence shall not be granted in respect of any vehicle unless such vehicle has a current certificate of compliance as detailed below, and a valid MOT certificate (where required).

### Insurance and road fund licence

All hackney carriage and private hire vehicles must be licensed and insured for hackney carriage or private hire use. Such insurance must be continuous and include legal liability for passengers and luggage. Proof of insurance must be submitted with each application for a licence and where it expires during the term of the licence a new certificate or cover note must be supplied to the Licensing team.

### Certificate of compliance

- A certificate of compliance will only be granted where a vehicle complies in all respects with the detailed standard set out in the main policy document.
- A certificate of compliance shall be valid for one year only from the date of issue.
- A certificate of compliance may only be issued by a vehicle testing station authorised and designated by the Council.
- A current list of designated vehicle testing stations is available from the Council.

### Examination of vehicles

The approved officer may request that the vehicle is presented at King George V House, King George V Road, Amersham HP6 5AW at a time and date agreed for the purpose of establishing that the vehicle complies with the Council's requirements.

### Deposit on licence plate

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A deposit will be required prior to the issue of a vehicle licence plate and will be returnable upon the prompt return of the licence plate upon the expiry of the vehicle licence.

Where a change of ownership occurs, the deposit will be refundable to the person surrendering the licence plate, not to the person who originally paid the deposit

### **Smoking**

It is prohibited for anyone (driver or passenger) to smoke within the vehicle at any time. Appropriate signage must be displayed inside the vehicle in accordance with the Health Act 2006. An international no-smoking symbol at least 70mm in diameter must be displayed in the front passenger window or on the dashboard, and in the rear passenger window. The signs must be clearly visible from inside and outside of the vehicle.

### **CCTV in vehicles**

The licensee shall ensure that their licensed vehicle does not contain any facilities to record visual or audio sources without first obtaining authorisation from the Council. Any proposed CCTV system must satisfy the requirements of the CCTV conditions section.

### **Appeals procedure**

Any person aggrieved by refusal to grant a licence may appeal to the Magistrate's Court within 21 days of a decision being made.

### **Standards for conditions of appearance of vehicles**

The vehicle must comply with the following:-

**Rust** Any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed; any vehicle with visible rust patches should be failed

**Dents** Any vehicle with minor dents on one or more panels where such dents are more than 5cms in diameter/length should be failed

**Scratches** Any vehicle with un-repaired scratches down to bare metal on three or more panels, of 5cms in length, or a single scratch of more than 20cms in length, should be failed

**Paintwork** All panels on all vehicles shall be painted in manufacturer's colour; panels with unmatched colours or in primer should be deemed as failures

**Seats** In conventional vehicles where it is intended that the licence be for four passengers, the rear seat must be at least 1220mm (48 inches) in width. All seats shall have a minimum of 410mm (16 inches) per person and in respect of seating comply with the Road Vehicle (Registration and Licensing) Regulations 2002. All seats, including the driver's must be free from repaired cuts, tears or cigarette burns, except of a very minor nature. Any repairs must have been carried out in a professional and neat manner. All seats must be kept clean and tidy and free from all extraneous matter

**Carpets/floor covering** All carpets and floor covering shall be complete and free from cuts, tears, staining and soiling

**Headlining and other trim** All interior trim, including headlining shall be clean, complete, properly fitted and free from cuts, tears or soiling

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**Boot/luggage compartment** This should be empty, except for spare wheel, essential tools and first aid kit (to comply with Health and Safety and First Aid Regulations). The compartment should be clean and any covering free from major cuts, tears or other damage or staining

**Interior** The interior must be kept clean, tidy and free of any water penetration or litter or other rubbish

**Vehicle emissions** The vehicle must comply with the Motor Vehicle (Emission Test) Regulations

**Glazing** All vehicles will be tested with a light meter. Any vehicle with a reading lower than the following will not be licensed. Front Windscreen 75%, Front Side Windows 70%, All other Windows 30%. The lower the number the darker the tint

## Requirements relating only to private hire vehicles

- The vehicle shall have three or four doors (a rear-opening hatch back will not be considered or counted as a door for the means of entry or egress, except that a multi-purpose vehicle may have a single sliding door to the left hand side of the vehicle)
- An exception can be made in the case of a vehicle licensed to carry only 1 passenger where a 2 door vehicle would suffice

### Private hire occupancy plate

When licensed, the vehicle shall have an authorised occupancy plate fixed to the rear of the vehicle. The plate shall be securely and permanently fixed to the vehicle on or above the bumper and be clearly visible. The plate shall be secured to the vehicle by the use of a bracket. If a bracket is not suitable or practicable, then the plate shall be fixed with the aid of screws or bolts.

### Private hire licence disc

When licensed, the vehicle shall have an authorised occupancy disc. This is to be displayed in the front of the vehicle in such a way as to be clearly visible from the inside and the outside of the vehicle.

### Signs etc.

No sign, notice, advertisement, plate, mark, letters, figures, symbols, emblems or devices shall be used, if it contains anything of a religious or political nature or advertises Tobacco, Alcohol, any form of sex shop or a sex establishment, or contains any matter likely to cause offence. Approval on the type and extent of the advertising should be sought from the licensing officer, for which there is an administration fee per batch of advertising.

No signs or advertising containing the word "TAXI" will be permitted on any Private Hire vehicle.

### Private hire signs

A roof sign is not permitted.

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As directed by the Council the operator shall cause to be fixed and maintained to the front driver and passenger doors a prescribed sign bearing the words "Private Hire Vehicle - Advance Bookings Only.

### **Dispensation Certificates from displaying vehicle licence plate**

The Licensing team have a duty of care to ensure that all residents, professional clients and general customers travelling in Private Hire vehicles are safe and secure at all times. Dispensations will only be considered for specialist private hire use. This does not include airport services, regular school contracts and normal daily/weekend private hire work.

Information listed below is required to be submitted prior to a formal decision being made. New documents with this information will be required by the Licensing team at the renewal stage of the vehicle licence to assess whether the exemptions should remain in force.

- Identification of vehicle/s involved. We will require full details of the vehicles being used under exemption certificates, including make and model of vehicle, vehicle registration, Licence details, Owners details and Full Name & Address of the driver using the vehicle.
- Nature of work carried out by each vehicle, which is alleged to justify an exemption (which must be work of a prestigious nature, as opposed to ordinary private hire work) detailing each of your contracts and information on trips carried out under the exemption certificate.
- Identities of all clients served by the vehicle/s identified. Full name, address and details of clients including contact name, telephone number and website address and companies house registration number.
- Proportion of each vehicle's work, which is derived from each, named client. I.e. on a weekly basis how often will you be working for each individual client?
- Written confirmation from the clients named. A letter will be required confirming use of your services and confirming reasons why plates are not to be displayed.

Should a dispensation be approved the licence plate will not be required to be fixed to the vehicle; however, the licence, dispensation certificate and plate must be carried at all times in the vehicle. No advertising is permitted on or in any vehicle with dispensation.

Any person aggrieved by the decision of refusal to grant a certificate can appeal to the Head of Healthy Communities in writing within 14 days.

Where the use of vehicles changes during the period that the vehicle is licensed, the Licensing team must be informed so dispensation can be removed. If dispensation is removed, the exceptions that this provides will no longer relate to that vehicle.

### **Residential qualification**

The operator of any private hire vehicle must maintain an office within the area of the Chiltern District Council for a period of the licence.

### **Private hire vehicles may not operate from taxi ranks and stands**

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Private Hire Vehicles may not operate from Hackney Carriage ranks or stands or ply the carriageway for hire but must be pre-booked.

## Requirements relating only to hackney carriage vehicles

**Town Police Clauses Act 1847 (“the 1847 Act”)**

**Local Government (Miscellaneous Provisions) Act 1976 (“The 1976 Act”)**

- All new hackney carriage vehicle licences issued shall be for a purpose built hackney carriage, capable of conveying a disabled person whilst seated in a wheelchair. The vehicle must be adapted or designed by the manufacturer or his agent, to carry at least one wheelchair bound passenger. Please check with the licensing office that the vehicle you intend to purchase meets the condition. Vehicles of a type currently licensed as a hackney carriage in London are acceptable.
- Other wheelchair accessible vehicles will be specifically approved by the Council for use as hackney carriages, subject to them meeting the following minimum requirements;
- The wheelchair access should be available from the kerbside with the wheelchair facing forward and being secured to a CE type approved, manufacturer installed anchorage system for the chair. The passenger secured to a CE approved, manufacturer installed seat belt anchorage system
- Passenger door dimensions to be not less than the minimum currently required of hackney carriages in London.
- To improve access to disabled persons all Hackney carriages licensed in compliance with the wheelchair accessibility requirements may only be changed to vehicles that similarly meet that standard
- The vehicle shall have three or four doors (a rear-opening hatch back will not be considered or counted as a door for the means of entry or egress, except that a multi-purpose vehicle may have a single sliding door to the left hand side of the vehicle)

### Hackney carriage occupancy plate

When licensed, the vehicle shall have an authorised occupancy plate fixed to the rear of the vehicle. The plate shall be securely and permanently fixed to the vehicle on or above the bumper and be clearly visible. The plate shall be secured to the vehicle by the use of a bracket. If a bracket is not suitable or practicable, then the plate shall be fixed with the aid of screws or bolts.

### Hackney carriage licence disc

When licensed, the vehicle shall have an authorised occupancy disc. This is to be displayed in the front of the vehicle in such a way as to be clearly visible from the inside and the outside of the vehicle.

### Taximeter

All hackney carriage vehicles shall be fitted with a taximeter installed by an authorised taximeter company and so constructed, attached, and maintained as to comply with the following requirement:

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- All new hackney carriage vehicles shall require a calendar controlled tariff taximeter
- The taximeter shall be fitted with a key flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word “hired” to appear on the face of the meter
- Such key, flag or other device shall be capable of being locked in such a position indicating that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter
- When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the licensee or driver is entitled to demand and take for hire of the vehicle by distance in pursuance of the table of fares made by the Council in that behalf
- The word “fare” shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon
- The taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the vehicle, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring
- The taximeter shall be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at the request of the hirer
- The taximeter shall have connected thereto a roof sign bearing the words “TAXI” in accordance with paragraph 8 below and such sign shall be plainly visible and legible to persons wishing to hire the vehicle and for that purpose it shall be capable of being suitably illuminated when the vehicle is plying or standing for hire
- The taximeter and all its fittings shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances
- When the vehicle is standing or plying for hire or returning from another district the key flag or other device fitted with the taximeter shall be locked in the position in which no fare is recorded on the face of the taximeter
- Before beginning a journey for which a fare is to be charged for distance and time, the taximeter should be brought into action so that the word “hired” is legible on the face of the taximeter and the taximeter should be kept on until the hiring has terminated
- The taximeter and its fittings will be sealed by the installer
- The taximeter shall be calibrated and sealed by the taximeter company at first installation and then when a seal is broken or missing, following a change to the table of fares, or when requested by the Council. The certificate of calibration is to be provided by the taximeter installer. A valid certificate should be produced on transfer, change or renewal of a licence.

### Signs etc

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No sign, notice, advertisement, plate, mark, letters, figures, symbols, emblems or devices shall be used, if it contains anything of a religious or political nature or advertises tobacco, alcohol, any sex related establishment (shop or venue), or contains any matter likely to cause offence. Approval on the type and extent of the advertising should be sought from the licensing officer. [A charge will be payable as detailed in this policy](#)

### **Hackney carriage door signs**

As directed by the Council the proprietor shall cause to be fixed and maintained to the front driver and passenger doors a prescribed sign bearing the words Hackney Carriage.

### **Roof signs**

The minimum sign dimensions for roof signs are 10” wide 5” deep and 4” high, there are no maximum measurements. The word taxi only in black capital letters to be clearly legible on the front and rear side of the roof sign. The front of the sign must be white and the back red or white. Purpose built taxis are exempt from these requirements.

The sign must be illuminated when plying or available for hire during the hours of darkness and must be linked to the taximeter so that when a fare is being carried, the roof sign is not illuminated.

### **Taxi ranks and stands**

Hackney Carriages can operate from authorised ranks or stands, including ‘shared’ stands or ply the carriageway for hire or can be pre-booked.

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## Licensing conditions relating to private hire drivers

### Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”)

The following conditions are made by Chiltern District Council in pursuance of the powers conferred by Part II of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) to ensure efficient and effective regulation of private hire vehicle use and to ensure that proper vehicular and driver standards are maintained in the interests of public safety.

These conditions should be read in conjunction with the Local Government (Miscellaneous Provisions) Act 1976 and other relevant legislation.

#### Definitions

In these conditions:

‘The application’ shall mean the application made by the licensee for the grant of the licence

‘Authorised officer’ shall mean a licensing officer of the Council’s Healthy Communities Division or any other officer authorised by the Head of Healthy Communities

‘The Council’ shall mean Chiltern District Council

‘the hirer’ shall mean any person or persons who from time-to-time hires or books the vehicle

‘the licensee’ shall mean the person(s) named in the licence

“the operator” shall mean any person, company or partnership licensed by the Council to operate private hire vehicles

“the vehicle” shall mean any private hire vehicle licensed by the Council

#### General

The licensee shall ensure that he or she complies in all respects with the requirements of any Act and regulations affecting the operation of private hire vehicles and motor vehicles, these conditions and any code of practice implemented by the Council.

#### Maintenance of the vehicle

The licensee shall:

- Ensure that the vehicle to be driven by him or her is in a roadworthy condition, thoroughly cleansed; all equipment fittings and fixtures are present and serviceable and comply with the conditions attached to the licence relating to the vehicle before commencement of any journey.
- Record details of checks and inspections in the record book provided by the proprietor of the vehicle.
- Report any defect discovered by the licensee to the proprietor of the vehicle.

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### Conduct of the licensee

The licensee shall:

- at all times be clean and respectable in his or her dress, behave in a civil and orderly manner, and not use foul and abusive language
- shall confirm the name, destination, and method of payment with every passenger prior to commencing any journey
- take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle
- assist any passenger in gaining access to or from the vehicle
- assist any passenger with the loading and unloading of luggage into and out of the vehicle
- afford reasonable assistance in removing a passenger's luggage to or from the entrance of any house, station or place at which he or she may collect or set down a person
- unless otherwise directed by the hirer, shall proceed to the destination requested by the hirer by the shortest possible route
- not drive the vehicle without the written consent of the proprietor of the vehicle
- not drink, eat, or play audio equipment in the vehicle without the express permission of the hirer
- shall ensure that no annoyance or disturbance is caused to residents or other road users whilst driving the vehicle
- not use the horn or lights of the vehicle or shout in order to signify to the hirer or passengers that the Licensee is waiting for the Hirer or passengers
- not drive a licensed vehicle in a manner that may intimidate or have the potential to intimidate another road user
- take all reasonable steps to ensure the safety of luggage conveyed in, being loaded in or removed from the vehicle
- comply with all road traffic law
- not use a mobile phone whilst driving
- immediately notify the Council's licensing officer if he or she has knowingly conveyed a dead body in the vehicle, and not drive the vehicle again until he or she has obtained written permission for the continued use of the vehicle
- not cause or permit the vehicle to stand in such a manner as to suggest that it is standing or otherwise plying for hire or that it is a hackney carriage
- not tout or solicit any person to hire or be carried in any private hire vehicle; and
- not cause or procure any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle

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- ensure that he or she does not drive a vehicle with more passenger capacity than their badge authorises
- not smoke or permit a passenger to smoke in the vehicle
- ensure that regulation “No Smoking” signs are prominently displayed on the front passenger window or dashboard and on the rear passenger window of the vehicle you are assigned. The sign to be an international “No Smoking” signs 70mm in diameter
- not initiate any dialogue of a “sexual” nature with a passenger including by telephone contact, social media, email or any other form of communication. Licensed drivers are not permitted to become involved “sexually”, or have sexual contact with a passenger, with or without consent
- Conversations that are likely to offend or upset passengers should also be avoided, examples would be conversations of a personal nature, but whether a conversation would be considered ‘likely’ to offend or upset a passenger would be considered by the Council on an individual basis if a complaint is received.
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### **Taximeter**

If the vehicle to be driven by the licensee is fitted with a taximeter, he or she shall not drive the vehicle as a private hire vehicle unless the taximeter is in working condition and has been sealed by a company with a calibration certificate being held by the Council. If the vehicle being driven by the licensee is fitted with a taximeter, he or she shall not cause the fare recorded to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.

The licensee shall not tamper with or permit any person to tamper with any taximeter with which the vehicle is fitted, with the fittings thereof, or with the seals affixed thereto. The licensee shall ensure that when the vehicle is not in use the taximeter is switched off

### **Written receipt**

The licensee shall, if requested by the hirer, provide a written receipt for the fare paid.

### **Accidents and damage to the vehicle**

The licensee shall report to the authorised officer any accident (motoring or otherwise) involving the vehicle within 72 hours of the accident using the form issued by the Council. In the interests of public safety the licensee of any vehicle involved in an accident will be required to submit a compliance certificate to the Council.

In the interests of public safety the Licensee of any vehicle involved in an accident will be required to submit a compliance certificate to the Council. The licensee shall ensure that the vehicle is not used for hire until it has been inspected and approved by the authorised officer or a new compliance certificate has been obtained where appropriate as considered by the Council on receipt of the reported details of the incident.

### **Prompt attendance**

The licensee, when it is agreed that the vehicle has been hired, shall be in attendance with the vehicle at the appointed time and place and shall, unless delayed or prevented

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by some sufficient cause, punctually attend with the vehicle at such appointed time and place. Prior to collecting the hire the licensee shall ensure that he or she is aware of the destination and how to reach the destination.

### **Driver's identity badge**

The licensee shall wear or clearly display the driver's identity badge issued by the Council in a position where it may be seen at all times. The licensee shall return the identity badge forthwith upon termination of the licence, whether such termination is through suspension, surrender, revocation or normal expiry. A deposit shall be payable prior to the issue of the badge. This will be refunded only upon surrender of the licence.

### **Proximity to an authorised rank**

The licensee shall not be permitted to wait or park on the public highway within 75 metres of an authorised hackney carriage rank.

### **Fares and fare table**

- The driver shall not demand from any hirer 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 and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter. The driver shall not demand any fare higher than that shown on the face of the taximeter.
- The licensee shall cause any statement of fares provided by the operator to be exhibited inside the vehicle, in clearly distinguishable letters and figures.

### **Seat belts**

When driving the vehicle it is recommended that the licensee shall wear a seat belt at all times.

### **Passengers**

The licensee shall not:-

- Convey or permit to be conveyed in the vehicle a greater number of persons than that prescribed in the licence for the vehicle
- Without the consent of the hirer convey or permit to be conveyed any other person in the vehicle.
- Allow to be conveyed in the front of the vehicle:
  - Any child below the age of three years
  - More than one person above the age of three years
  - An infant in arms

The licensee shall ensure that all passengers between three and twelve years of age or 135cm in height wear an appropriate child restraint to travel in the front of a vehicle. If not available, these passengers must use an adult seat belt in the rear of the vehicle.

### **Carriage of animals**

The licensee shall not permit any animal belonging to or under the care of the licensee or the driver to ride in the vehicle when using the vehicle for private hire. The licensee or driver shall not refuse any request to carry an assistance/guide dog, accompanying a person with a disability unless the licensee and/or driver has been exempted from this

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requirement by the Council. The licensee shall not refuse any reasonable request to carry an animal belonging to the hirer in the rear of the vehicle.

It is an offence to refuse to carry a guide or assistance dog (unless a medical exemption certificate is held)

### Private hire vehicle operator

The Licensee shall not use the vehicle for private hire unless the bookings are invited and accepted by an operator within the district. The licensee shall ensure the operator has a current private hire vehicle operator's licence issued by the Council.

The licensee shall notify the authorised officer in writing of the name and address of the operator he or she is permitted or employed to drive for within seven days from the date he or she commenced driving for that operator. If the licensee ceases driving for the operator, he or she shall notify the authorised officer in writing that he or she has ceased driving for the operator within seven days. If a driver ceases to work for an operator, and does not immediately notify the Council of their new operator's details, they must return their drivers badge to the Council immediately. Any driver not employed or registered to an operator upon the renewal of their licence shall be permitted to renew their licence, but their badge and licence will be retained by the Council until they find gainful employment with an operator based within Chiltern district.

### Deposit of licence

The ~~licensee-driver~~ shall deposit a copy of his or her paper licence with the vehicle licensee/proprietor and operator before commencing to drive the vehicle. The licence shall be retained by the vehicle licensee/proprietor and operator until such time as the driver ceases to drive that vehicle or cease to be registered/ employed by the Operator.

### Insurance

The driver of a licensed vehicle shall ensure that he or she is covered by a valid fully comprehensive insurance policy for private hire purposes which includes legal liability for passengers before commencing to drive the vehicle and shall ensure that they do not act in any way which might invalidate the insurance. The Licensee shall on being requested to do so produce the insurance certificate to a Police Officer or the Authorised Officer.

### Lost property

The licensee shall ensure that, immediately after the termination of any hiring or as soon as practicable thereafter, the vehicle is searched thoroughly for any property which may have been accidentally left therein. The licensee shall take any property accidentally left in the vehicle or handed to him or her to a Police Station within the Chiltern District boundary (see main policy) and leave it in the custody of the officer in charge and obtain a receipt. Such property if not sooner claimed by the owner must be taken to a police station within 48 hours of the property being found.

### Inspections

The licensee shall not obstruct the authorised officer or any police officer from carrying out any inspection or test of the vehicle.

### Medical fitness

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The standard of medical examination as required by Chiltern District Council is that normally associated with a group II driver's licence.

All drivers are required to provide a certificate signed by their registered medical practitioner or practice to the effect that they are physically fit to be the driver of a taxi or private hire vehicle. A medical certificate is required at first application, every 3 years up to 60 years of age, and annually thereafter.

The applicant is responsible for the payment of all fees required for any medical examination.

The Council will follow the published Department of Transport "best practice" guidance (as updated from time to time) when considering the medical fitness of existing licence holders diagnosed with insulin dependent diabetes during the currency of their licence.

Where there is reasonable doubt over a driver's fitness, the authority may direct the driver for a medical examination by a specified registered medical practitioner at any time. The applicant is responsible for the payment of all fees required for any medical examination.

The licensee shall notify the authorised officer in writing as soon as possible and in any event not later than fourteen days of any illness or injury affecting his or her fitness to drive in any way.

A driver may be subject to random drug and alcohol testing during the currency of their licence.

### **Convictions and DVLA driving licence**

The licensee shall immediately (within 72 hours) disclose to the authorised officer in writing if they are arrested, cautioned or convicted of any offence (including motoring offences) during the currency of the licence. The licensee's representative must fulfil this requirement if the driver is detained. Fixed penalty notices shall be reported to the authorised officer in writing upon acceptance from the police officer, as opposed to when the driving licence has been updated.

The licensee shall make his or her DVLA/EU driving licence and a DVLA code available for inspection by the operator, the authorised officer or a police officer upon request.

### **Change of personal details**

The licensee shall immediately notify the authorised officer in writing of any change in his or her personal details. Changes shall include, changes of address, name status, phone number, mobile number, and e-mail address.

### **Copy of the licence and conditions**

The licensee shall at times when driving the vehicle carry with him or her a copy of the licence including these conditions and shall make it available for inspection by the hirer, any other passenger, the authorised officer or a police officer upon request.

### **Other offences**

The licensee shall be guilty of an offence if he or she:

- wilfully obstructs an authorised officer acting in pursuance of Part II of the 1976 or

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the Town Police Clauses Act 1847;

- fails to comply with any requirements made to him or her by the authorised officer;
- without reasonable cause fails to give the authorised officer any other assistance or information which he may require for the performance of his or her functions.

### **Offence notification notice**

Any licensee subject to formal enforcement action due to non-compliance with any relevant legislation or the conditions contained within this policy or due to committing an offence under any relevant legislation will be charged an administration fee. The amount of which is not to exceed £25.00. All charges must be cleared before an application to renew the licence shall be accepted.

### **Variation of conditions**

The Council reserves the right to vary, delete or waive any of these conditions.

### **CCTV in vehicles**

The licensee shall ensure that they do not drive a licensed vehicle with unauthorised facilities for recording visual or audio sources. All vehicles with an authorised CCTV system shall contain a certificate of authorisation. Any proposed CCTV system must satisfy the requirements of the CCTV conditions contained in Hackney Carriage and Private Hire Licensing Policy (available upon request)

### **Right of appeal**

If aggrieved by any of these conditions, the licensee may appeal to a Magistrates' Court within twenty-one days of the issue of the licence to the licensee.

## **CHILTERN DISTRICT COUNCIL**

# **BYELAWS**

made under:

Section 68 of the Town Police Clauses Act 1847, and  
Section 171 of the Public Health Act 1875

by the Chiltern District Council with respect to

Hackney Carriages in Chiltern District

### **INTERPRETATION**

1. Throughout these byelaws "the Council" means the District Council of Chiltern and "the district" means the Chiltern District.

**PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE CORRESPONDING WITH THE NUMBER OF ITS LICENCE SHALL BE DISPLAYED**

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2.
  - a) The proprietor of a Hackney Carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto;
  - b) A proprietor or driver of a Hackney Carriage shall:
    - i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
    - ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

**PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED**

3. The proprietor of a Hackney Carriage shall:
  - a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - b) cause the roof or covering to be kept water-tight;
  - c) provide any necessary windows and a means of opening and closing not less than one window on each side;
  - d) cause the seats to be properly cushioned or covered;
  - e) cause the floor to be provided with a proper carpet, mat, or other suitable covering;
  - f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public services;
  - g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
  - h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
  - j) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

**THE PROPRIETOR OF A HACKNEY CARRIAGE SHALL CAUSE ANY TAXIMETER WITH WHICH THE CARRIAGE IS PROVIDED TO BE SO CONSTRUCTED, ATTACHED, AND MAINTAINED AS TO COMPLY WITH THE FOLLOWING REQUIREMENTS, THAT IS TO SAY:**

4.
  - a) the taximeter shall be fitted with a key, flag, or other device the operation of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
  - b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;

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- c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the tariff fixed by the Council;
- d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon.
- e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
- f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

**PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENTS, AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY AND WHAT BADGES**

- 5. The driver of a Hackney Carriage provided with a taximeter shall:
  - a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of that hiring;
  - c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring: which is during the hours of darkness, this being the time between half-an-hour after sunset to half-an-hour before sunrise, and also at any other time at the request of the hirer.
- 6. A proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
- 7. A proprietor or driver of a Hackney Carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
- 8. The driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 9. The proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

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10. The driver of a Hackney Carriage when hired to drive to any particular destination shall, subject to any directions given him by the hirer, proceed to that destination by the shortest available route.
11. A proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number or persons than the number of persons specified on the plate affixed to the outside of the carriage.
12. 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 position and manner as to be plainly visible.
13. The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
  - a) convey a reasonable quantity of luggage;
  - b) afford reasonable assistance in loading and unloading;
  - c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

**PROVISIONS FIXING THE RATES OR FARES TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE DISTRICT, AND SECURING THE DUE PUBLICATION OF SUCH FARES**

14. The proprietor or driver of a Hackney Carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance unless the hirer express at the commencement of the hiring his desire to engage by time.

Provided always that where a Hackney Carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

15. a) The proprietor of a Hackney Carriage shall cause a statement of the fares fixed by the Council in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- b) The proprietor or driver of a Hackney Carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

**PROVISIONS SECURING THE SAFE CUSTODY AND RE-DELIVERY OF ANY PROPERTY ACCIDENTLY LET IN HACKNEY CARRIAGES, AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF**

16. The proprietor or driver of a Hackney Carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
17. The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:

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- a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a police station in the district and leave it in the custody of the officer in charge of the station on his giving a receipt for it;
- b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the police station, whichever be the greater) but not more than five pounds.

## PENALTIES

18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding one hundred pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefore.

## Conditions relating to hackney carriage vehicles

**Town Police Clauses Act 1847 (“the 1847 Act”)**

**Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”)**

Any requirement of legislation which affect the operations being carried out under the terms of this licence shall be regarded as if they are conditions of the Hackney Carriage Vehicle Licence.

- The vehicle shall have at least four road wheels and a spare wheel or a canister of tyre inflator/repair kept on the vehicle
- All seats, front and rear and disabled must be fitted with seat belts
- The vehicle should contain portable 1litre foam or dry powder 1Kg capacity fire extinguisher. The extinguisher must conform to BS EN3 1996 Standard and should be mounted in a convenient position in the vehicle. The extinguisher shall be marked with the licence number.
- A First Aid Kit complying with the Health and Safety (First Aid) Regulations 1981 should be carried in the vehicle. The kit shall be marked with the vehicle licence number
- The vehicle must be maintained to a high standard of appearance to the complete satisfaction of the Council, throughout the term of the vehicle license and be kept in the condition stated in the Standards for conditions of appearance of a Hackney Carriage vehicle.

### Hackney carriage occupancy plate

- The vehicle shall have a hackney carriage occupancy plate, (which is not the same as the hackney carriage vehicle licence disk), owned by the Council, but provided at the licensee’s expense, which shall display the following:
  - the number of the licence granted in respect of the vehicle;
  - the maximum number of passengers that the vehicle can carry;
  - the expiry date of the licence granted in respect of the vehicle;

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- the words “Chiltern District Council Hackney Carriage”;
  - the vehicle registration number of the Hackney Carriage it is assigned, and
  - any other information that the Council considers necessary
- The plate shall be securely fixed to the rear of the vehicle using a purposely made bracket at all times provided free of charge on issue and for a fee at any other time). If this is not suitable or practicable, the plate shall be securely and permanently fixed to the rear of the vehicle, on or above the bumper by the use of screws or bolts, and be clearly visible. A magnet will not be considered securely fixed for the purposes of this condition. the licensee shall ensure the plate is kept clean and is not wilfully or negligently concealed from public view whilst the vehicle is licensed.
  - The licensee shall ensure that the vehicle at all times throughout the period of licence, has this plate exhibited in the manner described above
  - In the event of revocation or suspension and on the service of a notice under section 58, of ‘the 1976 Act’ or upon expiry of the licence, the licensee shall return the said plate to the Council’s licensing office within seven days
  - The plate can be removed by the licensing officer or police officer for reasons of gathering evidence under the Police and Criminal Evidence Act 1984 and will be returned when a photocopy of the plate is made

#### **Hackney carriage licence disc**

The vehicle shall for identification purposes be required to have a hackney carriage licence disc issued by the Council. The Hackney Carriage Licence Disc shall display:

- the number of the licence granted in respect of the vehicle;
  - the maximum number of passengers that the vehicle can carry;
  - the expiry date of the licence granted in respect of the vehicle;
  - the words “Chiltern District Council Hackney Carriage”;
  - the vehicle registration number of the hackney carriage it is assigned to, and
  - any other information that the Council considers necessary
- The hackney carriage licence disc shall be displayed in the front of the vehicle in such a position that it shall be clearly visible from both the inside and the outside of the vehicle. The licensee shall ensure that it is not wilfully or negligently concealed from public view
  - the licensee shall ensure that no person uses or permits the use of the vehicle unless the hackney carriage licence disc issued is exhibited in the manner described under these conditions
  - In the event of revocation or suspension and on the service of a notice under sections 58, 60 or 68 of ‘the 1976 Act’ or upon expiry of the licence, the Licensee shall return the said disc to the Council’s Licensing Officer within seven days

#### **Taximeter**

- All hackney carriage vehicles shall be fitted with a taximeter installed by an authorised taximeter company and so constructed, attached, and maintained as to comply with the following requirement:
- All new hackney carriage vehicles shall require a calendar controlled tariff taximeter

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- The taximeter shall be fitted with a key flag or other device, the turning of which will bring the machinery of the taximeter into action and cause the word “hired” to appear on the face of the meter
- Such key, flag or other device shall be capable of being locked in such a position indicating that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter
- When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the licensee or driver is entitled to demand and take for hire of the vehicle by distance in pursuance of the table of fares made by the Council in that behalf
- The word “fare” shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon
- The taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the vehicle, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring
- The taximeter shall be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at the request of the hirer
- The taximeter shall have connected thereto a roof sign bearing the words “TAXI” in accordance with paragraph 12 below and such sign shall be plainly visible and legible to persons wishing to hire the vehicle and for that purpose it shall be capable of being suitably illuminated when the vehicle is plying or standing for hire
- The taximeter and all its fittings shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances
- When the vehicle is standing or plying for hire or returning from another district the key flag or other device fitted with the taximeter shall be locked in the position in which no fare is recorded on the face of the taximeter
- Before beginning a journey for which a fare is to be charged for distance and time, the taximeter should be brought into action so that the word “HIRED” is legible on the face of the taximeter and the taximeter should be kept on until the hiring has terminated
- The Licensee shall ensure that the taximeter and its fittings will be sealed by the installer, and are not tampered with
- The taximeter shall be calibrated and sealed by the taximeter company at first installation and then within 1 month of any change to the Table of Fares, or when directed by the Head of Healthy Communities, any authorised officer or police officer to submit to calibration and testing of the Taximeter by a Taximeter installer. A calibration certificate stating that the taximeter is calendar controlled and conforms to the Chiltern District Council Table of Fares would be required in each of the above cases

### Signs etc

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No sign, notice, advertisement, plate, mark, letters, figures, symbols, emblems or devices shall be used, if it contains anything of a religious or political nature or advertises tobacco, alcohol, a sex shop or a sex establishment, or contains any matter likely to cause offence. Approval on the type and extent of the advertising should be sought from the relevant officer

### **Hackney carriage door signs**

As directed by the Council the proprietor shall cause to be fixed and maintained to the front driver and passenger doors a prescribed sign bearing the words hackney carriage

### **Roof signs**

The minimum sign dimensions for roof signs are 10” wide 5” deep and 4” high, there are no maximum measurements. The word taxi only in black capital letters to be clearly legible on the front and rear side of the roof sign. The front of the sign must be white and the back red or white.

The sign must be illuminated when plying or available for hire during the hours of darkness and must be linked to the taximeter so that when a fare is being carried, the roof sign is not illuminated.

### **Passengers**

The licensee shall not:-

- Convey or permit to be conveyed in the vehicle a greater number of persons than that prescribed in the licence for the vehicle
- Without the consent of the hirer convey or permit to be conveyed any other person in the vehicle
- Allow to be conveyed in the front of the vehicle:
  - Any child below the age of three years
  - More than one person above the age of three years
  - An infant in arms

The licensee shall ensure that all passengers between three and twelve years of age or 135cm in height wear an appropriate child restraint to travel in the front of a vehicle. If not available, these passengers must use an adult seat belt in the rear of the vehicle

### **Alteration of vehicle**

No alterations in the specification, design or appearance of the vehicle shall be made without the written approval of the licensing officer.

### **Records of vehicle use**

Where more than one licensed driver has use of the Hackney Carriage, the licensee shall ensure that a record of usage is kept for the vehicle. This record shall include the name of the driver, the date of usage, and the start and end times of the individual's usage. It

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shall be kept inside the vehicle at all times, and made available to an authorised officer upon request

### Transfer of vehicle

- If the licensee wishes to transfer his/her interest in the vehicle to a person they shall within 7 working days inform the Council, specifying the name and address of the person to whom the vehicle is being transferred
- The Council reserves the right to refuse to grant a licence to any person to whom a hackney carriage vehicle is transferred
- Under no circumstances may the new owner use the vehicle as a licensed vehicle until the licence has been transferred to that person and all documentation and any necessary fees paid.

### Accidents and vehicle damage

The licensee shall report to the authorised officer any accident (motoring or otherwise) involving the vehicle within 72 hours of the accident. This must be in writing. In the interests of public safety the licensee of any vehicle involved in an accident will be required to submit a compliance certificate to the Council.

The licensee shall report any damage materially affecting the safety, performance or appearance of the vehicle to the authorised officer within 72 hours of the vehicle being damaged. ~~Should a Section 60 or 68 notice be issued~~ If the vehicle licence is suspended the licensee shall ensure that no further bookings hirings are undertaken until the vehicle has been inspected, a compliance test certificate issued.

### Insurance and road fund licence

All hackney carriage vehicles must be licensed and insured for public hire use. The insurance must include legal liability for both passengers and luggage, and proof of insurance must be submitted with each application. If the insurance expires during the term of the licence, a new cover note or certificate of insurance must be produced to the licensing team

- A certificate of insurance must be provided to the authorised officer within 7 days of any such request.

### Deposit on licence plate

A deposit will be required prior to the issue of a hackney carriage vehicle licence plate and will be returnable upon the prompt return of the licence plate upon the expiry of the vehicle licence.

Where a change of ownership occurs, the deposit will be refundable to the person surrendering the licence plate, not to the person who originally paid the deposit.

### Lost property

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- The Licensee shall ensure that, immediately after the termination of any hiring or as soon as practicable thereafter, the vehicle is searched thoroughly for any property which may have been accidentally left therein.
- The licensee shall ensure that any property accidentally left, or found or handed to him in the vehicle will be, taken to a police station within 48 hours of it being found.

### Table of fares

The licensee shall ensure a copy of the tables of fares as determined by the Council to be fixed inside the vehicle. The table of fares should be clearly readable by the passenger.

### Change of address and personal details

The licensee shall notify the Council in writing of any change of his address during the period of the licence within 7 days of such change-taking place. This shall include, name, address, telephone/mobile numbers and e-mail address.

### Proprietor to hold drivers licence

Before the licensee permits or employs another person to drive the vehicle as a hackney carriage, he shall, have retained a copy of the hackney carriage drivers licence. This shall be retained until such time as the driver ceases to be permitted or employed to drive the vehicle. On cessation of service or employment the licensee shall return the Hackney Carriage Driver's Licence to the driver.

The licensee/proprietor must also ensure the driver holds a current [DVLA](#) driving licence in respect of the number of passengers authorised on the vehicle licence/plate.

### Copy of vehicle licence conditions

The licensee shall ensure a copy of the vehicle licence conditions are maintained in the vehicle and makes them available for inspection by any authorised officer, the hirer or any passenger on request.

### Validity inspections

Any authorised officer of the council or a police constable shall have power at all reasonable times, to inspect and test for the purpose of ascertaining its fitness any hackney carriage or any taximeter fixed to such vehicle and to serve notice to require further inspection and testing if not so satisfied.

### Convictions and cautions

- The licensee shall, within 72 hours, disclose to the licensing officer in writing if they or any of their drivers are arrested, cautioned, or convicted of any offence (including motoring offences) during the period of this licence. A representative must fulfil this obligation if the licensee is detained by the police. Fixed penalty notices must be declared when received not when the DVLA driving licence is updated.
- The licensee shall ensure that any licensed driver employed by them in any capacity is made aware that they are required to disclose all the information contained in point (i) above to the vehicle licence holder during their period of employment.

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- If the licensee is a company or partnership section (i) applies equally to all directors or partners
- The licensee shall make his or her DVLA driving licence available for inspection by an authorised officer of the Council or a police officer upon request.

### **Taxi ranks and stands**

Hackney carriages will operate from authorised ranks or stands, including “shared” stands or ply the carriageway for hire or can be pre-booked.

### **Giving of information**

Every proprietor shall within 7 days furnish on request the details, of any person who was authorised to drive the vehicle, to an authorised officer or to a police officer. The details would include the name and address of the person.

### **Assistance dogs**

All hackney carriage vehicle drivers are required to comply with Section 37 of the Disability Discrimination Act 1995 and Equality Act (2010) to carry assistance dogs assisting disabled persons and to do so without charge. Holders of exemption certificates must display the certificate in a prominent position.

It is an offence to refuse to carry a guide or assistance dog.

### **Smoking**

It is prohibited for anyone (driver or passenger) to smoke within the vehicle at any time. Appropriate signage must be displayed inside the vehicle in accordance with the Health Act 2006. An international no-smoking symbol at least 70mm in diameter must be displayed in the front passenger window or on the dashboard, and in the rear passenger window. The signs must be clearly visible from inside and outside of the vehicle.

### **CCTV in vehicles**

The licensee shall ensure that their licensed vehicle does not contain any facilities to record visual or audio sources without first obtaining authorisation from the Council. Any proposed CCTV system must satisfy the requirements of the CCTV conditions contained in the hackney carriage and private hire licensing policy.

### **Appeals procedure**

Any person aggrieved by any conditions specified in this licence may appeal to the Magistrate’s Court within 21 days of the decision being made.

### **Standards for conditions of appearance of a hackney carriage vehicle**

The vehicle must comply with the following:-

**Rust** Any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed; Any vehicle with visible rust patches should be failed.

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**Dents** Any vehicle with dents on one or more panels where such dents are more than 5 cm in diameter/length should be failed.

**Scratches** Any vehicle with un-repaired scratches down to bare metal on three or more panels, of 5 cm in length, or a single scratch of more than 20cms in length, should be failed.

**Paintwork** All panels on all vehicles shall be painted in manufacturer's colour; panels with unmatched colours or in primer should be deemed as failures.

**Seats** In conventional vehicles where it is intended that the licence be for four passengers, the rear seat must be at least 1220mm (48 inches) in width. All seats shall have a minimum of 410mm (16 inches) per person and in respect of seating comply with the Road Vehicle (Registration and Licensing) Regulations 2002. All seats, including the driver's must be free from repaired cuts, tears or cigarette burns, except of a very minor nature. Any repairs must have been carried out in a professional and neat manner. All seats must be kept clean and tidy and free from all extraneous matter.

**Carpets/floor covering** All carpets and floor covering shall be complete and free from cuts, tears, staining and soiling.

**Headlining and other trim** All interior trim, including headlining shall be clean, complete, properly fitted and free from cuts, tears or soiling.

**Boot/luggage compartment** This should be empty, except for spare wheel, essential tools and first aid kit, (to comply with Health and Safety and First Aid Regulations). The compartment should be clean and any covering free from major cuts, tears or other damage or staining.

**Interior** The interior must be kept clean, tidy and free of any water penetration or litter or other rubbish.

**Vehicle emissions** The vehicle must comply with the Motor Vehicle (Emission Test) Regulations

**All glazing** All vehicles will be tested with a light meter. Any vehicle with a reading lower than the following will not be licensed. Front Windscreen 75%, Front Side Windows 70%, All other Windows 30%. The lower the number, the darker the tint.

## Conditions relating to private hire vehicles

### Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act")

Any requirement of legislation, which affect the operations being carried out under the terms of this licence, shall be regarded as if they are conditions of the Private Hire Vehicle Licence.

- The vehicle shall have at least four road wheels and a spare wheel or a canister of tyre inflator/repair kept on the vehicle
- The vehicle must be maintained throughout the term of the vehicle licence, to a high standard of appearance to the complete satisfaction of the Council, and kept in the condition stated in the Standards for conditions of appearance of a Private Hire vehicle.

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- All seats, front and rear must be fitted with seat belts.
- The Council's Licensing Officer may direct the vehicle to be inspected in accordance with the Certificate of Compliance at a specific testing station
- The vehicle should contain a portable dry powder 1Kg capacity fire extinguisher. The extinguisher must conform to BS EN3 1996 Standard, and should be mounted in a convenient position in the vehicle. The extinguisher shall be marked with the Private Hire vehicle licence number
- A first aid kit complying with the Health and Safety (First Aid) Regulations 1981 should be carried in the vehicle. The kit to be marked with the private hire vehicle licence number

### Private hire occupancy plate

- The vehicle shall have an occupancy plate, (which is not the same as the Private Hire Vehicle Licence ~~Disc~~), owned by the Council, but provided at the Licensee's expense, which shall display the following:
  - the number of the licence granted in respect of the vehicle;
  - the maximum number of passengers that the vehicle can carry;
  - the expiry date of the licence granted in respect of the vehicle;
  - the words "Chiltern District Council Private Hire";
  - the vehicle registration number of the Private Hire it is assigned, and
  - any other information that the Council considers necessary.
- The plate shall be securely fixed to the rear of the vehicle using a purposely made bracket at all times provided free of charge on issue and for a fee at any other time). If this is not suitable or practicable, the plate shall be securely and permanently fixed to the rear of the vehicle, on or above the bumper by the use of screws or bolts, and be clearly visible. A magnet will not be considered securely fixed for the purposes of this condition. The Licensee shall ensure the plate is kept clean and is not wilfully or negligently concealed from public view whilst the vehicle is licensed.
- The Licensee shall ensure that the vehicle at all times throughout the period of licence, has this plate exhibited in the manner described above.
- In the event of revocation and on the service of a notice under sections 58, of ~~the~~ 1976 Act<sup>2</sup> or upon expiry of the licence, the licensee shall return the said plate to the council's licensing officer within seven days.
- The plate can be removed by the licensing officer or police officer for reasons of gathering evidence under the Police and Criminal Evidence Act 1984 and will be returned when a photocopy of the plate is made.

### Private hire licence disc

- The vehicle shall for identification purposes be required to have a private hire licence disc issued by the Council. The private hire licence disc shall display:
  - the number of the licence granted in respect of the vehicle;
  - the maximum number of passengers that the vehicle can carry;
  - the expiry date of the licence granted in respect of the vehicle;
  - the words "Chiltern District Council Private Hire";
  - the vehicle registration number of the Private Hire it is assigned to, and

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- any other information that the Council considers necessary.
- The private hire licence disc shall be displayed in the front of the vehicle in such a position that it shall be clearly visible from both the inside and the outside of the vehicle. The licensee shall ensure that it is not wilfully or negligently concealed from public view.
- The licensee shall ensure that no person uses or permits the use of the vehicle unless the Private Hire Licence Disc issued is exhibited in the manner described under these conditions.
- In the event of revocation or suspension and on the service of a notice under sections 58, 60 or 68 of 'the 1976 Act' or upon expiry of the licence, the Licensee shall return the said disc to the Council's Licensing Officer within seven days.

### Signs etc.

No sign, notice, advertisement, plate, mark, letters, figures, symbols, emblems or devices shall be used, if it contains anything of a religious or political nature or advertises tobacco, alcohol, a sex or a sex establishment, or contains any matter likely to cause offence. Approval on the type and extent of the advertising should be sought from the licensing officer.

Comment [NM3]: Sex shop?

No signs or advertising containing the word "taxi" will be permitted on any Private Hire vehicle.

### Private hire signs

A roof sign is not permitted.

As directed by the Council the proprietor shall cause to be a fixed and maintained to the exterior of the vehicle a prescribed sign bearing the word "Private Hire - Advance Bookings Only" on the rear driver and passenger doors. The sign shall also include the vehicle plate number and Chiltern crest on a yellow background.

### Dispensation

Vehicles issued with a dispensation certificate in line with the Chiltern hackney carriage and private hire policy are exempt from displaying vehicle licence plate

Where the use of vehicles changes during the period that the vehicle is licensed, the Licensing team must be informed so dispensation can be removed. If dispensation is removed, the exemptions that this provides will no longer relate to that vehicle.

### Passengers

The licensee shall not:-

- Convey or permit to be conveyed in the vehicle a greater number of persons than that prescribed in the licence for the vehicle
- Without the consent of the hirer convey or permit to be conveyed any other person in the vehicle
- Allow to be conveyed in the front of the vehicle:

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- Any child below the age of three years
- More than one person above the age of three years
- An infant in arms

The licensee shall ensure that all passengers between three and twelve years of age or 135cm in height wear an appropriate child restraint to travel in the front of a vehicle. If not available, these passengers must use an adult seat belt in the rear of the vehicle.

### **Alteration of vehicle**

No alterations in the specification, design or appearance of the vehicle shall be made without the written approval of the licensing officer.

### **Transfer of the vehicle**

- If the licensee wishes to transfer his/her interest in the vehicle to a person they shall within 14 days inform the licensing officer, specifying the name and address of the person to whom the vehicle is being transferred.
- The Council reserves the right to refuse to grant a licence to any person to whom a private hire vehicle is transferred.
- Under no circumstances may the new owner use the vehicle as a licensed vehicle until the licence has been transferred to that person and all documentation and any necessary fees paid.

### **Accidents and vehicle damage**

The Licensee shall report to the authorised officer any accident (motoring or otherwise) involving the vehicle within 72 hours of the accident. This must be in writing. In the interests of public safety the licensee of any vehicle involved in an accident will be required to submit a compliance certificate to the Council. The licensee shall ensure that the vehicle is not used for hire until it has been inspected and approved by the authorised officer.

The licensee shall report any damage materially affecting the safety, performance or appearance of the vehicle to the authorised officer within 72 hours of the vehicle being damaged. Should a Section 60 or 68 notice be issued the licensee shall ensure that no further bookings are undertaken until the vehicle has passed a compliance test and the certificate issued has been provided to the Council.

### **Insurance**

All private hire vehicles must be licensed and insured for private hire use. Such insurance must be comprehensive and continuous and include legal liability for passengers and luggage. Proof of insurance must be submitted with each application for a licence and where it expires during the term of the licence a new certificate or cover note must be supplied to the Licensing team

- If a vehicle is temporarily removed from use as a Private Hire Vehicle, the licensee on notification and return of the disc and plate to the licensing Officer, the vehicle can be temporarily removed from the public highway and its use as a private hire

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vehicle thus removing the need to insure and document the vehicle for that period. The vehicle must not be used for private use during this time.

- A certificate of insurance must be provided to the relevant officer within 7 working days of any such request

### Lost property

- The licensee shall ensure that, immediately after the termination of any hiring or as soon as practicable thereafter, the vehicle is searched thoroughly for any property which may have been accidentally left therein.
- The licensee shall ensure that any property accidentally left, or found or handed to him in the vehicle will be, taken to a police station within 48 hours of it being found.

### Change of address and personal details

The licensee shall notify the Council in writing of any change of his address during the period of the licence within 7 days of such change-taking place. This shall include, name, address, telephone/mobile numbers and e-mail address.

### Proprietor to hold drivers licence

Before the licensee permits or employs another person to drive the vehicle as a private hire, he shall, have retained a copy of the drivers licence. This shall be retained until such time as the driver ceases to be permitted or employed to drive the vehicle. On cessation of service or employment the licensee shall return the drivers licence to the driver.

The licensee/ proprietor must also ensure the driver holds a **current driving licence** in respect of the number of passengers authorised on the vehicle licence/plate.

Comment [NM4]: DVLA?

### Copy of vehicle licence conditions

The licensee shall ensure a copy of the vehicle licence conditions are maintained in the vehicle and makes them available for inspection by any authorised officer, the hirer or any passenger on request.

### Validity inspections

Any authorised officer of the Council or a police constable shall have power at all reasonable times to inspect and test for the purpose of ascertaining its fitness any private hire and to serve notice to require further inspection and testing if not so satisfied.

### Convictions and cautions

- The licensee shall immediately (within 72 hours) disclose to the licensing officer in writing if they or any of their drivers are arrested, cautioned, or convicted of any offence (including motoring offences) during the period of this licence. A representative must fulfil this obligation if the licensee is detained by the Police. Fixed penalty notices must be declared when received not when the DVLA driving licence is updated.

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- The licensee shall ensure that any licensed driver employed by them in any capacity is made aware that they are required to disclose all the information contained in point (i) above to the vehicle licence holder during their period of employment.
- If the licensee is a company or partnership section (i) applies equally to all directors or partners
- The licensee shall make his or her DVLA driving licence available for inspection by the operator, the authorised officer or a police officer upon request.

### Residential qualification

The operator of any Private Hire Vehicle must reside or maintain an office within the area of the Chiltern District Council for a period of the licence.

Comment [NM5]: Controversial :-)

### Private hire vehicles must not operate from taxi ranks and stands

- Private hire vehicles must not operate from hackney carriage ranks or stands or ply the carriageway for hire but must be pre-booked.
- Private hire vehicles must not wait or park on the public highway within 75 metres of an authorised rank.

### Giving of information

Every proprietor shall within 7 days furnish on request the details, of any person who was authorised to drive the private hire vehicle, to an authorised officer or to a police officer. The details would include the name and address of the person.

### Assistance dogs

All hackney and private hire vehicle drivers are required to comply with Section 37 of the Disability Discrimination Act 1995 and Equality Act (2010) requiring them to carry assistance dogs assisting disabled persons and to do so without charge. Holders of exemption certificates must display the certificate in a prominent position.

It is an offence to refuse to carry a guide or assistance dog.

### Smoking

It is prohibited for anyone (driver or passenger) to smoke within the vehicle at any time. Appropriate signage must be displayed inside the vehicle in accordance with the Health Act 2006.

The Council requires that An international no-smoking symbol at least 70mm in diameter must be displayed in the front passenger window or on the dashboard, and in the rear passenger window. The signs must be clearly visible from inside and outside of the vehicle.

### CCTV in vehicles

The licensee shall ensure that their licensed vehicle does not contain any facilities to record visual or audio sources without first obtaining authorisation from the Council. Any proposed CCTV system must satisfy the requirements of the CCTV conditions contained in the Hackney Carriage and Private Hire Licensing Policy.

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### Standards for conditions of appearance of a hackney carriage or private hire vehicle

The vehicle must comply with the following:-

- (a) **Rust:** Any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed; Any vehicle with visible rust patches, should be failed.
- (b) **Dents:** Any vehicle with dents on one or more panels where such dents are more than 5 cm in diameter/length should be failed.
- (c) **Scratches:** Any vehicle with un-repaired scratches down to bare metal on three or more panels, of 5 cm in length, or a single scratch of more than 20cms in length, should be failed.
- (d) **Paintwork:** All panels on all vehicles shall be painted in manufacturer's colour; panels with unmatched colours or in primer should be deemed as failures.
- (e) **Seats:** In conventional vehicles where it is intended that the licence be for four passengers, the rear seat must be at least 1220mm (48 inches) in width. All seats shall have a minimum of 410mm (16 inches) per person and in respect of seating comply with the Road Vehicles (Registration and Licensing) Regulations 2002. All seats, including the driver's must be free from repaired cuts, tears or cigarette burns, except of a very minor nature. Any repairs must have been carried out in a professional and neat manner. All seats must be kept clean and tidy and free from all extraneous matter.
- (f) **Carpets/floor covering:** All carpets and floor covering shall be complete and free from cuts, tears, staining and soiling
- (g) **Headlining and other trim:** All interior trim, including headlining shall be clean, complete, properly fitted and free from cuts, tears or soiling.
- (h) **Boot/luggage compartment:** This should be empty, except for spare wheel, essential tools and first aid kit, (to comply with Health and Safety and First Aid Regulations). The compartment should be clean and any covering free from major cuts, tears or other damage or staining.
- (i) **Interior:** The interior must be kept clean, tidy and free of any water penetration or litter or other rubbish.
- (j) **Vehicle emissions:** The vehicle must comply with the Motor Vehicle (Emission Test) Regulations
- (k) **Glazing:** All vehicles will be tested with a light meter. Any vehicle with a reading lower than the following will not be licensed. Front windscreen 75, front side windows 70, all other windows 30. The lower the number the darker the tint. Exceptions may be made for limousines

### Appeals procedure

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Any person aggrieved by any conditions specified in this licence may appeal to the Magistrate's Court within 21 days of the decision being made.

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## Non-standard private hire vehicle conditions for stretched limousine, and novelty vehicles

### Local Government (Miscellaneous Provisions) Act 1976 - (“the 1976 Act”)

A limousine, or other novelty vehicle capable of carrying no more than 8 passengers for hire or reward is a private hire vehicle, and all other interpretations, policies and conditions relevant to licensed private hire vehicles also apply, except where described below:-

- 1 For the purposes of this policy and licence conditions, a stretched limousine is defined as a luxurious vehicle that has been modified (stretched) to extend the length of the vehicle. The stretch shall not exceed 120 inches (measured between the rear edge of the front door and the front edge of the rear door). The vehicle shall be capable of carrying up to, but not exceeding eight seated passengers. Each passenger seating area will be at least 400mm wide.
- 2 For the purposes of this policy, a novelty vehicle shall be defined as follows:-
  - a) any vehicle that has been specially constructed, adapted or converted by a low volume specialist vehicle manufacturer or modifier;
  - b) any vehicle that has been specially modified from its original design specification;
  - c) that is capable of carrying up to but not exceeding 8 passengers;
  - d) vehicles intended for the carriage of fare paying passengers that, prior to the introduction of this policy/conditions, would not be licensed by the authority as a private hire vehicle because they did not comply with one or more of the standard conditions relating to private hire vehicles
  - e) any vehicle that, in the opinion of the Licensing Officer, because of its specialist design/styling or origin or age is required to be classed as a Novelty Vehicle.

### 3 Age of vehicle

Stretch limousines and other novelty vehicles are not subject to an age limit and will be licensed provided the vehicle presented meets all of the Council’s other criteria in terms of appearance and maintenance.

### 4 Licence plates

The vehicle licence plate must be kept in the boot of the vehicle at all times whilst the vehicle is licensed as a private hire vehicle. The internal plate must be displayed in the front windscreen at all times so that the details are clearly visible.

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## 5 Driver

Only a licensed private hire driver is permitted to drive the vehicle whilst it is licensed. The driver must ensure that they wear or clearly display their Council-issued identity badge in a prominent position at all times whilst working or driving the vehicle.

The driver shall at all times be clean and respectable in their dress and behave in a civil and orderly manner.

## 6 Signs etc.

No sign, notice, advertisement or emblems shall be used or displayed on, in or from the vehicle other than those legally required, those contained within these conditions, or any authorised company details.

Approval of the type of advertising should be sought from the Licensing team and written authorisation must be obtained prior to use. No signs or advertising containing the word “taxi” or “cab” will be permitted on any private hire vehicle.

## 7 Application Procedure

In relation to stretch limousines and novelty vehicles the following must be provided on application (this is in addition to the requirements for a standard Private Hire vehicle);

- a) Single vehicle approval certificate
- b) Documentation to confirm the overall weight of the vehicle
- c) The vehicle identification number (VIN) plate must display ‘1L1’ to confirm that the conversion has been completed by an authorised dealer. This will be confirmed by inspection prior to any licence being issued.
- d) Completed importation document (where applicable)
- e) V5 vehicle registration

The licence shall remain in force for one year

## 8 Passengers and passenger safety

- a) The proprietor shall not permit the limousine/novelty vehicle to be used to carry a greater number of passengers than the number prescribed in the licence.
- b) Passengers will not be carried in the front of the vehicle.
- c) All passengers must remain seated at all times when the vehicle is in motion.
- d) The proprietor of the vehicle must:

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- i) Provide sufficient means by which any person in the vehicle may communicate with the driver.
- ii) Ensure that the interior of the vehicle is kept wind and watertight.
- iii) Ensure that the seats in the passenger compartment are kept properly cushioned and covered.
- iv) Ensure that the floor in the passenger compartment is provided with a proper carpet, mat or other suitable covering.
- v) Provide at least two doors for use of persons conveyed in limousine/novelty vehicle and a separate means of ingress and egress for the driver.
- vi) Ensure that the interior and exterior of the limousine/novelty vehicle is kept in a clean condition.
- vii) Ensure that seatbelts are fitted to all forward and rear facing seats. In accordance with Construction and Use Regulations, where seat belts are fitted they must be worn by passengers at all times when the vehicle is in motion.
- viii) Ensure that no seat is required to be moved to allow any passenger to enter or exit the vehicle
- ix) Ensure that an approved first aid kit will be carried in the vehicle at all times
- x) Report to the Council any alteration in the design of the vehicle, whether to the machinery or to the body. The Council may require the proprietor to submit the vehicle for further examination.

## 9 Interior lighting

There shall be maintained in the vehicle adequate internal lighting to enable passengers to enter and leave the vehicle with safety.

## 10 Maximum stretch

The maximum length of a limousine “stretch” shall not exceed 120 inches [3048 millimetres].

## 11 Left and right hand drive vehicles

Both left and right hand drive vehicles will be considered for licensing as private hire vehicles.

## 12 Tyres and road wheels

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The vehicle shall be equipped with a minimum of 4 road wheels and 1 full sized spare wheel. The tyres shall be of an approved rating as specified by the manufacturer.

### 13 Windows

The front windscreen shall allow a minimum level of 75% light transmittance and the front driver and passenger windows shall allow a minimum level of 70% light transmittance.

### 14 Decommissioned vehicle markings

Novelty Vehicles based on decommissioned Military or Emergency Response vehicles must have all official marking or lights removed. Any colour scheme must be of a contrast to the original colour scheme and to that of any previous or current military or emergency response vehicles.

### 15 Roof racks

A roof rack or any other device for storing luggage shall not be installed or maintained on any part of the vehicle except with the approval of the Council.

### 16 Exemption notice for displaying a licence plate / door stickers

A certificate exempting the vehicle from displaying a licence plate and Council issued door stickers will be issued by the Council. This certificate must be carried in the vehicle at all times and be available for inspection on request by an authorised officer of the Council or a police constable.

### 18 Insurance

The Council will require proof that the vehicle is insured during the period of the licence and on request by an authorised officer the proprietor shall produce, within 5 working days, a current insurance certificate/cover note for private hire purposes. Failure to produce proof of insurance as detailed above may result in the suspension of the licence.

The proprietor is advised that they should, following the expiry of an insurance certificate/cover note, provide a current insurance policy to the Council

### 20 Alcohol

Alcoholic drinks provided in the vehicle shall be available only under the terms of an appropriate licence relating to the sale and supply of alcohol.

Alcohol shall only be consumed while the vehicle is stationary and the bottle shall immediately afterwards be placed in a secure receptacle.

If all of the passengers are below the age of 18, there shall be no alcohol in the vehicle for consumption or otherwise.

Any glassware used in the vehicle must be made of shatterproof glass or plastic.

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## 21 Licensing Act 2003

The driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of the passengers in the vehicle.

The limousine operator shall ensure that a performing rights licence is held where appropriate.

A Premises Licence will be required for the provision of any form of regulated entertainment within the scope of the Licensing Act 2003 when the vehicle is parked.

- 22 The vehicle shall be maintained in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim or seating.

The Council reserves the right to vary, delete or waive any of the foregoing Conditions.

### Driver and operator licensing requirements

In addition to the limousine being licensed as a private hire vehicle with Chiltern District Council, the limousine operator is required to hold a private hire operators' licence with Chiltern District Council.

All bookings for a limousine licensed as a private hire vehicle must be booked through the licensed private hire operator. Once licensed as a private hire vehicle the limousine can only be driven by a licensed private hire driver who is also licensed by Chiltern District Council.

Details in respect of applications for private hire drivers' licences and private hire operators' licences can be obtained from the Licensing team.

### Rights of appeal

The Local Government (Miscellaneous Provisions) Act 1976 sections 48 and 77 detail an applicant's right of appeal. In general terms where an applicant is aggrieved by the Council's decision to refuse to grant a private hire vehicle licence or by any conditions imposed on a private hire licence the applicant has a right of appeal to Magistrate's Court within 21 days of the applicant being notified of the Council's decision.

### Vehicle testing stations

Licensed stretch limousines must be submitted for testing at six monthly intervals, to the appropriate Class MOT standard from a testing station nominated by the Licensing team.

### Conditions relating to private hire operators

#### Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act")

An operator makes provision for the invitation or acceptance of bookings for a private hire vehicle.

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Any legislative requirement shall be regarded as if they are conditions of the Private Hire Operators Licence. In determining what matters should be considered for a person to be a Fit and Proper Person to be an operator the following applies

#### **Fit and proper person**

Private hire operators must be fit and proper persons. A fit and proper person is defined in the hackney carriage and private hire policy.

#### **Details of current drivers**

A list of all current drivers and vehicles representing your company must be submitted as part of the renewal.

#### **Duration of private hire operator's licence**

The standard period that a licence shall remain in force is for a period of five years from the date of issue.

No licence will be issued for a period longer than the standard five year period, however if an applicant wishes to be considered for a licence with a shorter duration, this request must be put in writing at time of application. These requests will be considered on a case by case basis.

An operator's licence on renewal may be issued for a probationary period determined by the Council less than the standard five years, dependant on the applicant's ability to demonstrate being a fit and proper person. Items that could be considered would include, criminal record, references, past allegations, record of compliance with the conditions, outstanding fees and any other reasonable cause.

#### **~~Disclosure and barring service~~ Basic disclosure check**

The authorised officer can make random checks. This will require a disclosure application form to have been completed and signed by the applicant

#### **Convictions and cautions**

Convictions and cautions will be considered in accordance with the Hackney Carriage and Private Hire Policy.

In order to ensure protection of the public an operator must ensure disclosure to a relevant officer within 72 hours in writing if they are arrested, cautioned or convicted of any offence during the period of their licence. Should knowledge of any offences be withheld, this could reflect on a person fitness to be a Private Hire Operator and may lead to a licence being suspended. If the operator licence is held by a company or partnership, the requirements of this section apply equally to all directors and partners.

#### **Record of bookings**

The record required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept on a prescribed booking pad, provided at nominal cost by the Council, or on a spreadsheet provided by the Council, or on a nationally recognised piece of computer software. This software must be capable of providing the information listed below. The entries must be numbered consecutively, and

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no pages should be removed. The operator shall enter the required information for each booking invited or accepted by him, before the commencement of each journey.

- The time and date of the booking
- The name and address of the hirer
- How the booking was made (i.e. by telephone, personal call etc.)
- The time of pick-up
- The point of pick-up
- The destination
- The time at which a driver was allocated to the booking
- The name of the driver and the registration number of the vehicle allocated for the booking.
- Remarks (including details of any sub-contract).

All records kept by the operator shall be preserved for a period of not less than 18 months following the date of the last entry. In the case of computer records the entries must be capable of being printed on demand at the request of a Police officer or the licensing officer. All records must be available for inspection and copying if required by licensing officer or Police officer.

### Standard of service

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-

- (a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.
- (b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
- (c) Ensure that any waiting area provided by the operator has adequate seating facilities
- (d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

**NB: Planning approval, where required, must be obtained for any premises used for operating a Private Hire business**

### Complaints

The operator shall notify the Council in writing within 72 hours of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any) which the operator has taken or proposes to take in respect thereof.

### Address

The operator must live or maintain an office within the Chiltern District Council area for the period of the licence. The operator shall within 7 days, notify the

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Council in writing of any change of address during the period of the licence. A further application will be required for the new premises. Any premises used solely for work purposes are required to be smoke free.

### **Conduct**

The operator of a private hire vehicle shall not by calling out or otherwise importune any person to hire such vehicle and shall not make use of the services of any other person for that purpose.

### **Record of vehicles etc.**

In accordance with the provisions of Section 56(3) of the 1976 Act the operator shall keep a record in a bound volume of all private hire vehicles operated by him and such record shall include the following particulars:

- The registration mark of each vehicle
- The make of the vehicle
- The name and address
- The names, addresses and drivers licence numbers of drivers driving the vehicles
- Details of any radio call sign used

Such records shall be retained for a period of 18 months, and shall not be destroyed or otherwise disposed of before the expiry of such period without the previous written consent of the Council.

### **Fares and fare table**

The operator upon request shall agree the fare for a journey booked, or provide an estimate of the fare, or explain that the journey will be metered.

Should the operator dispatch a vehicle with a taximeter, they shall ensure that the meter is calibrated to the tariff of fares published by Chiltern District Council, and that the published table of fares is clearly displayed in the vehicle. The operator shall ensure that the fare for such bookings does not exceed the rate on the meter.

### **CCTV in vehicles**

The operator shall ensure that they retain a copy of the CCTV authorisation certificate from Chiltern District Council for any vehicle containing a CCTV system. No vehicle is to contain facilities to record visual or audio sources without the vehicle licence holder holding a certificate of authorisation from the Council.

### **Operator to hold drivers licences**

Before the operator permits or employs another person to drive a licensed private hire vehicle, he shall have retained a copy of the driver's private hire drivers licence. This shall be retained until such time as the driver ceases to be permitted or employed to drive the vehicle. On cessation of service or employment the licensee shall return the private hire drivers licence to the driver.

The licensee/proprietor must also ensure the driver holds a current drivers licence in respect of the number of passengers authorised on the vehicle licence/plate.

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The operator shall notify the Council within 7 days of the details of any driver no longer working for them.

### Disposal and acquisition of vehicles

When an operator ceases to operate a particular vehicle, or begins to operate a new vehicle they shall inform the Council in writing as soon as possible but not later than within 7 days of such fact.

### Condition of vehicle

The operator shall ensure that any private hire vehicle operated by him (regardless of who owns the vehicle or holds the vehicle licence) is maintained in the condition required by the private hire vehicle licensing conditions or hackney carriage vehicle licensing conditions. The operator will ensure the vehicle is maintained in a suitable mechanical condition, safe, comfortable, clean and presentable and that the external licence plate and internal licence disc provided by the Council is affixed to the vehicle in such a manner and position as shall be prescribed by the Council.

### Compliance with legislation

Operators, where applicable, ~~will~~must comply with the provisions of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, the byelaws made in respect of hackney carriages and conditions relating to the private hire drivers licence. They shall also ensure ~~Also~~ compliance with Section 37 of the Disability Discrimination Act 1995 and the Equality Act (2010) in respect of assistance dogs.

### Smoking

Operators must ensure that all vehicles dispatched by them display appropriate signage inside the vehicle in accordance with the Health Act 2006.

~~An~~The Council requires that an international no-smoking symbol at least 70mm in diameter must be displayed in the front passenger window or on the dashboard, and in the rear passenger window. The signs must be clearly visible from inside and outside of the vehicle.

### Insurance

The licensee shall ensure that any vehicle they dispatch is covered by valid insurance for the purposes of private hire, and shall ensure that they do not act in any way which might invalidate the insurance.

The licensee shall where applicable maintain and provide evidence of employer's liability insurance upon request in accordance with the Employer's Liability Compulsory Insurance Act 1969.

In the case where members of the public have access to the operating centre, the licensee shall maintain and provide evidence of public liability insurance upon request.

### Appeals procedure

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Any person aggrieved by any conditions specified in this licence may appeal to the  
| Magistrate's Court within 21 days of a decision being made.

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**Summary table of responses**

| <b>Issue</b>   | <b>No. of responses raised in.</b> | <b>Response</b>   | <b>Officer view</b>  | <b>Page of Policy affected</b>                                 |
|--|------------------------------------|---|--|--|
| Penalty Points Scheme  | 1                                  | Concern that change from cards to points is confusing and difficult to understand for drivers   | The use of points against a Hackney/Private Hire driver's licence is considered to be easier to understand than amber and red cards as it follows the DVLA scheme more closely.  | No change made   |
| Penalty Points Scheme  | 1 (CTDA)                           | Felt that penalty point system is a 'sneaky way to attack' drivers and a use of 'tyranny' which is 'outrageous'   | The Penalty point system is similar to what already exists in the warning cards. It is a transparent way to ensure an even and fair approach when tackling offences committed by drivers. Drivers complying with the law and the conditions that they agree to when licensed will not be affected by this system.  | No change made   |
| Penalty Points Scheme  | 1 (CTDA)                           | Request for clarification as to what 'unattended' means in policy   | This is important as there is misconception from the trade that 'unattended' means any time that the driver is not sitting in the car ready to drive. The Council aims to be reasonable in its application of this scheme and considers 'unattended' to be when a driver is not available at the time that a customer wishes to hire them.   | 43   |
| Fire extinguisher  | 1 (CTDA)                           | Not felt necessary to have in car as advice is not to tackle fires  | Will check with Bucks Fire and Rescue with regards to view on this and report at Committee   | No change made prior to meeting, advice being sought from BF&R |
| Drivers required to take a driving test to increase from 4 passengers to 8 | 1(CTDA)                            | Some of the drivers that have been licensed for a long time can only transport 4 passengers, unless they pass a further driving test. All drivers should be able to transport 8 passengers. | A specialist driving test was introduced as part of the policy previously, and remains in the draft policy. Existing drivers did not have to take this test, but are limited to 4 passengers until they take this test (if they choose to do so). The Council could require all existing drivers to pass this test at some point in the same way that all new applicants are required to, but has always chosen to give drivers the option.<br><br>The current policy and draft policy do not make it clear that | 12   |

|                                     |                     |   |   |                |
|-------------------------------------|---------------------|---|---|----------------|
|                                     |                     |   | existing drivers who have not passed this sort of test must do so to be given a badge allowing them to transport up to 8 passengers, this has now been clarified in the draft policy.                             |                |
| Window tints                        | 2 (1 CTDA meeting)  | View from trade that many of the vehicles that make good licensed vehicles have factory fitted tints that are higher than the draft policy permits<br><br>Slough Borough Council advises that they are looking at permitting factory made tints | Detailed in main Report   | No change made |
| Door stickers                       | 7 (2 CTDA meetings) | Detailed in main report   | Detailed in main report   | No change made |
| Racial abuse                        | 2 (CTDA meetings)   | No mention of this in policy  | Police investigate such offences, but the licensing authority does not condone such behaviour and will support drivers when this appears to be the case. The policy will advise on the Hate Crime contact details | 11             |
| Slough Borough Council suggestions: | 1                   | Amend the section about sexual conversation to include by phone etc.  | To include any communication of a sexual nature with a passenger  | 13,51,66       |
| Changes at DVSA                     | 1                   | Notification received that the DVSA are no longer providing taxi driver assessments after 31 December 2016  | Other providers are available such as charities. The policy wording has been widened so that it is future proof in this area.   | 12,46          |
| Vehicle age policy objections       | 7 (inc 2x CTDA)     | Detailed in main report   | Detailed in main report   | No change      |
| Vehicle age impact on pollution     | 1                   | The MOT which all vehicles are required to have, will ensure that the exhaust emissions of carbon monoxide and hydrocarbons fall within the legal limit. Older, high mileage and un-serviced vehicles pollute more                              | Options provided in main report   | No change made |

|  |          |  |   |  |
|--|----------|--|---|--|
| Idling policy                                | 1        | Vehicles left idling for sustained periods is bad for the environment.   | Advisory note for drivers added to policy. Policy to require no idling on the rank.   | 18   |
| Future changes to Vehicle taxation bands     | 1        |  | Need to review the discount to ensure remains relevant, but this will need to be done once the details of the new bands are finalised.  | No change at this time.                                      |
| Conversion of some parts to appendix         | 1        | Suggestion to separate condition sections at the end of the document into numbered appendices  | Appendix still forms part of the policy, but this may make the policy more manageable for readers as some sections won't apply to them. Suggested to separate sections once all changes complete.   | Changes to be made once contents of draft policy is approved |
| PATs training                                | 1        | Passenger Assistance Training (PATs) is in the current policy, but challenges finding a supplier of this training had prevented it from being implemented as a requirement. Respondent is a trainer and concerned that this is not in revised policy | Whilst the PATs training is no longer specified in the policy, due to challenges seeking to establish this, 'Mandatory training' is mentioned. This could be considered as mandatory training for drivers if considered necessary, rather than being mentioned specifically, which would avoid potential issues if the Council is unable to arrange such training.                        | No change made   |
| Central legislation compared to local policy | 1 (CTDA) | View that central government legislation (law) is sufficient and what the Council is doing is 'unlawful and discriminatory' The taxi drivers will complain to the local government ombudsman if policy is agreed. Request to scrap entire policy.    | It is normal practice for Councils to have policies which must be followed by licensees in addition to compliance with the law. Policies help to ensure that the Council is meeting its responsibilities' as detailed in the legislation, and also assist applicants and licensees to understand how the Council conducts itself and makes decisions in regards to this licensing regime. | No change made   |



## Consultation Responses

### Response 1

Dear Nathan,

Please forgive me but I am convalescing at home after an accident and am unable to join you all for the meeting this morning. That being said I met with representatives of the taxi association on Friday.

Following those discussion I felt it was sensible to just clarify their areas of concern:

a) the use of adhesive stickers on the paintwork of their taxi cabs. Their main are of their concern on this point is the effect this has on the discolouration of the paintwork of their car and the effect this has on the resale value of their car or the subsequent need to pay for that area of their car to be resprayed. Is this government legislation that such a sticker needs to be displayed and if it is could not a adhesive window sticker be used that could easily be removed.

b) The age of cars being used by taxi drivers. Is this government legislation that is being enacted on this point? If not and this is the viewpoint of the Council? If so does the Council hold figures which have a list of breakdowns and or accidents that are due to the age of vehicles within Chiltern District or indeed is their a list of complaints from customers over the age of vehicles?

c) The change from the current card system to a point based system. What is the reason for changing from a system which is well understood by drivers to a new one which will be a challenge for drivers to understand?

d) A rise in fares. It appears that fares have not risen for a number of years. During this period of austerity taxi driving like any profession has suffered from the economic downturn and whilst the cost of fuel has fallen would it not be possible to consider a well earned increase in fares for the taxi trade in Chiltern District?

I look forward to you considerations on these issues

### Response 2

hi, it's regarding policy review there's few things example car age after compliance car check by authority members we drivers are not happy.

our taxi asisestion are dealing in our behalf.

thanks

t mehmoood

hcdl 220

### Response 3

Dear Sirs

>

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> Further to my last communication of 11 June 2016, which remains unanswered/ignored, I now will try again to have my objections noted.

>

> 1. "Chiltern Stickers" on the sides of vehicles are objected to. The use of language like Police monitored drivers when they are already subject to regular enhanced CRB checks is overtly racist in today's sensitive political climate. Further, the vehicles are private property and used for private use as well as public: drivers should not have to further bear the repainting costs that stickers will cause. The Council will be held to act ultra vires by the imposition of rules that merely fulfil their "tick box" duties. Respectfully: mark your own dial a ride vehicles which use voluntary drivers in direct competition to fee paying licensed and profession drivers.

>

> 2. The "7 year" age restriction is held to be unreasonable. The Council do not fund these private vehicles and has not increased fares in over 4 years: when since the costs of fuel/Maintainance/insurance and even the own councils Licencing fees have unreasonable and mercilessly risen over the RPI index.

>

> 3. The "points system" is flawed from concept due to the fact that the council, whilst they cannot impose unfair and unreasonable policy, cannot further use the points system as an implementation method to punitively target drivers.

>

> I await your comments with interest.

>

> Kind Regards

> Taxi-Booking.co.uk

> 07770 24 7 365

#### **Response 4**

Looks good.

May wish to have page 43 onwards as appendices....

Ben

#### **Response 5**

Nathan

Nice meeting you yesterday and I have now gone through your revised policy document.

In relation to the condition on no sexual dialogue/contact, Slough are revising the current wording due to a number of complaints where drivers have been contacting female passengers by phone making unwarranted sexual demands and comments. You may wish to consider replacing the current wording as follows:

*"Licensed drivers may not initiate or engage in any dialogue of a sexual nature with a passenger, including by telephone contact, social media, email or any other form of*

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*communication. Licensed drivers are not permitted to become involved sexually or have sexual contact, even with consent, with a passenger whilst on duty or in a licensed vehicle"*

Tinted window policy - We are again revising our policy on this. The original policy on tinted windows was approved in 2012 however since that time a greater number vehicles that fit the criteria for being licensed by Slough Borough Council now have standard manufactured tinted glass that does not comply with the current policy.

In light of this the Council are minded of the additional costs and inconvenience to licence holders associated with changing the glass to comply with the current policy. The amend policy is as follows, which you wish consider:

**Proposed Revised 2016 Policy**

- . Light Transmission through the **windscreen** must be at least 75%
- . Light through **both front side windows** must be at least 70%
- . All other windows including the rear windscreen must be fitted with the standard manufactured glass regardless of the darkness of the tint
- . After being licensed vehicles must not have additional tinted windows fitted that were not fitted at the time of being licensed
- . Any tinted film fitted on any windows before or after being licensed must be removed.

In addition you may wish to consider, if you have not already got this in place, the attached Declarations document.

Hope this assists.

Mick

**Mick Sims**

Licensing Manager

Slough Borough Council

[Michael.sims@slough.gov.uk](mailto:Michael.sims@slough.gov.uk)

[Michael.sims@slough.gcsx.gov.uk](mailto:Michael.sims@slough.gcsx.gov.uk)

Tel: 01753 477387

[www.slough.gov.uk](http://www.slough.gov.uk)

**Response 6**

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Hello

We have spoken over the past few months about your Hackney Carriage and Private Hire policy. The previous policy had reference to all drivers having to have a PATS qualification and you said that you hadn't enforced it because you couldn't find a provider.

It is a worry that you have taken this out of the proposed new policy. Is there a reason for this? We work for both local authorities, Schools and private companies including large Care Home chains and I can tell you now that the inconsistency of individuals transporting wheelchair users is stark.

Is there to be any checks on practices and procedures?

If you would like any help or advice in this very important area please do not hesitate to contact me.

Kind regards

Russell Hill

Head of Training and Development

Chiltern Development Training Ltd

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## **Response 7**

I am not at all happy about your proposals to limit the age of CDC's Taxis to a maximum of 12 years.

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My Taxi is over this age and at my age of 69 years had intended to work until I or the car wear out. The car is well maintained, clean and I always aim to drive in a professional and courteous manner.

I have been a loyal local CDC Taxi Driver for 30 years, when Bob Wilson first accepted my application. CDC is not showing me any loyalty.

There are more than enough rules and regulations about interior and exterior condition, etc of Taxis. Does it matter if my registration is RK03 NCA or RK13 NCA?

I suggest you scrap this proposal as it was scrapped when last proposed, some 12/13 years ago.

John Woolley

### **Response 8**

Dear Mr March

*Please can you call Raja Umar Hayyat who is the Secretary of Chiltern Taxi Association on [07827297860](tel:07827297860) or [rajaumar@hotmail.co.uk](mailto:rajaumar@hotmail.co.uk) look forward to hearing from you shortly.*

Regards

On 27 Jul 2016, at 09:24, Nathan March <[NMarch@chiltern.gov.uk](mailto:NMarch@chiltern.gov.uk)> wrote:

Dear Sir,

Thank you for your response, as advised in my previous emails, your concerns will be raised with the L&R Committee following the end of the consultation.

I would like to discuss the meeting options available, but need you to provide a contact number in order to do so

*The Council is seeking feedback from customers with regards to its services, a short survey can be completed at: <http://www.smartsurvey.co.uk/s/healthycommunities/>*

Regards

Nathan March

Licensing Manager

**From:** Rmrag [<mailto:rmrag@hotmail.com>]

Dear Mr March,

Thank you, I appreciate that my responses will be part of the consultation.

**In your email you stated**

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*"Unfortunately I am unable to address the issues that you raise in relation to events which you refer to in 2010, as nationally government is seeking to ensure that policies and procedures have been revised and are fit for purpose."* However in your email to me dated 20th July 2016 *" I am sorry that you feel that your contact with the licensing team with regards to stickers has been ignored, however this is not the case and this issue has been discussed at meetings held between the Council and Trade representatives. Door stickers are currently required by the existing policy and at that meeting the Trade representatives attending were advised that the policy was being reviewed and would soon be out to consultation, so this would be the most appropriate time for such concerns to be raised and considered by the Council."* **As you will note Mr March you are contradicting yourself as I evaluated your procedure of implementing the door sticker policy based on your comment above. It appears that the correct procedure was not followed when this policy was implemented and the Taxi Association will be taking this matter further. I have noted the contents of your email today and realise there is no reason for me to divulge all of our concerns in this email as you stated you are unable to address the issue.**

**The door stickers are included in the current consultation so technically the complete issue is applicable especially if the policy was enforced incorrectly. Thus I believe you are correct this policy is not 'fit for purpose'.**

**Further you state :** *"The link you provide is to the licensing and Regulation Committee Report which introduced the proposed draft policy, and is now the subject of consultation. The minutes of the meeting and decisions made can be found on the following link <https://isa.chiltern.gov.uk/democracy/documents/g3301/Printed%20minutes%2028th-Jun-2016%2018.30%20Licensing%20Regulation%20Committee.pdf?T=1>. It is important to note that it is the draft Chiltern District Council Hackney Carriage and Private Hire Policy that is being consulted on and not the report to the committee."* **Surely you can understand that if majority of the committee has a bias agenda and the issues raised in the meeting are considered by those in authority who are not impartial and allow for these policies to be enforced their actions become illegal and this behaviour shows abuse of power.**

**In your email you advised that** *"I do not support your suggestion that the policy discriminates against the Asian community. There is no reference within the policy to organised crime such as what has been seen in Rotherham and other areas being an issue that solely relates to Asian members of the trade"* **however the policy report consultation does in fact refer to these incidents which are clearly stated in 3.6 and 4.2 and as such it is clear that the Asian drivers are indeed being targeted by the council new polices.**

**Further you have said that** *"All Councils have had clear direction from Government through its Modern Crime Prevention Strategy of the risks that the licence vehicle trade poses through not applying a rigorous 'Fit and Proper Persons' test. It is clear from current guidance that the hackney carriage and private hire trade presents a potential risk to vulnerable passengers of all ages and that the Council must ensure that its policies and procedures supports the delivering of its safeguarding responsibilities."* **The council already carried out fit for purpose checks by carrying out CRB checks, ensuring medicals are submitted, vehicles tests and reference checks these are existing policies that were sufficient if the council. Through your tone in your email you are employed in the licensing team and it appears that even you do not think much of the drivers characters it is disheartening to know that as a licensing officer you have no sympathy with the law abiding driver who simply would like to make an honest living. Further just filling out boxes stating your ethnic minority does not mean that you and your team are treating**

**the minorities in an equal matter this is reflected in your policy and decision making process.**

**I objected to the trade representatives as I do not believe that those people actually represent the trade as such I would reinforce that the council hold an open meeting to which all drivers are invited to, in order for these matters to be discussed openly and objectively.**

**Yours faithfully**

CTA Executive Member Riz

We await your response.

HCL102, HCL025, HCL005, HCL130, HCL055, HCL019, HCL009, HCL098, HCL028, HCL100, HCL117, HCL111, HCL061, HCL044, HCL036, HCL107, HCL074, HCL018, HCL011, HCL019, HCL096, HCL0135, HCL037, HCL035, HCL082, HCL110, HCL131, HCL151, HCL017, HCL027, HCL047, HCL052, HCL021, HCL126, HCL138, HCL129, HCL087, HCL066, HCL142, HCL038, HCL053, HCL106, HCL119, HCL006, HCL090, HCL037, HCL056, HCL137, HCL032, HCL064, HCL091, HCL060, HCL033, HCL133

On 22 Jul 2016, at 08:49, Nathan March <[NMarch@chiltern.gov.uk](mailto:NMarch@chiltern.gov.uk)> wrote:

Dear Sir,

Thank you for your further response which will also be included as part of the responses received to the consultation.

Unfortunately I am unable to address the issues that you raise in relation to events which you refer to in 2010, as nationally government is seeking to ensure that policies and procedures have been revised and are fit for purpose.

I can therefore only advise you with regards to the draft Chiltern District Council Hackney Carriage and Private Hire Policy which is the subject of public consultation.

Separately I can advise you of the current policy requirements in relation to matter raised but will keep these apart for the purposes of clarity.

The link you provide is to the licensing and Regulation Committee Report which introduced the proposed draft policy, and is now the subject of consultation. The minutes of the meeting and decisions made can be found on the following link <https://isa.chiltern.gov.uk/democracy/documents/g3301/Printed%20minutes%2028th-Jun-2016%2018.30%20Licensing%20Regulation%20Committee.pdf?T=1>. It is important to note that it is the draft Chiltern District Council Hackney Carriage and Private Hire Policy that is being consulted on and not the report to the committee.

Your points labelled 1. and 2. below are matters that are contained in both the existing policy and the new draft policy, and does not represent a change. Although there are some adjustments to the regularity of these checks and the process for them to be carried out which you may wish to comment upon.

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I do not support your suggestion that the policy discriminates against the Asian community. There is no reference within the policy to organised crime such as what has been seen in Rotherham and other areas being an issue that solely relates to Asian members of the trade.

All Councils have had clear direction from Government through its Modern Crime Prevention Strategy of the risks that the licenced vehicle trade poses through not applying a rigorous 'Fit and Proper Persons' test. It is clear from current guidance that the hackney carriage and private hire trade presents a potential risk to vulnerable passengers of all ages and that the Council must ensure that its policies and procedures supports the delivering of its safeguarding responsibilities.

In doing so, the draft Hackney Carriage and Private Hire Policy places obligations on every licenced individual or applicant to demonstrate that they are a 'fit and proper person' to hold a licence. An Equalities Impact Assessment has been carried out against the draft policy to ensure that an individual or group of individuals are not treated any less favourably or put at a disadvantage due to their protected characteristics.

With regards to the meeting that you refer to, I have organised a meeting recently with the trade reps and the Licensing Chairmen of both Chiltern and South Bucks District Councils, and intend to arrange drop in style meetings for licensees who have concerns about the draft policy shortly, I am also seeking to organise a taxi forum which will involve the trade, highways, councils and police in the first instance. However, I would like to call you to discuss this further as I am not clear what style of meeting you are seeking to arrange.

Please can you confirm your full name and badge number and I will contact you using the contact details in your record.

*The Council is seeking feedback from customers with regards to its services, a short survey can be completed at: <http://www.smartsurvey.co.uk/s/healthycommunities/>*

Regards

Nathan March

Licensing Manager

**From:** Rmrag [<mailto:rmrag@hotmail.com>]

**Sent:** 21 July 2016 11:14

Dear Mr March

Thank you for your email in response to my email dated 18th July 2016.

I have read your email and note its contents which has left me bewildered as what you have stated in your email does not actually reflect what you have said and done in the Licensing and Regulation Committee. Further Stuart Broom also had a similar agenda as the present licensing team which is reiterated in the minutes of the meeting between the Licensing Department and the Chiltern Drivers Association on 4th March 2010.

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In your email dated 19th July 2016 you state that the 'Door Stickers' matter was discussed at a meeting with Trade Representatives. I note that a meeting had taken place on 4th March 2010 and the Trade Representatives were Mr Chris Dell who is a Private Hire Operator who is now retired; Mr Chris Gilbert who is also a Private Hire Operator and Mr Jim Tilbury who was a driver. I am surprised that only three people attended as Trade representatives and two of them are Private Hire Operators and none are from ethnic minorities or represent them in any way. I am sure you can appreciate my dilemma in understanding that how can two Private Hire Operators represent the ordinary drivers as the Private Hire Operators are only interested in profit and furthering their own organisation at the expense of drivers. Hence I would have preferred to see a person from the ethnic community and several drivers attend this meeting as the policy actually affects the driver's and not the Private Hire Operators as they will not hold an impartial viewpoint.

In the same meeting Stuart explained how they want to use the door stickers to emphasis the Council working with Thames Valley Police in fighting crime and anti-social behaviour. Firstly there is no need to have that on our private vehicle and other media should be used to spread this message. Further Stuart states that this will strengthen the image of the trade but I beg to differ as this only implicates the trade workers that the Council and Police are working together by keeping an eye on the Driver's surely this is a negative reflection of the trade workers.

In the sixth paragraph of the meetings minutes Stuart propose that the signs will include the Private Hire Operators Company name, number and website details as such the two Private Hire Operator attendees agreed to the idea of the stickers as they were being provided with free compulsory advertising. This reiterates that the Private Hire Operators were not impartial and clearly were not attending the meeting as representatives of the Trade. This was an immaculate business deal at the expense of hard working drivers who are being shunned by those who have been put in a position of authority.

Further in response to the committee minutes ( <https://isa.chiltern.gov.uk/democracy/documents/s32864/CDC%20Report%20on%20policy%20review%20-%20final.pdf> )

please note as follows:-

1. In reference to paragraph 3.2 the existing policy already asks all drivers to be CRB checked and declare any criminal activity as such the public are protected as long as these checks are carried out by the Council. Also all vehicles have to be approved by for compliance by a mechanic nominated by the Council as well as having sufficient MOT thus this is ample protection for the public.
2. In regards to paragraph 3.3 the existing policy already requires a full medical examination of the driver and this examination report is carried out by a GP who is independent expert who charges the driver to carry out such an examination.
3. In reference to the accusations made in paragraph 3.6 whereby all Asian men are seen as 'groomers', paedophiles and sex offenders is disgusting, offending and discriminatory. The paragraph refers to the incidents that took place Rotherham and Oxfordshire. It is not just for the council representatives to punish and victimise and make life difficult and create unbearable working situation for the drivers in retaliation to the incidents that took place outside our county. The crimes

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of a few individuals should not reflect the whole driver community (ethnic minority community to which the council is subtly referring too.) I am also disgusted at the criminal activity that took place in Rotherham and Oxfordshire and this has also happened in Manchester and Yorkshire. However this is not the only crime that a minority of the driver community have committed but it is surprising that the council is emphasising this even more. Further I believe that providing courses and refresher conferences is a positive approach however the manner in which the councils carrying out these is highly discriminatory and appears to be targeting Asian men not all Asian men are criminals that need to be watched by 'big brother'.

In support of my submission that the council is victimising the Asian drivers and behaving in a discriminatory way please refer yourself to this article published in the guardian newspaper: (<https://www.theguardian.com/uk/2013/may/14/child-grooming-sexual-abuse-race>) perhaps the council may refrain itself from reading the daily mail too often. This article clearly states that legally white men have committed these offences far more than Asian men but alas it is the Asian names that get highlighted in the media as fear-mongering sells. I would like to reiterate the fact of discrimination by providing you with the example of Jimmy Saville who was a celebrity working with vulnerable people who he abused over his long career and was convicted as a result of his conviction other individuals are being investigated but no minority is being targeted are being asked to attend courses etc. it is sad to see that this attitude is reserved for the infamous minorities.

I consider the above points to be despicable reasons for your policies to be implemented and creating a point system as a sneaky way to attack your drivers to show your use of tyranny is outrageous.

Furthermore the open meeting should be scheduled as soon as possible and include the CTA as previously request was made to **Jonathan Rush esq**, this was also reiterated in my first email. I await your response for a meeting to be scheduled as this matter should not be overlooked

**Yours faithfully**

**CTA Executive Member Riz**

We await your response.

**HCL102, HCL025, HCL005, HCL130, HCL055, HCL019, HCL009, HCL098, HCL028, HCL100, HCL117, HCL111, HCL061, HCL044, HCL036, HCL107, HCL074, HCL018, HCL011, HCL019, HCL096, HCL0135, HCL037, HCL035, HCL082, HCL110, HCL131, HCL151, HCL017, HCL027, HCL047, HCL052, HCL021, HCL126, HCL138, HCL129, HCL087, HCL066, HCL142, HCL038, HCL053, HCL106, HCL119, HCL006, HCL090, HCL037, HCL056, HCL137, HCL032, HCL064, HCL091, HCL060, HCL033**

On 19 Jul 2016, at 08:56, Nathan March <[NMarch@chiltern.gov.uk](mailto:NMarch@chiltern.gov.uk)> wrote:

Dear Sir,

Thank you for your response to our consultation on the draft new Hackney Carriage and Private Hire Policy. This will be provided to the Licensing and Regulation Committee for full consideration together with any other responses received by the Council during the consultation period, so that the Council can take your views into account as part of the process of finalising the new policy.

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I am sorry that you feel that your contact with the licensing team with regards to stickers has been ignored, however this is not the case and this issue has been discussed at meetings held between the Council and Trade representatives. Door stickers are currently required by the existing policy and at that meeting the Trade representatives attending were advised that the policy was being reviewed and would soon be out to consultation, so this would be the most appropriate time for such concerns to be raised and considered by the Council.

With regards to the taxi fares, a report has recently been provided to the Licensing and Regulation Committee following a request from the CTA to raise these. I have advised the representatives of the CTA that unfortunately the Committee felt that there was not sufficient information provided in the request for the raise to be considered and therefore more information has been requested. Report available at

<https://isa.chiltern.gov.uk/democracy/ieListDocuments.aspx?CId=120&MIId=3301&Ver=4>

If there are issues that you would like to be picked up outside of the consultation please feel free to contact me further on those specifically so that I can assist if possible.

*The Council is seeking feedback from customers with regards to its services, a short survey can be completed at: <http://www.smartsurvey.co.uk/s/healthycommunities/>*

Regards

Nathan March

Licensing Manager

**From:** Rmrag [<mailto:rmrag@hotmail.com>]

**Sent:** 18 July 2016 11:17

Dear Sirs

I am writing in response to your letter regarding the new policy consultation.

Firstly I would like to state that I am astonished about the way in which the council's licencing team is attempting to impose several of the policies which majority of the private hire and hackney carriage drivers have opposed previously, mainly the 'Chiltern stickers' (page 17) as you refer to them in your policy consultation.

I am sure you are aware several emails were sent to the Licensing team opposing the 'Chiltern sticker' scheme to which the Licensing team failed to respond, as a matter of evidence an automated acknowledgement email was returned to the emails as such we note that the Licensing team did receive them and just did not bother responding and instead it appears that they rather impose there policies on the drivers as the licensing team has failed to show any form of mutual communication with any of the people opposing there policies.

The new signs that the Chiltern District Council Licensing team is handing out to drivers to display on taxis are not acceptable to the drivers and a petition was signed and sent to the council. As you are

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aware the signs state "Chiltern District Council working together with Thames Valley Police". There is no need for this statement to be advertised on an individual's private vehicle. The vehicle is the property of the owner and not the council licensing team. It should be a decision for the owner of the vehicle if they would like to have these signs on their vehicles and not the council to impose this.

It is an unreasonable demand of the Council's Licensing team to have the above mentioned sign displayed on our cars, what is the Council's reasoning for having this sign displayed on our vehicles – to inform the public and users of the taxis that Thames Valley Police is monitoring them. This is ridiculous as a British citizen and a person eligible to work in the UK and every other driver will be subject to adhere by the English Legal System. Thus is there any need for the sign or is it the Council's decision to single the drivers out hence this will be a discriminatory act as I am sure the council is aware that the large majority of the taxi drivers it has issued licences to is of ethnic minorities. Further emphasis should be given to the fact that Brexit has seen an increase of hate crime and the drivers need to be protected just as much as the public.

As the Council is well aware that 99% of Licence holders are of ethnic minorities, mostly British Pakistani. Many drivers feel that they are being victimised and targeted by the Council and made to feel as they have done something wrong and will be monitored and the signs are there to remind the driver and the general public that be careful this individual is being closely watched by the Thames Valley Police.

These are unnecessary measures that the council is taking not only it is hostile but also offensive. As the Council is aware that each driver has a thorough CRB check carried out and every year the Licences are renewed the individual driver has to declare any criminal activities. I further advance the notion that there is no need for the display signs and the point system as the council already takes the appropriate steps to ensure the driver is suitable to hold the Licence in the first place.

Furthermore the Council has not taken any responsibility for the damage the Chiltern stickers will cause to the paintwork of the car once the permanent stickers are removed from the vehicle. The council has not advised if they will be reimbursing the vehicle owner's for the damage caused to the paintwork. This is a paramount issue as this will be an additional cost to the vehicle owner and another costly burden.

We also oppose the 7 year old car rule, please note that the fare charge is still the same and has not been increased although petrol and diesel costs are increasing, as well as insurance premiums and the licence fee charge and the fare charge has remained the same. Cars that are minimum 7 years old are expensive to purchase and unfortunately majority of the drivers are unable to afford this. We provide effortless support to the local community especially to the **elderly** who we help to the door and back and not just a simple drop of service. The licensing team will need to consider all the costs a driver faces and conclude that purchasing new cars is not practical. Even if the car is less than 7 years old the fare price will remain the same, it is unfortunate that the government would like us to drive greener cars but it would be only practical if the greener cars were more affordable.

Finally the issue of the new point system is also unfair and unjust as the licensing team is using this as a way to target the drivers. The system allows for the licensing team to impose their policies and allow drivers to be suspended as a result of faulting the points system. This system will effect the

livelihoods of people and the licensing team will be responsible for this as a result of the points system.

The drivers feel that certain incidents that took place in Milton Keynes are being used as an example and the Chiltern drivers are being punished and discriminated for it. The laws that are passed by parliament and embedded by statute are sufficient enough to govern the profession of taxi drivers and what the council is doing is unlawful and discriminatory. If the council go ahead with these policies the taxi drivers will complain to the local government ombudsman about these grotesque policies and the lack of communication you have shown as you have not responded to any email including instructions from your honourable chairman **Jonathan Rush** esq.

We suggest that the council scrap these policies and hold an open meeting as requested previously by our secretary of Chiltern taxi association.

**Yours faithfully**

*CTA Executive Member Riz*

We await your response.

**HCL102, HCL025, HCL005, HCL130, HCL055, HCL019, HCL009, HCL098, HCL028, HCL100, HCL117, HCL111, HCL061, HCL044, HCL036, HCL107, HCL074, HCL018, HCL011, HCL019, HCL096, HCL0135, HCL037, HCL035, HCL082, HCL110, HCL131, HCL151, HCL017, HCL027, HCL047, HCL052, HCL021, HCL126, HCL138, HCL129, HCL087, HCL066, HCL142, HCL038, HCL053, HCL106, HCL119, HCL006, HCL090, HCL037, HCL056, HCL137, HCL032, HCL064, HCL091, HCL060, HCL033**



Acting Chief Executive: Bob Smith  
 Directors: Anita Cacchioli (Services) Jim Burness (Resources)  
 Head of Healthy Communities: Martin Holt



**Chiltern**  
 District Council



**South Bucks**  
 District Council

ENVIRONMENTAL HEALTH, SUSTAINABILITY & RESILIENCE

22<sup>nd</sup> August 2016

Dear Licensing Department

### **Response to Hackney Carriage and Private Hire Policy Consultation August 2016**

I have reviewed the above consultation and would make the following comments:

This department supports the objective: “The protection of our local environment”, and the aim: “Encourage the use of low polluting vehicles.

#### **In relation to the “Vehicle age policy” & Reducing Pollution”:**

The MOT which all vehicles are required to have, will ensure that the exhaust emissions of carbon monoxide and hydrocarbons fall within the legal limit.

There are a number of factors that affect the rate at which any vehicle emits air pollutants.

Some of the most important are:

- Vehicle type/size
- **Vehicle age and accumulated mileage**
- Fuel used (petrol, diesel, others)
- Ambient weather conditions (temperature, precipitation, wind)
- Maintenance condition of the vehicle (well maintained, in need of maintenance, presence and condition of pollution control equipment)
- How the vehicle is driven (e.g., long cruising at highway speeds, stop-and-go urban congestion, typical urban mixed driving)

#### **In relation to the vehicle age policy**

Many studies have found that the vehicles that polluted the most tended to be those that were older models, had higher mileage, poorer fuel economy, and were less-well-maintained. Therefore restricting older vehicles is supported.

#### **In relation to reducing pollution:**

South Bucks District Council  
 Capswood, Oxford Road,  
 Denham, Bucks, UB9 4LH  
[Envhealth@southbucks.gov.uk](mailto:Envhealth@southbucks.gov.uk)  
[www.southbucks.gov.uk](http://www.southbucks.gov.uk)

Chiltern District Council  
 King George V House, King George V Road,  
 Amersham, Buckinghamshire HP6 5AW  
[Envhealth@chiltern.gov.uk](mailto:Envhealth@chiltern.gov.uk)  
[www.chiltern.gov.uk](http://www.chiltern.gov.uk)



The policy states: *“The Council will therefore offer a reduction of 50% on vehicle licence fees for any vehicle that falls within band A, B or C for road tax purposes as at the date of the application/renewal”*. The tax system is due to change in 2017, and this policy may wish to reflect this;

#### Current tax system:

Current vehicle VED tax bands:

| CO2 Emissions in g/km (tax band) | First year rate | Annual rate |
|----------------------------------|-----------------|-------------|
| Up to 100 (A)                    | £0              | £0          |
| 101-110 (B)                      | £0              | £20         |
| 111-120 (C)                      | £0              | £30         |
| 121-130 (D)                      | £0              | £110        |
| 131-140 (E)                      | £130            | £130        |
| 141-150 (F)                      | £145            | £145        |
| 151-165 (G)                      | £180            | £180        |
| 166-175 (H)                      | £295            | £205        |
| 176-185 (I)                      | £350            | £225        |
| 186-200 (J)                      | £490            | £265        |
| 201-225 (K)                      | £640            | £290        |
| 226-255 (L)                      | £870            | £490        |
| Over 255 (M)                     | £1,100          | £505        |

#### The new tax system.

The July 8 2015 revisions to the car tax system by George Osborne will continue to tax new vehicles by their CO<sub>2</sub> emissions, but at new rates from 2017 onwards. The VED scheme was revised for 2017 to account for the growing number of tax-exempt cars being purchased.

The new VED bands will apply to all cars registered from 1 April 2017 onwards. A CO<sub>2</sub> based rate will still mandate the first year fee – but only zero emissions vehicles will be exempt from the tax. Cars registered before April 1st 2017 will continue to be taxed under the old system.

South Bucks District Council  
Capswood, Oxford Road,  
Denham, Bucks, UB9 4LH  
[Envhealth@southbucks.gov.uk](mailto:Envhealth@southbucks.gov.uk)  
[www.southbucks.gov.uk](http://www.southbucks.gov.uk)

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[www.chiltern.gov.uk](http://www.chiltern.gov.uk)



After the first year, a flat fee of £140 applies for all vehicles not categorized as zero emissions. The revenue from the revised VED scheme will flow into a new road fund for road repairs and maintenance.

Buyers of cars with a list price above £40,000 will be required to pay an extra £310 every year for the first five years.

#### VED tax bands: April 2017 onwards: table

| VED car tax bands for cars first registered from 2017 onwards |                 |               |
|---|-----------------|---------------|
| Emissions (g/km of CO <sub>2</sub> )                          | First year rate | Standard rate |
| 0   | £0              | £0            |
| 1-50  | £10             | £140          |
| 51-75   | £25             |               |
| 76-90   | £100            |               |
| 91-100  | £120            |               |
| 101-110   | £140            |               |
| 111-130   | £160            |               |
| 131-150   | £200            |               |
| 151-170   | £500            |               |
| 171-190   | £800            |               |
| 191-225   | £1,200          |               |
| 226-255   | £1,700          |               |
| Over 255  | £2,000          |               |
| Cars above £40,000 pay £310 annual supplement for five years  |                 |               |

The incentives for car tax above, relate to CO<sub>2</sub> use. Environmental Health would be supportive of local incentives which promote vehicles with lower emissions of NO<sub>x</sub> and PM<sub>10</sub> (ie petrol cars rather than diesel vehicles).

#### Idling

There does not appear to be any policy relating to idling vehicles.

Idling taxi vehicles are often stopped for greater than 5 minutes while waiting for work. In the process, they burn large amounts of fuel (increasing their own costs, as cars are least efficient while idling) and emit harmful pollutants into the



atmosphere. By instituting a no-idling policy, fuel is saved and less pollutants are emitted into the air, reducing the amount of asthma-inducing particulates in the surrounding air.

### Government Schemes

Unfortunately the 2009 and 2010 scrappage schemes run by the government have not been extended.

Information relating to the Plug in Grant scheme can be found here: <https://www.gov.uk/plug-in-car-van-grants/what-youll-get>

We would strongly recommend that Electric Vehicle incentives be added to the new Hackney Carriage and Private Hire Policy.

Tracy Farrell  
Strategic Environment

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## Minutes of Meetings with the Chiltern Taxi Drivers Association

### Meeting 1

### **Chiltern District Council**

#### **Taxi Trade Meeting to discuss the new CDC Hackney Carriage and Private Hire Policy**

**23<sup>rd</sup> August, 6pm**

**CDC Small Committee Room**

#### **Attendees:**

#### **Taxi Trade [Chiltern Taxi Association]:**

Chiltern District Drivers Association

#### **Chiltern District Council [CDC]:**

Cllr Jonathan Rush (*Chairman of Licensing & Regulation Committee*)

Nathan March (*Licensing Manager*)

Nicola Lowe (*minutes*)

#### **Discussion:**

*Meeting commenced at 6.08pm*

|                           |  |
|---------------------------|--|
| Taxi                      | Thanks for taking the time to hold this open meeting. We feel that the draft policy is unacceptable.   |
| CDC                       | The consultation period ends on 21 <sup>st</sup> September and all comments will be taken into account by the Licensing & Regulation Committee prior to the draft policy being finalised and adopted.  |
| Chiltern Taxi Association | <p><b>1. Sticker Policy</b></p> <p>The Trade is strongly against the stickers. We cannot understand why stickers are needed on private vehicles. The policy is requesting permanent stickers – these are inappropriate as they can damage the vehicle’s paintwork. Also the sticker mentions Thames Valley Police (TVP). A petition was signed by drivers and sent to the Council Licensing team opposing the Sticker policy. There is no need for TVP to be on the signs and further the statement should not be place on the driver’s private vehicle. The statement on the stickers and the fact they state TVP suggest that the drivers are being monitored by the police. This is outrageous as the drivers British citizens and subject to the English System thus there is no need for this signage. This policy singles out the drivers and hence this is a discriminatory act as the council is aware that majority of the drivers are of ethnic minorities. Many of the drivers feel that they are being victimised and targeted by the council and made to feel that they are being monitored by the council and also this creates a negative image in the public’s mind, These are unnecessary measures the council is taking it is hostile and offensive. Further the CRB checks carried out by the council are sufficient and as such there is no need for these stickers.</p> |
| CDC                       | Are you objecting to the words?  |
| Chiltern Taxi             | Yes. We also object to the entire concept of the sticker policy and the reasoning behind it, the fact that permanent stickers should be placed on the drivers private vehicle is unjust  |

|                           |   |
|---------------------------|---|
| Association               | the vehicle is private property of the driver.  |
| CDC                       | The Council can mention TVP, as it is required to work in partnership with them and other agencies. That is why the logos appear on the sticker.  |
| Chiltern Taxi Association | There are two main issues. Firstly we are not keen on the design of the stickers generally. Secondly, drivers feel victimised and that they have done something wrong. We feel that the sticker should not be displayed. You do not see them on buses, police cars etc. or other council vehicles. The mentioning of TVP implies to the public that the police are monitoring the drivers and for this reason the driver finds this offensive and discriminatory. The media already portrays a negative image of Muslim Pakistanis and this will only enhance that image.   |
| CDC                       | The intention is not to make drivers feel victimised.   |
| Chiltern Taxi Association | We feel CRB checks are the right way forward. We feel victimised that the CRB check is not sufficient enough to be granted a licence. Equality Act 2010, Chapter 2 Article 9 mentions indirect discrimination. We feel the draft policy is indirectly discriminating the taxi trade as the consultation report refers to grooming and sexual criminal activities that took place in Rotherham and Oxford- as these incidents were committed by Asian men the use of stickers will highlight to the public that the police is monitoring the drivers to avert them from committing such offences. Majority of the licensed drivers are Pakistani in this area too. Indirect Discrimination can occur when you have a condition, rule, policy or even a practice in your organisation that applies to everyone but particularly disadvantages people who share a protected characteristic. However the fact remains that the drivers have never committed such criminal acts and should not be punished and treated as criminals. The drivers provide an excellent service to the public in the area as this is their livelihood. |
| CDC                       | We can re-assure you that the policy is not discriminatory and is not intended to be so in any way.   |
| Chiltern Taxi Association | The fact that the sticker is permanent is also problematic as once it is removed we will need to re-paint the whole side of the taxi. This is expensive. If the Council are happy to fund the paint work then fine. The council should reimburse the driver if any damage is caused to the driver's private vehicle but the drivers maintain the stance that even if the council agrees to pay the damage to the paintwork of the stickers the drivers oppose the stickers being placed on their vehicles.  |
| Chiltern Taxi Association | <b>2. 7 year old car rule</b><br>This is very expensive for drivers to have to buy such newer cars. There has not been a fare rise for a long time even though fuel prices have been going up. Also insurance premiums have increased year on year.   |
| CDC                       | A request was made about fare increases, which was presented to the licensing committee, petrol prices were the only justification included within the request. This was not enough information to consider whether a rise was appropriate or not. We are currently waiting for more information to present to the committee so they can make an informed decision about whether to agree to the fare increase. The Chiltern Taxi Association has been previously advised of this.  |
| Chiltern Taxi Association | If a customer hires a vehicle, they are not concerned about the state of the car. They are only concerned about going from A – B, so we cannot understand why the policy introduces the 7 year old car rule. You need to look at the customer requirements. They do not moan about the car, rather they moan about the fare. Some neighbouring councils have policies, some don't. The vehicle will always be roadworthy as it has to pass a test. The age of the vehicle and cleanliness of the vehicle are two entirely separate matters. Affordability is the issue. Why introduce the rule? We think you might be doing this to maintain the reputation of the council.   |
| CDC                       | No, we are not doing it to maintain the reputation of the council. We are only concerned about safety. The draft policy reduces the number of compliance tests required if the  |

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|                           | vehicle is new. Would you prefer to have more compliance tests rather than a new vehicle?  |
| Chiltern Taxi Association | Yes, we are pretty much happy at the moment. We have not had any complaints about the vehicles.  |
| CDC                       | The older the vehicle, the harder it is to pick up faults from the compliance test. Passengers are more confident about getting from A to B in a newer car.  |
| Chiltern Taxi Association | We are happy with the current regime at the moment. We feel very strongly about these issues. It is our livelihood. The trade in Chiltern is not great compared to neighbouring districts, such as High Wycombe, as there is no night economy. If we start scrutinising the age of taxis in the area, we can start pointing out the age of other public transport vehicles such as buses etc. Taxis carry 4 passengers, a bus carries 30.  |
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| Chiltern Taxi Association | <b>3. New points system</b><br>We are strongly against it. Please explain why you want to introduce the points system. We feel the vehicle, health of the driver and the CRB check is important.   |
| CDC                       | The points system is not far from the current policy. The aim is to ensure that people are treated fairly. The new points system provides a mechanism where drivers are warned about any issues that have arisen rather than being taken straight to sub-committee. It is much more reasonable e.g. if a driver is caught not wearing a badge, they will only receive 3 points. Points last for 12 months. If a driver accumulates 12 points, the matter will be presented to the Head of Healthy Communities to consider whether action should be taken e.g. suspension of licence, issue presented at sub-committee etc. This is to ensure everyone who has a licence is treated in the same way and can comply with the licence conditions. |
| Chiltern Taxi Association | We feel very strongly against the fact that points are valid for 12 months. It does not take long to build up points. Points will be issued for example if a vehicle is left unattended. However, drivers need to go to the toilet; they need to get a drink etc. Drivers should not be penalised on mundane things and common sense should prevail, it is not always black and white.   |
| CDC                       | Under the points system, a licensing officer will make the decision. However an appeal process will also be in place. Officers approach matters reasonably; being issued points is easily avoidable by complying with the conditions of the licence.   |
| Chiltern Taxi Association | We are happy with the current coloured card system. What if the police advise the Council that they have fined a driver, will the Council issue points and further punish the driver?  |
| CDC                       | Points will not be issued twice for the same penalty. For example, if the police issued the driver with a PCN (penalty charge notice), the council will not replicate the charge. The points work as a warning.  |
| Chiltern Taxi Association | We are more concerned about the length of time that the points are valid for (12 months). This is our livelihood, our living – please take this into consideration. The association has 400 members. Drivers do not have the time to read and understand the document. Once the policy comes into force, drivers will lose their jobs. Everyone is against the points system.  |
| CDC                       | With the knowledge we have of the current system, it would be very unusual for drivers to accumulate so many points over a 12 month period that it becomes an issue for them and therefore unlikely that it would cause an issue for livelihood. If 12 points were issued, and a driver's livelihood was at stake, there would need to be strong justification for revocation of the licence.  |
| Chiltern Taxi Association | The policy also states that we should be using the radio when parked up and stationary. But, when driving between A and B, drivers need to use the radio. If we just stop at the side of the road, then we get customers complaining about higher fares. We also feel officers do not investigate the case properly, rather they just warn the driver.   |

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| CDC                       | This is simply untrue and we dispute this. If we receive a report then we will speak to the driver and find out their version of events. We make sure we receive all the information first before making an informed decision. Also, the Council would expect all drivers to be aware of the conditions they are working under. To say that a driver has not read the policy because it is too long is not an excuse for not complying with the conditions of the licence.  |
| Chiltern Taxi Association | Cannot expect everyone to read 95 pages.  |
| CDC                       | The Council has to comply with government regulations.  |
| CDC                       | <b>4. Bulfinch Report</b><br>Stickers have been in existence prior to these cases. It is positive news that the association is keen to recognise that mandatory training is needed. Internally the licensing team are constantly reviewing licensing policies. The policy applies to all drivers regardless of race. The work we do internally is constantly being reviewed and improvements are made when they are identified  |
| Chiltern Taxi Association | We are already carrying out compliance tests and MOT's why should drivers have to pay for further compliance tests if required to have these by the Council. The Bullfinch Report has never suggested that stickers are needed or necessary – Oxford Council has not implemented this. The Bullfinch Report Has highlighted the following three points: <ol style="list-style-type: none"> <li>1. A single high quality standard of vetting applicants;</li> <li>2. Information sharing protocol between Districts and County Councils; and</li> <li>3. Safeguarding Awareness and Training for all licensed drivers.</li> </ol> These findings are for the council licensing team and what they need to be doing internally in the department. All the drivers are happy to attend courses and earlier this year the drivers did attend a training course. The Bullfinch report does not state anywhere that the councils should make the public aware that they are working with police and place this statement on stickers. |
| CDC                       | Not all vehicles are required to undertake the 3 tests. We would generally do the inspection ourselves – they are all business costs and the council expects licence holders to meet the costs of this when required.   |
| Chiltern Taxi Association | Who drafts the policy?  |
| CDC                       | The policy is drafted by Nathan March, the Licensing Manager. It is then checked by other members of the Council's licensing team. It is also checked by the Legal team and the Head of Service. The draft is then presented to the Licensing & Regulation Committee who makes the decision as to whether the policy goes out to consultation. Following the responses from the consultation period, the committee then make the decision as to whether the draft policy is accepted.   |
|                           | <i>It was agreed that the Chairman of the Licensing and Regulation Committee, Cllr Jonathan Rush, will invite members of the Chiltern District Drivers Association to attend the next committee meeting.</i>  |
| Chiltern Taxi Association | The draft policy states that the licensing policy was last reviewed in February 2014. However, we last attended meetings in 2010.   |
| CDC                       | Meetings did take place in 2014 and members of the Chiltern District Drivers Association did attend. There have been concerns of historical problems with the minutes from the meetings.  |
| Chiltern Taxi             | We feel like we have to go through the consultation process all over again. We are not happy with the minutes from 2010 and 2014.   |

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| Association               |   |
| CDC                       | Minutes from this meeting (23 <sup>rd</sup> Aug 2016) will be circulated to the association's secretary to ensure the correct views have been recorded. It is important to recognise that drivers' views will be taken into account in the decision making process.   |
| Chiltern Taxi Association | We are unhappy with the requirement in the policy that states the bodywork of the vehicle must be near perfect condition. A 7 year old vehicle is bound to have some faults e.g. a dent.  |
| CDC                       | This requirement applies to vehicles that do not meet the age policy. When the vehicle reaches 10 years old, it is possible to licence the vehicle if it has low mileage etc.   |
| Chiltern Taxi Association | Vehicles cannot be kept in perfect condition.   |
| CDC                       | We do currently licence vehicles that are older than 10 years and that meet the required standard.  |
| Chiltern Taxi Association | So if the vehicle is older than 10 years, a licensing officer decides if it is acceptable? They will pick and choose what cars they want to licence?  |
| CDC                       | Yes, but in line with the policy, and there is an appeal process.   |
| Chiltern Taxi Association | So when a driver purchases a vehicle and then is told it is not roadworthy, they lose their livelihood.   |
| CDC                       | In the South Bucks district where this policy already applies, drivers are aware and are advised that they should purchase a vehicle that is in a good condition.   |
| Chiltern Taxi Association | But who pays the expense? Other councils seem happy to licence taxis which have tinted windows, so why not our cars? Have there been any cases where a vehicle has been found to be unsafe?   |
| CDC                       | No, we have not had any issues with vehicles being unsafe. In the background is the national government looking at all our documents and policies, so we have to comply with national government requirements. Officers work for both Chiltern and South Bucks.   |
| Chiltern Taxi Association | Renewal of plates and badges: there have been cases where a driver's plate expires in, for example, 6 days, they have paid the correct fees but the plate is not ready. The driver is told that it can take 28 days to receive a new plate after the expiry of the old one. This has an effect on our livelihood. If the Council is competent enough to write the large policy document, why are our plates not ready in time?  |
| CDC                       | Although we allow 28 days for the complete application to be processed, we try and do it within 7 days. New plates are processed within 7 days in 96% of cases. And an even greater proportion are processed within the 28 day period. The problem is usually that the driver has not supplied all information or has applied at last minute.   |
| Chiltern Taxi Association | A driver who is currently in the room applied for a new badge 4 weeks before his licence expired, yet he received a new one after the old licence had expired. All badges used to expire in September. We agreed to spread it over the year as we thought that it would work better for the trade. It has not – it has worked against us. Drivers are losing out under this system. The licensing team is letting the association down. Plates are not ready on time. If drivers apply within a reasonable time it should not take this long. We provide all the information on time. |
| CDC                       | We suggest 28 days to ensure we have all the necessary information.   |
| Chiltern Taxi Association | Letters used to be sent to drivers that warned them that their insurance, compliance check etc. would be expiring soon. We were informed that letters cost the Council money so instead text messages would be sent. We agreed to this proposal, however, text messages are not sent to the drivers. When we ask why we are told that the driver's  |

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|                           | <p>phone numbers have not been updated. However, text messages are still not sent regardless of whether the Council has the correct phone number or not for the driver. The responsibility is then put on drivers to remember to apply for new insurance etc. We pay more towards our licence fees and we are getting less and less each day. It appears that the Council has a considerable amount of time to write up a new policy yet they are making drivers unhappy and their lives miserable. We are happy with the text message system, but timing is the issue. The Council is not providing reminders to drivers that their documents have expired. This is having an adverse impact on the livelihood of our drivers. The Council calls up a driver informing him that his CRB has expired. So the driver comes to the Council building, hands in the relevant forms and money, but then he is told 2 or 3 months later that his CRB has expired and that he must stop working.</p> |
| CDC                       | <p>Hold ups tend to be due to the police as part of the criminal record check process, which the Council can do nothing about. The new policy would solve some of these problems. For example it includes a requirement for all drivers to sign up to the update service which would mean the checks would remain live, so there would be no suspensions for delayed return of DBS Certificates. The Head of Healthy Communities, Martin Holt, is the final arbiter in deciding whether a licence should be suspended and whether this should be immediate or after 21 days. When a driver receives a new licence, they also receive a sheet which informs them when each document expires. It is expected that drivers should set reminders for themselves regarding the expiration of their documents, for example by making a note in their diary.</p>   |
| Chiltern Taxi Association | <p>Texts and emails are not additional measures, they are standard. You claim that you have the wrong telephone numbers to send reminders to drivers, but when you inform us that our licences have expired, you seem to have the perfect telephone number.</p>   |
| CDC                       | <p>The same number is used to call drivers so it is strange that the texts are not received. The consultation period closes on the 21<sup>st</sup> September. We will then pull together all the responses and produce a report. The committee will consider this report and then make a final decision about whether the responses will be incorporated and subsequently whether the draft policy will be amended.</p>   |
| Chiltern Taxi Association | <p>We feel that if the Council makes a mistake it is left unpunished, but if a driver makes a mistake then they are punished.</p>   |
| CDC                       | <p>This is not true. If members of staff are failing to update phone numbers for drivers or other mistakes are being made then there will be consequences.</p>  |
| Chiltern Taxi Association | <p>It took the Licensing team 3 days to locate a driver's medical record after the driver dropped it off in customer services. The drivers drop off their certificates at the Council offices and think their livelihoods are safe, when in fact they are not.</p>  |
| CDC                       | <p>In that sort of situation it would be difficult to ascertain what has happened. It is not the Licensing teams fault if there is an issue between the documents being given to reception and being received by Licensing, we would need to look at where a problem has occurred.</p>  |
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| Chiltern Taxi Association | <p>Other area vehicles are operating in the Chiltern area. We are concerned about the amount of control the Council has on other vehicles in the area regarding safety etc.</p>   |
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| Chiltern Taxi Association | <p>The Council requires vehicles which have tinted windows to be replaced. However tinted windows are factory fitted and a standard feature of cars that drivers purchase. The additional cost to replace the tinted windows is high.</p>   |
| CDC                       | <p>But if you know there are regulations which prohibit the use of vehicles with tinted windows, then why do drivers continue to purchase vehicles with tinted windows?</p>   |
| Chiltern Taxi Association | <p>There are no 6-seater vehicles available on the market without tinted windows. The vehicles come standard with tinted windows.</p>   |

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| Chiltern Taxi Association | <b>Fare increase:</b> nationally we are listed 235 <sup>th</sup> Surrounding towns: Watford is 2, Slough is 128, Three Rivers is 131, High Wycombe is 180 (there is more work). Our area is 235 <sup>th</sup> . So most surrounding towns are a lot cheaper. Fuel is also cheaper in most other towns. |
| CDC                       | You are not necessarily number 235 on the list. A lot of councils have the same fares but the list places the Council as number 235 on the list. We need more information so we can reach an informed decision regarding fare increases.   |
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| Chiltern Taxi Association | Some drivers are only allowed to carry 4 passengers, others are able to carry 8. This is unfair when drivers have been working in the trade for many years.  |
| CDC                       | In the past, some drivers have been issued with a badge that allows them to only carry 4 passengers. To be issued with a badge that allows them to carry 8 passengers, the driver would be required to pass an additional driving test. The policy has not changed with regards to this.               |
| Chiltern Taxi Association | We are not happy with the additional driving test that needs to be passed in order to drive an 8-seater vehicle; even if the driver has a full driving licence they need to undertake another test.  |
| CDC                       | Now, everyone who applies for a taxi licence has to undertake the additional test whether they intend to drive an 8-seater vehicle or not, in order to be issued with a licence.   |
| Chiltern Taxi Association | The problem is with existing taxi drivers who have to undertake the additional driving test even though they already hold a licence. The test is not specific. Why do we need the extra test?  |
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| Chiltern Taxi Association | The size of the badge is too big. We would like a smaller one as they are more respectable and professional. It is a pressing issue.   |
| CDC                       | If all drivers are keen on something better being provided, then we can probably do this. A lot of background work has already been carried out on producing smaller badges. This is not a policy issue and can be changed fairly quickly.   |
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|                           | Draft minutes of this meeting will be emailed to the secretary of the Chiltern District Drivers Association to review before being sent out to all members of the association.   |
|                           | The Chairman of the Licensing and Regulation Committee, Cllr Jonathan Rush, requested the Chiltern District Drivers Association to only send emails to Cllr Jonathan Rush, Mr Nathan March and Mr Martin Holt. This was agreed by the members of the Chiltern District Drivers Association.            |

*Meeting finished at approx. 7.20pm*

## Meeting 2

**Chiltern District Council**  
**Taxi Trade Meeting to discuss the new CDC Hackney Carriage and Private Hire Policy**  
**Monday 19<sup>th</sup> September 2016**

**CDC Small Committee Room**

**Attendees:**

**Taxi Trade [Chiltern Taxi Association]: - CTA**

Masud Ahmed - MA

Qaser Mahmood - QM

**Chiltern District Council:**Nathan March (*Licensing Manager*) - NMPhilippa Harvey (*minutes*)

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|      | <b><u>Background</u></b>   |  |
| CTA: | It is vague how the new policy will be put into practice. As last time there was a meeting regarding Private Hire Door stickers with 3 people attending a meeting with Stewart Broome. The idea was put forward but it was not clear that this included Hackney carriage door stickers and a petition was created and brought in.  |  |
| NM:  | The past issues have been discussed previously and I have been through all the old committee reports and provided these which unfortunately do not include details of all the discussions that you have explained to me.   |  |
| CTA: | Stickers were then put on the shelf so to speak and we assumed that our concerns had been dealt with back then until the policy came out in 2014. The CTA were left out of the loop concerning the finalisation of the last policy and have concerns over the lack of notification of the committee hearings.  |  |
| NM:  | Putting aside past issues going forward there will be transparency and the CTA will be kept up to date regarding meetings surrounding the policy and committee hearings.   |  |
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| CTA: | There is no reference in the policy that supports the drivers or any possible driver issues.<br><br>The main purpose of the policy is for the regulation of licence holders. However a paragraph can be added to make it clear that the Council does not support such behaviour. However if there is an issue relating to racist abuse or physical assault for example from a customer then the police would be the appropriate authority to deal with this rather than the Council. The Council would provide any support it is able in such circumstances. |  |
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|      | <b><u>Stickers</u></b>   |  |
| CTA: | We would like some idea as to how the need for Hackney Carriage Door Stickers came about. We are happy for the Private Hire Door Stickers and fully support these.   |  |
| NM:  | There are arguments for and against door stickers the key benefit is the display of the licence number making it very clear that it is a CDC licensed vehicle rather than a potential out of area hackney which could be potentially using a CDC rank or even a completely unlicensed vehicle. If the plate is not on display or not clearly visible it allows people to see the licence number and enable easier identification of the vehicle.   |  |
| CTA: | Is this a local level policy?  |  |

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| <p>NM:</p>  | <p>Yes</p>  |  |
| <p>CTA:</p> | <p>We like to know that all new drivers go through the process to obtain a badge but this should not then be imposed by enforcing stickers as the DBS should be enough. We have concerns over further bureaucracy imposing stickers.</p>  |  |
| <p>NM:</p>  | <p>Some things are law and some things are policy/practice. It is not about complaints or past issues it is about ensuring that the Council has a policy that is fit for purpose now.</p>   |  |
| <p>CTA:</p> | <p>Winkers have lots of cars with no plates, roof signs, or stickers.</p>   |  |
| <p>NM:</p>  | <p>We have looked at Winkers and the taxis there and do regular checks but as it is private land we are usually unable to take enforcement action but would liaise with the police when issues are identified.</p>  |  |
| <p>CTA:</p> | <p>It seems to some extent the decision has already been made with regards to the new policy.</p>   |  |
| <p>NM:</p>  | <p>This is not the case, all consultation responses will be considered by the Licensing and Regulation Committee, nothing in the policy has been finalised.</p>   |  |
| <p>CTA:</p> | <p>Drivers feel that the Council doesn't trust them. Many drivers have been working for over 25 years and there has not been any problems</p>   |  |
| <p>NM:</p>  | <p>Public safety is the priority for the Council, things have changed over the last 25 years or so such as safeguarding concerns. People of that nature are drawn to jobs such as Taxi work and or hotel work as it provides opportunity to commit such offences whereas 25 years ago it was not known about as much as it is now. The policy needs to be fit for purpose now and is not about individuals.</p>                                 |  |
| <p>CTA:</p> | <p>We have done a survey with members of the public concerning having to put door stickers on our private vehicle and they do not understand how the Council can force us to do so.</p>   |  |
| <p>NM:</p>  | <p>The public will not be aware of the legislation around hackney carriage and private hire licensing. It is irrelevant that the vehicle is privately owned, if the owner wants to licence a vehicle, they have to comply with the conditions that come with that licence, including anything such as door stickers that the policy may require. Any such surveys can be submitted to the Council as part of responses to the consultation.</p> |  |
| <p></p>     | <p><b>ACTION:</b> Results of survey to be sent to Nathan March to be included as part of the policy consultation</p>  |  |
| <p>CTA</p>  |   |  |
| <p>CTA:</p> | <p><u>Points</u></p>  |  |
| <p>CTA:</p> | <p>Four to Five years ago Stewart Broome brought over the points system from Bracknell I think and tweaked them.</p>  |  |
| <p></p>     | <p>A Hackney Carriage Vehicle unattended on the rank. Sometimes during the quiet part of the day a driver may be on a rank and want to get out of his vehicle for a</p>   |  |

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| <p>NM:</p>                | <p>chat with another driver on the rank or a smoke or to stretch their legs as Health and Safety recommends that they get out and walk rather than sitting down all day.</p> <p>If the driver is on a rank it is considered that he is there to do business and so should be in close proximity to his/her vehicle. If a customer was to appear and wanted to get in and there was no driver around then this would be unattended if the driver was talking to another driver on the rank then this would not be unattended. If there are any points issued for anything then there is an appeal procedure which would go to Martin Holt. We can clarify 'unattended' in the policy.</p> <p><b>ACTION:</b> To clarify 'unattended' in the points section of the draft policy</p> |                  |
| <p>CTA:</p>               | <p>The points for Guide dogs is unfair as we as drivers all know we have to take a guide dog.</p>  | <p><b>NM</b></p> |
| <p>NM:</p>                | <p>It is very unlikely for points to be issued for this, however in the event a driver was to refuse we need to have something in the policy to deal with this, it is an offence to refuse and so the other option would be to consider a prosecution. Therefore it is felt that this is a fairer option than prosecution as it enables us to provide a warning to the driver on a first occasion and would only go further at a repeat of the same offence.</p>   |                  |
| <p>CTA:</p>               | <p>What was the failing of the current point system with the cards?</p>  |                  |
| <p>NM:</p>                | <p>The change is not as a result of any failings, but points make more sense than the current card system as they are similar to DVLA points system which is commonly understood.</p>  |                  |
| <p>CTA:</p>               | <p>We do not agree that we cannot use are radios we fully accept mobile phones not being used but radios are easier to use as there is no need to type a number in or look at a screen.</p>  |                  |
| <p>NM:</p>                | <p>Anything where the hands are not on the steering wheel detracts from driving concentration.</p>   |                  |
| <p>CTA:</p>               | <p>How many accidents have Taxi Drivers had whilst using radios?</p>   |                  |
| <p>NM:</p>                | <p>We don't have figures which specifically relate to the use of radios, but it is the view of the Council that any device such as a phone or radio that is not hands free should not be used other than when the vehicle is stationary. There are alternative devices such as PDA's, Bluetooth which can be used whilst driving but any handheld device should only be used whilst stationary.</p>  |                  |
| <p>CTA:</p>               | <p>Attended a meeting with the fire brigade who have advised that if a vehicle is on fire or a driver feels a fire may be about to start then they are advised to get away from the vehicle rather than try to extinguish the fire.</p> <p><b>ACTION:</b> To speak to the Fire Service in relation to this so that it can be considered by the Licensing and Regulation Committee.</p>   | <p><b>NM</b></p> |
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| <p><u>Vehicle Age</u></p> |  |                  |

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| CTA: | The policy states that new vehicles should 'normally' be no more than 7 years old, but later states that an older vehicle maybe considered providing it passes the testing.  |  |
| NM:  | The policy must allow for some discretion, and this is why words like 'normally' are used. Although the current policy contains some age restrictions these are contradicted to a certain extent as any vehicle that passes the MOT and compliance tests required is permitted to be licensed and all vehicles have to pass these tests anyway, irrelevant of their age.   |  |
| CTA: | At the end of the day it is about cost to the individual we accepted the previous choice with the staged compliance however the new policy states that the age limit is no older than 7 years.   |  |
| NM:  | Because of the newer cars, compliance would be annually unless it is 12 years and accepted under the exceptional condition part of the policy then it would be 6 monthly intervals.  |  |
| CTA: | There is no age policy in Aylesbury or High Wycombe and we have more prestige cars than they do which cost more i.e. Mercedes and BMWs   |  |
| NM:  | All vehicles have to comply with current safety standards however some may be more/less comfortable.   |  |
| CTA: | Other authorities don't have age limits, such as Dacorum or Hemel Hempstead or even regular compliance tests and they have more nightclubs etc. than Chiltern District Council.  |  |
| NM:  | The Council's policy is based on public safety and ensuring the vehicles of a suitable standard, and as a vehicle becomes older and does more mileage then everything starts to deteriorate and it is not possible for an MOT or compliance test to pick up all these issues.  |  |
| CTA: | I have a wife and kids I think about my safety first as I am driving the vehicle daily and I want a safe car. We want the current policy age restrictions to apply. In Chiltern District Council we use garages approved by the Council to carry out the checks. If you want us to move up to newer vehicles we have to look at why Chiltern District Council is being unfair where economy is going through a bad time where Hemel and Aylesbury have more night time economy |  |
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|      | <b><u>Fare Increase</u></b>  |  |
| CTA: | A fare increase should be considered by the Council  |  |
| NM:  | I took this to committee at your last request and the committee felt that there was not enough evidence with the request to consider whether a rise was appropriate or not at that time and therefore asked me to request further information from the trade. Following the last meeting I contacted you to advise you of this, and I have not had received further information to take this back to the Committee.  |  |
| CTA: | Fuel prices have gone up.  |  |
| NM:  | I looked at fuel prices since the last fares review and fuel prices have come down since the last fare increase so this was not a useful justification for an increase. The  |  |

|   |  |                      |
|---|--|----------------------|
| <p>CTA:</p> <p>NM:</p> <p>CTA:</p> <p>NM:</p> <p>CTA:</p> | <p>fuel price was the main reason given in the request for an increase.</p> <p>We can only spend out on newer vehicles if we are earning.<br/>'I have 14 year no claim bonus and my insurance keeps going up' 'Gas, Electric has also gone up'</p> <p>I am not a barrier to this being considered, the committee just need more evidence and information to look into the request.</p> <p><b>ACTIONS:</b></p> <p><b>CTA: to provide further evidence to support the request for a fare increase.</b></p> <p><b>NM: Will take a further report to the Committee when a sufficient amount additional information is provided for consideration.</b></p> <p>We declined the opportunity to have the fares increased previously as we felt it was not a good time and that the fares were already high enough for customers at that time, but that was some time ago.</p> <p>If a fare rise is agreed then it does not mean that the maximum fare has to be charged.</p> <p>We could turn the whole question back around in relation to the proposed policy as the council are telling us what to do but when we ask for a fare increase we are told to 'take a hike'. I hope that the councillors making the decision on the policy have a clearer picture to make a decision. Public Transport staff has received a pay increase recently.</p> | <p>CTA</p> <p>NM</p> |
|   |  |                      |
| <p>CTA:</p> <p>NM:</p> <p>NM:</p> <p>CTA:</p>             | <p><b>AOB</b></p> <p>You are not doing anything for the drivers and the fees are excessive and the drivers are feeling frustrated.</p> <p>The fees are to cover the cost of issuing and regulating the licences. We are constantly making improvements for both the public and the trade. Many of these may go unnoticed as they are behind the scenes, but affect the speed and efficiency with which we can process licences. The aim of the policy is to set guidelines for driver as to what is and isn't expected and required of them as a licensed professional. It is not the role of the Council to deal with customers who cause problems for the drivers (as the police would deal with such issues).</p> <p><b>ACTION:</b> Licensing Fees Report NM to send to MA to show how the fees are determined.</p> <p>It would be useful to have a better understanding of the structure of the drivers association.</p> <p>Chairman? Masud Ahmed?<br/>Deputy Chairman: Qaser Mahmood<br/>Secretary: Raja Umar<br/>Deputy Secretary: Mudassar Riaz</p>   | <p>NM</p>            |

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|      |   |  |
|------|---|--|
|      | Support: Abdul Ghafoor  |  |
| NM:  | Who is the best contact for the Council when communicating with the Association?  |  |
| CTA: | Any of the above is fine  |  |
|      | <b>The next Licensing and Regulation Committee is scheduled for:</b><br>Wednesday 14 <sup>th</sup> December 2016 at 18:30 |  |

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**Tint levels of commonly licensed vehicles**

The table below shows the tint levels for a variety of vehicles that are commonly considered for hackney carriage and private hire vehicles. The records shown in red are those that do not conform with the current tint requirements which are within the draft policy.

| <b>Vehicle</b>                                     | <b>Tint level (light emitted)</b>  | <b>Acceptable under draft policy (30% light)</b> |
|--|------------------------------------|--|
| Seat Alhambra                                      | 75%                                | yes  |
| Seat Alhambra (Sunset model)                       | 60%                                | yes  |
| Mercedes E Class                                   | Light tint                         | yes  |
| Mercedes E Class estate                            | 15%                                | no   |
| Mercedes Vito tourer                               | No tint                            | yes  |
| Mercedes Vito tourer pro                           | 30%                                | yes  |
| Mercedes Vito taxi                                 | No tint                            | yes  |
| Vauxhall Zafira (low Spec – 6 models available)    | Light tint                         | yes  |
| Vauxhall Zafira (higher Spec – 5 models available) | Darker tint (tint level not known) | Not known  |
| Insignia (low spec- 4 models available)            | Light tint                         | yes  |
| Insignia (higher spec- 5 models available)         | Darker tint (tint level not known) | Not known  |
| VW Sharan, (low spec- 2 models available)          | Light tint                         | yes  |
| Passat (low spec- 2 models available)              | Light tint                         | yes  |
| Touran (low spec- 1 models available)              | Light tint                         | yes  |
| VW Sharan (higher spec- 2 models available)        | 35%                                | yes  |
| VW Passat (higher spec- 2 models available)        | 35%                                | yes  |
| VW Touran (higher spec- 2 models available)        | 35%                                | yes  |
| Toyota Avensis (1 lower spec)                      | No tint                            | yes  |
| Toyota Avensis (3 higher spec)                     | 60%                                | yes  |
| Toyota Prius                                       | Optional extra only                | yes  |
| Ford Galaxy (1 lower spec)                         | No tint                            | yes  |
| Ford Mondeo (2 lower spec)                         | No tint                            | yes  |
| Ford C-Max (1 lower spec)                          | No tint                            | yes  |
| Ford S-Max (1 lower spec)                          | No tint                            | yes  |
| Ford Galaxy (higher spec-2 models available)       | 8-10%                              | no   |
| Ford Mondeo (higher spec-3 models available)       | 8-10%                              | no   |
| Ford C-Max(higher spec-2 models available)         | 8-10%                              | no   |
| Ford S-Max(higher spec-3 models available)         | 8-10%                              | no   |



### Vehicle age impact

It is surprisingly very difficult to find useful data to identify trends between car age and reliability. The table below uses data from Warranty Direct's reliability index available at <http://www.reliabilityindex.com>. The information below suggests that the reliability of different models of car varies, with some getting more and some less reliable as they get older, but this information is skewed by the number of each model of vehicle on the road (more as they get older). The figures are also unable to give any indication of how a particular age of a particular model is affected as it gets older.

| Car Model/make   | Age        | Reliability | Repair cost average | Conclusion          |
|------------------|------------|-------------|---------------------|---------------------|
| Mercedes E-class | 09-current | 63          | 339.93              |                     |
|                  | 06-current | 60          | 205.28              |                     |
|                  | 02-06      | 175         | 346.13              | older less reliable |
| Ford Galaxy      | 06-current | 153         | 552.42              |                     |
|                  | 95-06      | 276         | 395.44              | older less reliable |
| Vauxhall Zafira  | 05-current | 161         | 370.17              |                     |
|                  | 99-05      | 36          | 179.2               | older more reliable |
| Toyota Prius     | 09-current | 36          | 378.73              |                     |
|                  | 03-09      | 28          | 274                 | older more reliable |
| Audi A4          | 08-current | 171         | 571.6               |                     |
|                  | 05-09      | 158         | 483.05              |                     |
|                  | 00-05      | 124         | 562.09              | older more reliable |
| Audi A6          | 04-current | 190         | 523.92              |                     |
| VW Passat        | 05-current | 145         | 330.13              |                     |
|                  | 99-05      | 104         | 305.68              | older more reliable |
| VW Sharan        | 95-current | 203         | 469.08              |                     |
| BMW              | 03-current | 144         | 476.89              |                     |
|                  | 96-04      | 232         | 574.11              | older less reliable |
| BMW 7 Series     | 08-current | 350         | 614.48              |                     |
|                  | 01-08      | 271         | 675.41              | older more reliable |

Auto Trader provides the following guidance to car buyers in relation to this issue:

#### Auto Trader advice - June 2015

What's More Important When Buying a Car: Miles or Age?

In the world of used cars, two factors seem to have a major effect on pricing: mileage and age. An 8-year-old car is usually less expensive than a 2-year-old car, for instance, while a 100,000-mile car is normally less expensive than a 20,000-mile car. But what about a 2-year-old car with 100,000 miles? Or an 8-year-old car with only 20,000 miles? If you're buying a car, should you be more concerned about its miles or its age? We have the answers.

Mileage Matters

If you're buying a used car, mileage should be a huge factor in your decision. After all, a car's odometer is a measure of how much life it's lived -- so a car with only 70,000 miles is worth a lot more than one that's covered 170,000 miles. Engine parts, suspension components and other factors are only designed to last so long, and a car with too many miles is rarely a good decision.

With that said, the way a car has added its miles is tremendously important to understand. A vehicle with all city miles will have a lot more wear and tear than one that's had all highway miles, since highway miles are easier on a car. Likewise, a car with a fastidious owner who takes care of every issue or problem, and maintains the car perfectly according to the manufacturer schedule, will likely last a lot longer than a car owned by someone who doesn't do much maintenance -- even if the better-maintained car has much higher miles. When you're buying a used car, it's important to figure out exactly which one you're getting.

### Age Matters, Too

But that's not to say that age isn't important. While mileage matters a lot, a car's age can be just as big of a deal -- and in some cases, it's even more important than mileage. For instance: a 10- or 15-year old car with only 30,000 or 40,000 miles may be appealing. But given that the driver hasn't spent that much time behind the wheel in the last 10 or 15 years, have they spent much time doing maintenance? Repairing the items that break?

More importantly, when it comes to an older car with low miles, we'd be worried about rubber parts and other components that don't normally age well if they aren't exercised. A 6- or 7-year-old car that has spent much of its life sitting, for instance, might give us more concern than a 10-year-old car that's been well-maintained.

### Our Take?

Our view is that age and miles don't matter as much as you think. Instead, it's the way the car has been taken care of during its life that makes it so important. A 5-year-old car with only 50,000 miles may have many more problems than a 10-year-old car with twice the odometer reading. It all depends on the type of vehicle, the type of owner and the type of maintenance that's been performed. This is one of the reasons why we always recommend prepurchase inspections before buying a car -- and it's why you can't judge a car's condition based solely on its age and miles.

### Breakdown Data

Data from reported breakdowns was also investigated, but unfortunately this was also of little value as the large majority of breakdowns reported are not related to the age of the vehicle, and often drivers/owners could prevent such reports, by increased car care, and by carrying out relatively simple tasks themselves, such as changing wheels when they have a flat tyre. Figures below from RACs 'Breakdown Britain' report highlight this:

| Fault                               | No of breakdowns |
|-------------------------------------|------------------|
| Punctured tyre                      | 194549           |
| Jumpstart (flat battery)            | 177916           |
| Dead battery (replacement required) | 130575           |
| Road Traffic Accident               | 90263            |
| Engine fault                        | 67881            |
| No fault found (driver error)       | 64773            |
| Alternator fault                    | 58887            |

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|  |       |
|--|-------|
| Starter Motor fault                    | 57380 |
| Clutch – Assembly                      | 51969 |
| Interior lights left on (flat battery) | 48681 |



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**Chiltern**  
District Council



**South Bucks**  
District Council

### Equality Impact Assessment Screening Tool – Step 1

To be completed for all policy, strategy or new service proposals to determine whether a full impact assessment is required, where the item has already been identified as not requiring an integrated impact assessment. (See IIA guidance)

|                               |   |  |  |
|-------------------------------|---|--|--|
| <b>Document/Policy Title</b>  | <b>CDC Hackney Carriage and Private Hire Policy</b>                       |  |  |
| <b>Author or Lead Officer</b> | <b>Nathan March</b>   | <b>Date</b>                              | <b>27/03/2016</b>  |
| <b>1.</b>                     | <b>Does the policy/proposal have any negative effect on the basis of:</b> |  |  |
|                               |   | <b>Yes/No</b>                            | <b>Reason</b>  |
|                               | • Age   | <b>Yes</b>                               |  |
|                               | • Disability  | <b>Yes</b>                               |  |
|                               | • Gender reassignment   | <b>No</b>                                |  |
|                               | • Marriage or civil partnership   | <b>No</b>                                |  |
|                               | • Pregnancy or maternity status   | <b>Yes</b>                               |  |
|                               | • Race  | <b>No, but the trade perceives it to</b> | The hackney carriage and private hire trade in Chiltern district is predominantly Asian and the trade association advises that over 90% of the drivers are Pakistani Muslims |
|                               | • Religion or belief  | <b>No, but the trade perceives it to</b> | The hackney carriage and private hire trade in Chiltern district is predominantly Asian and the trade association advises that over 90% of the drivers are Pakistani Muslims |
|                               | • Sex   | <b>No</b>                                |  |
|                               | • Sexual orientation  | <b>No</b>                                |  |

If all responses to Section 1 are No, a full Impact Assessment is not required. If you have answered yes to any question, proceed to Section 2.

|           |  |                       |                     |   |
|-----------|--|-----------------------|---------------------|---|
| <b>2.</b> | <b>In respect of any particular group, is the negative effect:</b> | <b>Unintentional?</b> | <b>High impact?</b> |   |
|           |  | <b>Yes/No</b>         | <b>Yes/No</b>       | <b>Reason</b>   |
|           | • Age  | No                    | yes                 | Drivers have to be 'fit' to work, so extra tests required as they get |

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|  |  |    |     |   |
|--|--|----|-----|---|
|  |  |    |     | older. The council needs to be confident in drivers abilities to drive, so length of time driving is consideration, but affects age they can apply from   |
|  | <ul style="list-style-type: none"> <li>Disability</li> </ul>   | No | yes | a disability preventing a person from being able to drive and assist passengers effectively would affect their application or status as a licensed driver   |
|  | <ul style="list-style-type: none"> <li>Gender reassignment</li> </ul>  |    |     |   |
|  | <ul style="list-style-type: none"> <li>Marriage or civil partnership</li> </ul>  |    |     |   |
|  | <ul style="list-style-type: none"> <li>Pregnancy or maternity status</li> </ul>  | No | Yes | Pregnant drivers may not be able to assist their passengers as required by the policy   |
|  | <ul style="list-style-type: none"> <li>Race</li> </ul> <p>Trade has advised as part of the consultation that its view is that the door sticker requirement within the policy discriminates against Pakistani Muslims due to the fact that taxis have been involved in CSE issues in other areas.</p> | No | No  | <p>The trade believe that taxis in other areas which have been involved in CSE issues are mainly associated with a specific race or belief is incorrect and has not been identified in the Rotherham or Oxford enquiries.</p> <p>The Council does not believe this to be discrimination, either indirectly or directly. The Council considers door stickers to be an important safety aspect to ensure that passengers are confident that they are using a licensed vehicle. Vehicles are licensed to ensure passenger safety. Reliance on a plate at the rear of the vehicle does not allow a passenger the ability to easily identify the vehicle as licensed when entering a vehicle. Working in partnership with the police is a key Community Safety requirement to ensure we protect those vulnerable in society.</p> |
|  | <ul style="list-style-type: none"> <li>Religion or belief</li> </ul>   | No | No  | As above in 'Race' Section  |
|  | <ul style="list-style-type: none"> <li>Sex</li> </ul>  |    |     |   |
|  | <ul style="list-style-type: none"> <li>Sexual orientation</li> </ul>   |    |     |   |

If all responses to Section 2 are No, a full Impact Assessment is not required. If you have answered yes to any question in Section 2, proceed to Section 3.

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| 3. | Are any negative effects listed in Section 2 illegal or potentially illegal?* | *i.e. contrary to anti-discriminatory legislation  |
|----|---|--|
|    |   | Reason   |
|    | • Age   | No<br>Public safety is overriding concern and policy cannot fetter discretion                      |
|    | • Disability  | No<br>Public safety is overriding concern and policy cannot fetter discretion                      |
|    | • Gender reassignment   |  |
|    | • Marriage or civil partnership   |  |
|    | • Pregnancy or maternity status   | No<br>Public safety is overriding concern and policy cannot fetter discretion                      |
|    | • Race  | No<br>The perception of the trade is the issue. This does not reflect the reality of the situation |
|    | • Religion or belief  | No<br>The perception of the trade is the issue. This does not reflect the reality of the situation |
|    | • Sex   |  |
|    | • Sexual orientation  |  |

If all responses to Sections 1, 2 and 3 are No, a full Impact Assessment is not required.

If you have answered yes to any question in Section 3, or if any negative effect has a high impact on a particular equalities group, consider the following:

| 4. | Can any negative effect be avoided?                  | Yes/No | How?  |
|----|--|--------|---|
|    |  | N/A    | The negative impact is the contents of the policy and the perception of this within the trade                             |
| 5. | Can we reduce the impact by taking different action? | Yes/No | How?  |
|    |  | No     | We need to continue to seek to increase the understanding of the trade as to why the policy contains certain requirements |

Now repeat this rapid assessment in the light of any new information.

If the outcome is the same, then you have identified a potential discriminatory impact of this policy/proposal, and you will need to complete a full Equalities Impact Assessment before it can be submitted for approval to the relevant committee or PAG.

**Full EIA to be now undertaken?**      **No**      (delete as applicable)

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|                         |                     |                                   |  |
|-------------------------|---------------------|-----------------------------------|--|
| <b>Lead Officer</b>     | <i>Nathan March</i> | <b>Date Reviewed by Director</b>  | <i>1/12/2016</i>                                 |
| <b>Date of decision</b> | <i>30/11/2016</i>   | <b>Outcome of Director Review</b> | <b>Agree/Not agree</b><br>(delete as applicable) |

**Please submit this completed form to Democratic Services along with your PAG or Committee papers for formal approval or, where a report is not involved, to the Chief Executive's office.**

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