



Licensing Committee agenda

Date: Wednesday 3 February 2021

Time: 6.30 pm

Venue: via video conference

Membership:

C Jackson (Chairman), S Renshell (Vice-Chairman), D Barnes, M Hussain JP, S Lambert, J Lowen-Cooper, N Marshall, I McEnnis, S Morgan, G Powell, J Read, J Rush, N Southworth, B Stanier Bt and H Wallace

Webcasting notice

Please note: this meeting may be filmed for live or subsequent broadcast via the council's website. At the start of the meeting the chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the council is a data controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the council's published policy.

Therefore by entering the meeting room, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If members of the public do not wish to have their image captured they should ask the committee clerk, who will advise where to sit.

If you have any queries regarding this, please contact the monitoring officer at monitoringofficer@buckinghamshire.gov.uk.

Agenda Item	Page No
1 Apologies for absence	
2 Declarations of interest	
3 Minutes of the previous meeting To approve as a correct record the Minutes of the meeting held on 2 November 2020.	3 - 6

Part A - Statutory Functions

None.

Part B - Other Licensing Functions

4	Implementation of the Department for Transport's Statutory Taxi & Private Hire Vehicle Standards	7 - 20
5	Buckinghamshire Council Taxi and Private Hire Licensing Policy - review of consultation responses and proposed policy changes	21 – 46
	Appendix 1 - Final Draft Hackney Carriage and Private Hire Licensing Policy	47-146
	Appendix 2 - Statutory Taxi and Private Hire Vehicle Standards	147-186
	Appendix 3 - Taxi Licensing Policy Consultation Results	187-230
	Appendix 4 - Licensed Private Hire Car Association Consultation Response	231-238
	Appendix 5 - Pre-engagement Survey Response	239-252
	Appendix 6 - Table of Policy Changes	253-260
	Appendix 7 - Equality Impact Assessment	261-268
6	Date of next meeting	
	Tuesday 23 March at 6.30pm	

If you would like to attend a meeting, but need extra help to do so, for example because of a disability, please contact us as early as possible, so that we can try to put the right support in place.

For further information please contact: Elly Cook on 01895 837319 / 01895 837227, email democracy@buckinghamshire.gov.uk.



Agenda Item 3
Buckinghamshire Council
Licensing Committee

Minutes

MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON MONDAY 2 NOVEMBER 2020 VIA VIDEO CONFERENCE, COMMENCING AT 6.30 PM AND CONCLUDING AT 7.06 PM

MEMBERS PRESENT

C Jackson (Chairman), S Renshell (Vice-Chairman), D Barnes, M Hussain JP, J Lowen-Cooper, N Marshall, I McEnnis, S Morgan, G Powell, J Read, J Rush and Sir B Stanier Bt

Prior to discussing the agenda items, the Chairman explained that it had been intended to hold this meeting in public on 14 October. However, due to an unforeseen technical error with the Council's webcasting software which caused significant audio issues for those watching the live meeting, the Committee was meeting this evening to ensure any decisions taken were transparent and that everyone had the opportunity to hear proceedings. Members were reminded to approach the decision for item 4 with a fresh mind even though they had previously considered it.

Agenda Item

1 APOLOGIES FOR ABSENCE

Apologies had been received from Councillor H Wallace.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 9 September 2020 were agreed as an accurate record.

4 BUCKINGHAMSHIRE COUNCIL TAXI AND PRIVATE HIRE LICENSING POLICY

The Committee considered the draft Buckinghamshire Council Taxi and Private Hire Licensing Policy and were asked to agree the commencement of a public consultation on the new policy.

The Council was committed to adopting a new taxi and private hire vehicle licensing policy to support the alignment of the licensing regimes of the former Districts. As reported to the Licensing Committee on 1 July 2020, the adoption of a new policy presented an opportunity to ensure Buckinghamshire Council licensed vehicles, drivers and operators were all held to the

highest possible standards along with consistency for both drivers and the public.

Officers from the Licensing Service had drafted a new policy in collaboration with the Council's policy team. The new policy (see appendix 1) had been benchmarked against existing policies and the new Statutory Taxi and Private Hire Vehicle Standards (published July 2020) (see appendix 2). Measures proposed in the new policy would impact on the existing licensed trade to varying degrees depending on the legacy area within which they currently operated and on their own current operational arrangements (e.g. current age and specification of vehicles), with some potentially more significantly affected than others. New entrants to the trade would also be impacted as a result of higher standards required of vehicles, drivers and operators. The policy also considered the application of "grandfather" rights in respect of the existing trade. The more potentially controversial aspects of the new policy were set out in section 2 of the report.

Pre-engagement consultation with stakeholders had been carried out including an online survey, which ran from the 7th - 27th September, and the associated communications plan which included targeted communication with the taxi licensing trade. Licensing Committee member workshops were held on 15th and 16th September and the responsible Cabinet Member and the Chairman of the Licensing Committee had also been fully engaged throughout the process. A progress update paper was presented at the Communities & Localism Select Committee on the 24th September. Feedback received throughout this engagement period had been incorporated into the proposed policy.

A key policy issue concerned hackney carriages and the proposal that the five current geographical hackney zones, with their own Byelaws, vehicle specifications and wheelchair accessibility, ranks, limitation policy (in respect of Aylesbury Town), licence fee and fares should be removed and replaced with one single new hackney zone across the Buckinghamshire Council area.

Members were invited to ask questions of officers. In response to a question on whether the Euro 5&6 and European whole approval requirements specified for vehicles in the Policy would remain in place following Brexit, officers confirmed that this was the case and that in the short term, the current European standards for approving whole type vehicles would continue to apply. The standards may be subject to change in 2021 when a new comprehensive Great Britain type approval scheme would be introduced (which was likely to be based on the existing EU approval). Officers advised that in respect of the wording in the policy, it was anticipated that this would be a case of updating the wording to reference the new Great Britain approval scheme. It was hoped that there would be greater clarity on this position by the time the matter was next brought back to the Committee for consideration.

Following a concern raised over the low numbers of WAVs (wheelchair accessible vehicles) in the former Chiltern area and that these numbers may not rise with the new policy requirements, officers advised that the Policy proposes the removal of hackney carriage zones and it was anticipated that hackney carriages travelling from other areas where there were more WAVs should meet any increase in demand, encouraging a mixed fleet of vehicles across Buckinghamshire. It was noted that WAV availability would be kept under review and any imbalance could therefore be addressed again in the future if needed.

Following a query on whether the Council should be allowing older vehicles to continue to operate, officers advised that the new age limit requirements were due to come into force on 1 April 2021. The current area policies had different age limits and the Council was permitted a period of grandfather rights, proposed for the period to April 2023, for older vehicles in areas

which did not previously have these requirements. This lead in time would provide the existing licensed trade with time to prepare and plan for a change in fleet and purchase new vehicles where required.

With regards to new tariffs, officers explained that the Council was unable to set the new fees and charges for the trade until the content of the new Policy had been agreed and that this would come forward to the Committee as a separate consultation in the Spring. In relation to hackney tariffs, officers advised that there was currently a disparity in the level of fares for the different zones. The current fares in Aylesbury Vale were amongst the lowest in the country. The Council had the power to set fares for hackney carriages and these should be based on the ability of the driver to cover their costs and make a living while ensuring that the charge to the passenger was not excessive. Officers explained that the removal of zones would be a good opportunity to review the fares across the Council and set one common standard of fares. At this stage it was not possible to know what that level of fare might be until the work had been done in calculating costs.

Following a query about the deviation from the statutory standards as detailed in the report pack at page 9, officers advised that it remained acceptable for the Council to adopt a differing local policy but in instances where the Council chose not to follow the statutory standards it was expected to state why. With respect to the new policy this was on the whole, only applicable in one key area which related to decision making where the granting of a licence might be contentious. The policy proposed that a panel of delegated expert officers and a manager (where appropriate in consultation with legal services) review licence investigations and make contentious licence decisions where there is a breach of, or non-compliance with, policy requirements. This reflected current operating practice and had been shown to be robust and effective when challenged in the Courts.

With regard to the use of using mobile phones as sat nav systems, officers advised that in line with rules for motorists, as long as the phone was being lawfully used (i.e. in a cradle) then this was acceptable.

In response to a concern raised about problem parking by taxi vehicles, officers advised that the service received a number of complaints about parking and this was largely due to the high number of licensed vehicles in the council area. The Council was not able to treat drivers of licensed vehicles more harshly than members of the public if vehicles were lawfully parked. However, there was a condition on operator licences that the operation of private hire vehicles could not cause nuisance. The Policy proposed a penalty points system that could also be used in the future to deal with parking issues if needed.

A member queried how the current penalty points system was applied. Officers explained that this system had historically only been in place in the Aylesbury Vale area and applied to licensed drivers only. It is proposed to expand this system for the whole Council area, to include vehicle and operator licence holders and to make it more comprehensive in terms of points awarded. This will give the Council greater enforcement options. A schedule of how points were allocated and in what circumstances was set out in the report pack from page 103.

In response to a question about whether the use of an alternative repair kit instead of a spare wheel as stated in the Policy was acceptable, officers explained that not all vehicles were fitted with a spare wheel and manufacturers of some vehicles provided a repair spray foam instead and that the Council could not require over and above the manufacturers specification on this.

Following clarification of the wording of condition 19, which was set out on page 86 in the report pack, relating to the consumption of alcohol by over 18s in novelty vehicles such as

limousines, it was agreed that no amendments to this condition were necessary. It was confirmed to members that it was the responsibility of the person taking bookings to check customers ages.

In relation to how the taxi trade had been supported during the Covid 19 period, officers drew attention to the two previous update reports presented to the Committee on the adjustments made to the Service since March this year. Officers advised that the Licensing Service continued to operate with flexibility where required and when able to. There had been an increase in the number of licence applications received by the Service as lockdown restrictions have eased and the schools have returned which indicated that there was some recovery underway.

The Committee were advised that the Licensing Team had been working closely with the Council's Communication Team to try and make the Policy as accessible as possible, whilst accepting that it was a legal document that the service and taxi trade use daily and needed to cover a large number of technical issues in detail. An executive summary for the policy would be produced to accompany the consultation. Officers agreed to include a question in the consultation on how easy and useful the documents were to read and how accessible people had found them and to provide the Committee with the Executive Summary when it was produced.

It was clarified that currently each of the legacy district council policies were still in place until Buckinghamshire Council adopted the new policy.

It was proposed by Cllr Renshell, seconded by Cllr Stanier and **resolved** that

- 1) the report be noted; and
- 2) the commencement of a public consultation on the new Buckinghamshire Council Taxi and Private Hire Licensing Policy be agreed.

5 DATE OF NEXT MEETING

The date of the next meeting is Wednesday 3 February 2021 at 6.30p.m.



Report to Licensing Committee

Date: 3rd February 2021

Title: Statutory Taxi & Private Hire Vehicle Standards

Author: Simon Gallacher, Principal Licensing Officer (Aylesbury Vale area)

Recommendations:

1. To note and comment on the actions taken by the Council's Licensing Service in response to the Department for Transport's Statutory Taxi & Private Hire Vehicle Standards.

1. Background

- 1.1 In accordance with the Policing and Crime Act 2017, the Department for Transport published new standards for taxi and private hire vehicles, ("standards"), in July 2020 with the aim of safeguarding children and vulnerable adults from abuse and exploitation. Councils must have regard to these new standards and it is expected that they will be adopted unless there is compelling local reason not to.
- 1.2 The publication of the new standards has proved timely and coincides with the preparation of the new Buckinghamshire Council Taxi and Private Hire Licensing Policy, ("Policy"). The majority of the recommended standards have been included in the draft copy of the Policy which has been subject to recent consultation. A separate report will be presented to the Licensing Committee with results of the Policy consultation.
- 1.3 This report has been prepared in respect of the Secretary of State's expectation that licensing authorities publish their response to the standards, with details of the policies and plans to deliver the recommended measures. A summary of each recommended standard is provided, together with an indication whether the standard will be adopted and how the Licensing Service plans to ensure the standard will be met. The content of this report is without prejudice to the final decision in respect of the new Policy and it is acknowledged that measures may need to be revised should alternative policy decisions be made.

2. Statutory Standards

- 2.1 **Licensing Policy.**
- 2.2 *Authorities should produce a ‘cohesive policy document’ that brings all procedures together (including a convictions policy). When formulating policies, the overriding objective must be to protect the public. Policies should be reviewed every five years, with interim reviews should significant issues arise and annual performance reviews.*
- 2.3 The Policy commits to a review at least every 5 years to ensure it remains up to date. In addition minor amendments may be made in agreement with the Chairman of the Licensing Committee, Cabinet Member for Regulatory Services and Head of Service for Licensing. The Licensing Service intends to prepare an annual report for the Licensing Committee’s consideration on its performance, supplemented by quarterly reports on such matters as details of enforcement activities, outcome of court proceedings and statistical data on licences issued.
- 2.4 **Duration of licences**
- 2.5 *Licences should not be granted for a shorter period than the statutory 3 year period for drivers, or 5 years for operators. Some licensing authorities may issue licences for shorter periods because of concerns that longer duration licences increase the risk that licence holders may receive convictions and fail to disclose these or where there are doubts whether an applicant is fit and proper as a “probationary” period. This is not an appropriate approach, risks can be mitigated by regular interim checks and engagement with the local police to encourage the use of Common Law Police Disclosure powers.*
- 2.6 The Policy commits to granting licences for the full duration, although they may be issued for shorter periods depending on the circumstances of the case, for example on request of the applicant or in compliance with the Immigration Act 2016 where applicants have limited leave to work. Licences will never be granted on a probationary basis and the Policy is clear that decisions that concern whether an applicant is fit and proper to hold a licence will always be made on the balance of probabilities. If there are doubts whether an applicant can be considered fit and proper the licence will not be granted. The Policy sets out a number of measures to address interim checks, such as the use of the DBS update service and joint enforcement activities. In addition the Licensing Service has good working relations with Thames Valley Police, regularly sharing intelligence and engaging in joint operations.
- 2.7 **Whistleblowing**
- 2.8 *It is recommended that authorities have effective internal procedures for staff to raise concerns and procedures in place for any concerns to be dealt with openly and fairly.*

- 2.9 Buckinghamshire Council has readily accessible whistleblowing policy and procedure documents on the Council's staff web pages for staff to report if they think someone else at the council is doing something dangerous, illegal or unethical. Reporting staff also have the option of remaining anonymous.
- 2.10 **Local consultation.**
- 2.11 *It is recommended good practice to consult when proposing significant changes in local licensing rules. Consultation should include passengers and trade groups.*
- 2.12 The council has conducted a comprehensive consultation exercise in relation to the Policy and the inclusion of the new standards. Trade representatives, passenger groups, individual licence holders and the wider community have had the opportunity to respond to both the pre-consultation and full consultation surveys. Stakeholder meetings and workshops have been held with trade representations and local Councillors.
- 2.13 **Changing Licensing Policy**
- 2.14 *Any changes in the licensing requirements should be followed by a review of the licences already issued. Where change is needed to the licensing requirements, the same need is applicable to those already in possession of a licence. A pragmatic approach should be taken and a reasonable amount of time allowed, for example to allow drivers the opportunity to undertake new training or gain new qualifications.*
- 2.15 In accordance with the recommended standard on language proficiency, see para 2.36, all drivers are expected to have proficient English language skills. Existing drivers who have not satisfactorily passed the English language assessment will be required to do so. Once the new Policy is implemented, it is proposed that drivers will have a minimum period of 12 months to demonstrate that they meet the standard. After this time drivers who have not demonstrated that they meet the required standard will be unable to renew their licence.
- 2.16 Whilst not included in the recommended standards, the Policy recognises that to help meet the council's commitment to keep children and vulnerable people safe, all licensed operators should be required to attend the same safeguard training as drivers, see 2.33. Existing operators have a period of 12 months to attend the training from the date of implementation of the policy, with refresher training every 3 years. It is anticipated that this requirement will place a minimal additional burden on the trade as many licensed operators have already attended the training by virtue of also holding driver's licences.
- 2.17 Operators and vehicle licence holders will now be required to provide annual Basic Disclosure certificates from the DBS, see 2.52 for further details. All licensed drivers will now be required to subscribe to the DBS update service and submit to 6 monthly Enhanced DBS checks, see 2.30 for further details.

- 2.18 **Gathering and sharing information**
- 2.19 *Licensing authorities must consider a full range of information available to them when making a decision whether to grant a licence and to meet ongoing obligations to ensure licensees remain suitable to continue holding licences.*
- 2.20 The Policy and working practices of the Licensing Service make use of the measures referenced in the standards. Data Barring Service (DBS) checks are required of drivers, operators and vehicle licence holders (see relevant sections below). The Licensing Service maintains close working relations with Thames Valley Police, with information sharing procedures and protocols in place. Licence holders are required to notify the Licensing Service within 48 hours of arrest, charge, caution or conviction for any offence. The Licensing Service will make a referral to the DBS if a decision to refuse or revoke a licence is on the basis that a person is thought to represent a risk to a child or vulnerable adult. All licence applicants are required to declare whether they have ever held a licence with another licensing authority and whether they have ever had a licence revoked, refused or suspended. The Licensing Service routinely uses the national register of revocations and refusals, "NR3", to conduct searches and record instances of revocation and refusal. The Licensing Service works with colleagues within the council to share safeguarding information. All complaints are recorded on a licence holder's file, even if no further action is taken. Complaints can be made via the Council's website, via email, telephone or in person at the Council offices. Under the Policy all licence applicants and licence holders are required to provide certificates of good conduct from any country they have lived in from the age of 18 years if they have been absent from the UK for a continuous period of 3 months; this policy amalgamates and strengthens current arrangements in the legacy areas where different approaches have been taken to certificates of good conduct.
- 2.21 **Decision making**
- 2.22 *It is recommended that all individuals that determine whether a licence is issued should be required to undertake sufficient training. As a minimum this should include licensing procedures, natural justice, child sexual exploitation awareness, disability and equality awareness and making difficult and controversial decisions. It is recommended that licence decisions, particular contentious matters, should be referred to a committee of the Council for determination. The reason for this recommendation is to avoid the risk of bias and to ensure a separation of decision making and investigation bodies. It is acknowledged that an alternative model may be adopted where it is appropriate in the local circumstances.*
- 2.23 The statutory standards are clear that regardless of the decision making model adopted, the objective must be to separate the investigation of licensing concerns and the management of the licence process. The Policy proposes that a panel of

delegated expert officers and a manager review licence investigations and make contentious licence decisions where there is a breach of, or non-compliance with, policy requirements. All officers involved in decision making are trained in accordance with the recommended standards. This model reflects the approach currently taken within all the legacy District areas and has been shown to be robust, consistent and efficient. In addition the effectiveness of this approach has been evidenced by consistent successful appeal outcomes in the Courts across the legacy areas (the majority of taxi licensing decisions are appealed through the magistrates court where there is a perceived negative impact on the applicant). Buckinghamshire Council is now one of the largest taxi licensing authorities in the country, licensing in the region of 3500 drivers and 2500 vehicles. As a result there is a need to make timely, consistent and robust licence decisions that fulfil the Council's obligations and achieve the correct outcome for the travelling public, whilst also ensuring that the process in itself does not create additional cost and delay for the trade. There is a clear need for member involvement, scrutiny and accountability in this area and, as proposed, the Licensing (Regulatory) Committee will have full oversight of all contentious licence decisions made via the quarterly reporting mechanism referred to in para 2.3, enabling discussion, consideration and review of the consistency and robustness of decisions taken.

2.24 Fit and proper test

- 2.25 *It is recommended that the following test be applied: "Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?"*
- 2.26 The above fit and proper test is explicitly quoted in the new Policy, see "Criminal Records and Unacceptable Behaviour Policy". Furthermore the Policy makes it clear that all decision making concerning applicants and licensees is on the civil burden of proof, that is, on the balance of probabilities. Applicants and licensees are not given the benefit of the doubt and if the decision maker is only "50/50" that an individual is fit and proper then they will not be permitted to hold a licence.

2.27 Criminal convictions and rehabilitation

- 2.28 *In order to achieve consistency, and to mitigate the risk of legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. The policy should include reference to serious offences which would prevent an applicant being granted a licence and periods of rehabilitation for lesser offences. The standards provide a recommended schedule for assessing previous convictions based on work of the Institute of Licensing, the Local Government Association, National Association of Licensing Enforcement Officers and Lawyers in Local Government.*

- 2.29 The Policy incorporates the criminal convictions assessment schedule recommended in the standards, shown in the “Criminal Records and Unacceptable Behaviour Policy”. The Policy provides further specific details on rehabilitation periods for minor and major motoring offences, as stated in the original document referenced by the standards but not included in the standards themselves. For minor motoring offences where the driver has accumulated 7 or more points there is a recommended 5 year minimum rehabilitation period and for serious motoring offences this rises to 7 years. There is also a proposed rehabilitation period of minimum 7 years for licensing and vehicle use offences.
- 2.30 **Criminality checks for drivers**
- 2.31 *All individuals applying for or renewing a taxi or private hire vehicle driver's licence should be subject to an enhanced DBS and barred list check.*
- 2.32 All drivers applying for new and renewal licences are required to provide a current Enhanced DBS certificate, including a check of the children and adult barred lists. Enhanced DBS certificates may provide details of both spent and unspent convictions, as well as additional information pertaining to criminal matters. Any information provided will be considered in light of the Criminal Records and Unacceptable Behaviour Policy. This policy also makes it clear that drivers who appear on any barred list will not be granted a licence. In accordance with the Policy, all drivers, including existing drivers, will be required to maintain a subscription with the DBS update service. Furthermore all licensed drivers will be required to consent to a mandatory 6 monthly criminality check, in accordance with the recommended standards.
- 2.33 **Safeguard awareness**
- 2.34 *It is recognised that the taxi and private hire trade can play an important role in recognising and reporting cases of abuse, exploitation or neglect of children and vulnerable adults. Guidance and advice should be provided to drivers through mandatory training. The training should also include awareness of ‘County lines’.*
- 2.35 All drivers licensed by Buckinghamshire Council have undertaken exploitation safeguard training and it is an ongoing requirement for new drivers. The Policy proposes that licence holders be required to attend refresher training at least every three years. Criminal exploitation of children and vulnerable persons evolves and changes in nature overtime, it is important that those involved in the trade are regularly updated on developments and receive routine reminders how to identify and report signs of abuse and exploitation. The Policy requirement has also been expanded to include operators, while not a recommended requirement of the standards, operators can also play a key role in identifying and reporting safeguarding concerns.
- 2.36 **Language proficiency**

- 2.37 A lack of language proficiency could impact a driver's ability to understand written documents, such as those relating to the protection of children and vulnerable adults. Drivers need to understand the content of such documents so they can identify signs of exploitation and take the appropriate action. The ability to speak and understand English is relevant to identifying potential exploitation through communicating with passengers and their interaction with others. It is recommended that a test of driver's proficiency should cover both oral and written English language skills.
- 2.38 The Policy recognises the importance of English language skills, not only for identifying and reporting safeguarding concerns, but also because it facilitates good communication with passengers and officials. The ability to communicate in English can also help avoid confrontation and stressful situations, such as disputes over fares and misunderstanding over directions. In line with the recommended standard that changes to licensing requirements should be applied to all licence holders, and in recognition of the important role that English language plays in addressing safeguarding concerns, it is proposed that all licensed drivers undertake a formal English language assessment, using the approach currently adopted in the Aylesbury Vale area.
- 2.39 The Aylesbury Vale area of Buckinghamshire currently uses an automated telephone system which provides an objective assessment of the candidate's level of English language proficiency. The system has proved consistent and is being used by an increasing number of other local authorities and government departments. The test does not include an assessment of the candidate's ability to write English as this is not considered necessary for the purposes of promoting passenger safety and is not generally a skill required by drivers in their day to day duties.
- 2.40 Since the system was introduced in March 2019, over 350 drivers have successfully passed the test and the pass rate is just over 50%. Drivers who are able to demonstrate that they meet the assessment criteria by way of appropriate qualification certificate are exempt from the requirement to take the assessment.
- 2.41 There are currently approximately 3500 drivers licensed by Buckinghamshire Council. It is anticipated that approximately 3000 of the current licensed drivers will require an assessment. It is proposed that once the policy has been in place for 12 months drivers will no longer be able to renew their licence unless they can demonstrate that they meet the council's English language proficiency requirements. The Licensing Service understands that many working in the trade are apprehensive about this assessment. The council's Licensing Service intends to facilitate opportunities for drivers to practice and develop their English language skills once the Policy is adopted.
- 2.42 Latest research by the company developing the test system has indicated that the current pass level used by Aylesbury Vale could be reduced slightly while still

achieving the safeguarding objectives. It is anticipated with the additional training and slight reduction in test pass mark that the pass rate of existing drivers could be in the region of 75%. Drivers who are unsuccessful in passing the test will be directed to additional sources of support to help improve their English language skills. They will also have the opportunity to take further tests for which an additional cost will be incurred. It is proposed that drivers not be required to pay directly for the first test.

2.43 *Criminality vehicle licensing*

- 2.44 *As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime. It is recommended that licensing authorities require vehicle proprietors to supply a basic disclosure from the DBS on annual basis.*
- 2.45 The Policy requires applicants for a vehicle licence to provide a current basic disclosure certificate, issued within the previous 3 months. Where the vehicle licence is sought by more than one person or a limited company, each individual or company director is required to supply a valid disclosure certificate. Licensed drivers, who are subject to 6 monthly enhanced DBS checks, are not required to submit an additional basic disclosure certificate from the DBS if applying for a vehicle licence.

2.46 *In-vehicle visual and audio recording – CCTV*

- 2.47 *The standards recognise that CCTV can help provide a safer environment for the benefit of taxi and private hire vehicle drivers and their passengers. CCTV can act as a deterrent to prevent crime occurring, help reduce the fear of crime, assist with investigations into incidents of crime and insurance investigations. Licensing authorities are required to consult and identify if there are local circumstances which indicate whether the installation of CCTV would have a net positive or adverse effect on the safety of taxi and private hire vehicle users, taking into account potential privacy issues.*

- 2.48 Results from the recent Policy consultation indicate that there is a general consensus that CCTV in licensed vehicles is welcome, with some concerns around cost and privacy issues when the vehicle is used for non-work purposes. Due to the lack of compelling evidence from the consultation either way on the net benefit of CCTV, it is proposed that the mandatory requirement to install CCTV be removed from the Policy and replaced with guidance. As a consequence of this policy change, it will be

for the individual vehicle proprietor to make a decision on this matter. This policy will be kept under review and should evidence emerge to support the introduction of a mandatory requirement then a further consultation exercise will be carried out.

2.49 Stretched limousines

- 2.50 *It is recommended that limousines not be excluded from licensing by way of local licensing authority policies, where they otherwise meet the occupancy requirements of private hire vehicles (constructed to carry less than 9 passengers). There is a risk that a blanket policy of refusing to licence limousines may create an unacceptable risk to the travelling public as it may lead to higher levels of unsupervised operation.*
- 2.51 The Policy permits the licensing of stretched limousines and contains specific licence conditions to ensure their safe operation.

2.52 Criminality checks for private hire operators

- 2.53 *As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator licence also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime. Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.*
- 2.54 The Policy requires applicants for an operator licence to provide a current basic disclosure certificate, issued within the previous 3 months. Where the operator licence is sought by more than one person or a limited company, each individual or company director is required to supply a valid disclosure certificate. All licensed operators, including partners and company directors, are required to submit a new basic disclosure certificates from the DBS to the Licensing Service on an annual basis. Licensed drivers, who are subject to 6 monthly enhanced DBS checks, are not required to submit an additional basic disclosure certificate from the DBS if applying for an operator licence.

2.55 Booking and dispatch staff

- 2.56 *Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept. Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register*

of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders.

- 2.57 The Policy requires operators to require Basic DBS Disclosures from any new member of staff and confirm that they comply with their own Policy for Employing Ex-Offenders. Furthermore operators are required to ensure that staff produce a new basic disclosure from the DBS on an annual basis.
- 2.58 **Operator record keeping**
- 2.59 *Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking: the name of the passenger; the time of the request; the pick-up point; the destination; the name of the driver; the driver's licence number; the vehicle registration number of the vehicle; the name of any individual that responded to the booking request; the name of any individual that dispatched the vehicle.*
- 2.60 These minimum requirements are included as Policy conditions for operators. In addition operators are required to record the date on which the booking is made, date of the intended journey, contact details of the hirer if provided, details of the fare, and if applicable details of the operator to whom the booking is sub-contracted. This information is all required to be kept for a minimum of 12 months and made available on immediate request to the Licensing Authority.
- 2.61 **Use of passenger carrying vehicles (PCV) licensed drivers**
- 2.62 *PCV licensed drivers are subject to different checks from taxi and private hire vehicle drivers because the work they undertake is considered less risk to the public, such as driving a bus. The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a large minibus (more than 8 passenger seats) to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.*
- 2.63 The Council is not responsible for licensing public service vehicles and their drivers; vehicles that carry more than 8 passengers are outside the scope of the private hire vehicle licensing legislation. These vehicles are licensed by the traffic commissioners on behalf of the Department for Transport and generally their drivers are subject to less stringent checks because they represent less risk to the travelling public. Some licensed operators will occasionally use PSVs, such as large minibuses, to fulfil bookings. The Policy condition for operators requires that where a PSV is required to carryout a booking, the hirer must be informed that the driver may not have been required to provide an Enhanced Disclosure from the DBS.
- 2.64 **Enforcing the licensing regime**

- 2.65 *The standards recommend a number of measures to ensure licensed drivers continue to meet the expected standards. These include joint authorisation of enforcement officers; setting clear expectations for drivers and monitoring compliance, with well-publicised complaints procedures; suspension and revocation of drivers licences.*
- 2.66 The Policy clearly sets out the Licensing Service's commitment to proportionate and reasonable enforcement. The Licensing Service already carries out proactive enforcement activity, targeting high risk areas such as schools, town centres and train stations. Joint enforcement protocols with some neighbouring authorities are already in place and it is intended to expand these further. The Policy has been drafted with a view to making its content as accessible as possible and it is intended to provide further guidance to assist licence holders to comply with the council's expectations. The Policy proposes the expansion of the points based system already in place in the Aylesbury Vale area to help address lower risk instances of non-compliance. Penalty points may be awarded to licence holders (drivers, vehicles and operators) for failure to comply with the Council's conditions and standards. The points system facilitates timely and efficient enforcement action for less serious matters. There is no financial penalty associated with the points but licence holders who accrue multiple points may be subject to additional sanction such as a period of suspension. The Licensing Service already routinely uses regulatory sanctions such as suspension and revocation of licences in more serious cases of non-compliance, the measures proposed in the new Policy will support this approach further.

3. Summary

- 3.1 The majority of the Department for Transport statutory standard have already been adopted by the former District Councils in existing policies and procedures. Similarly the new Buckinghamshire Taxi & Private Hire Vehicle Licensing Policy implements the vast majority of the new standards and in some instances the Policy requirements are more robust than the recommended standards. The Policy only departs from the standards in one key area, which relates to decision making. It is recognised for smaller authorities it may be appropriate to refer contentious decisions to the Licensing Committee for decision because of difficulties separating investigation and decision making roles among available experienced officers. Buckinghamshire Council's Licensing Service is sufficiently large and resourced to ensure that these functions are adequately separated with appropriate oversight of the differing roles. Furthermore, the large volume of decision making required, often at short notice, alongside the level of appeal work to the magistrate's courts, would present practical difficulties for the Council and taxi trade if all contentious decisions were referred to the Committee for determination.

4. Other options considered

- 4.1 The implementation of the new standards is likely to place additional burdens on both the Council and taxi and private hire trade in terms of time and financial resources. The Council could delay the implementation of these standards, however the Policing and Crime Act 2017 provides a statutory footing for the Secretary of State for Transport's guidance. Furthermore the Secretary of State has informed local authorities that not only is there an expectation that these standards be implemented, unless there is a local compelling reason not to, but that implementation should commence in early 2021. While there is clear concern for the trade under the current circumstances of the Covid-19 pandemic, the paramount and arguably sole consideration in taxi and private hire licensing is passenger safety and on this basis it is not considered appropriate to delay the implementation of the new standards.

5. Legal and financial implications

- 5.1 Under section 177(1) of the Policing and Crime Act 2017, the Secretary of State for Transport may issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. Under section 177(4), licensing authorities "must have regard" to this guidance when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. "Having regard" is more than having a cursory glance at a document before arriving at a preconceived conclusion. "Having regard" to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority's practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority's defence.
- 5.2 The additional assessments, training requirements, changes to working practices and preparation of guidance and other supporting materials required to implement the new standards will incur additional costs. A further report will be presented to the Committee outlining these costs as part of the report on the proposed new fee levels following approval of the Buckinghamshire Taxi and Private Hire Licensing Policy

6. Corporate implications

- 6.1 Protecting the vulnerable – taxi and private hire vehicles play a valuable role in transporting vulnerable members of the community such as children and those with

physical disabilities. Many children, including those with special educational needs, rely on taxis and private hire vehicles for school transport. The implementation of the statutory standards will help further promote the safety of children and vulnerable adults using licensed vehicles.

- 6.2 Property – N/A
- 6.3 HR – N/A
- 6.4 Climate change – N/A
- 6.5 Sustainability – N/A
- 6.6 Equality – an equality impact screening assessment and full equalities impact assessment have been carried out and accompany the Policy decision making process.
- 6.7 Data – a review of the existing data protection policies in place is required ahead of implementation and is now in process.
- 6.8 Value for money – while the paramount consideration is passenger safety, the Licensing Service will ensure that any associated additional costs involved in delivering these new standards will be kept to a minimum.

Key documents:

DfT Statutory Taxi & Private Hire Vehicle Standards, July 2020

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/928583/statutory-taxi-and-private-hire-vehicle-standards-english.pdf

This page is intentionally left blank



Report to Licensing (Regulatory) Committee

Date: 3rd February 2021

Title: Buckinghamshire Council Taxi and Private Hire Licensing Policy

Author: Lindsey Vallis, Transition Head of Licensing Cemeteries & Crematoria,
Caroline Steven, Licensing Team Leader (Wycombe & Chiltern and South
Bucks areas), Simon Gallacher, Principal Licensing Officer (Aylesbury Vale
area)

Recommendations:

1. To note and comment on the content of the report
2. To agree the Final draft of the Buckinghamshire Council Taxi and Private Hire Licensing Policy and recommend its approval and adoption by Full Council with an implementation date of the 1st August 2021
3. To recommend that the Council remove the existing licensing zones for taxi and private hire vehicles and authorise officers to undertake the necessary associated administrative and legal work for this.
4. If adopted, to authorise the approval of minor amendments of the Policy by the Head of Service for Licensing in agreement with the Chair of the Licensing (Regulatory) Committee and Cabinet Member for Regulatory Services

Background

- 1.1 The Council is committed to adopting a new taxi and private hire vehicle licensing policy to support the alignment of the licensing regimes of the former Districts. As reported to the Licensing (Regulatory) Committee on 1 July 2020, the adoption of a new policy presents an opportunity to ensure Buckinghamshire Council licensed vehicles, drivers and operators are all held to the highest possible standards along with consistency for both drivers and the public.
- 1.2 Officers from the Licensing Service have drafted a new policy in collaboration with the Council's policy team. The new policy (see appendix 1) has been benchmarked against existing policies and the new Statutory Taxi and Private Hire Vehicle Standards (published July 2020) (see appendix 2). Measures proposed in the new policy will impact on the existing licensed trade to varying degrees depending on the

legacy area within which they currently operate and on their own current operational arrangements (e.g. current age and specification of vehicles), with some potentially more significantly affected than others. New entrants to the trade will also be impacted as a result of higher standards required of vehicles, drivers and operators. The policy also considers the application of “grand father” rights in respect of the existing trade.

- 1.3 Pre-engagement consultation with stakeholders has been carried out including an online survey, which ran from the 7th – 27th September, and the associated communications plan which included targeted communication with the taxi trade. Licensing Committee member workshops were held on 15th and 16th September and the responsible Cabinet Member and the Chair of the Licensing Committee have also been fully engaged throughout the process. A progress update paper was presented at the Environment & Localism Select Committee on the 24th September. Feedback received throughout the pre-engagement period was incorporated into a draft policy which was presented to Licensing (Regulatory) Committee on the 2nd November who tasked officers with carrying out a full public consultation on the Policy as drafted.
- 1.4 A public consultation on the Policy was undertaken between 10th November 2020 and 4th January 2021. The consultation period was extended for a further 2 weeks from the initial proposed end date of the 21st December by agreement with the Cabinet Member for Regulatory Services and the Chair of the Licensing Committee following requests from the taxi trade and the Licensed Private Hire Car Association. During the consultation period officers carried out meetings with the taxi trade as well as providing an Executive Summary of the Policy, a summary of key policy areas and providing a video Q&A session which were made available on the website and sent directly to the taxi trade via email and SMS where correct contact information was held.
- 1.5 A key policy issue concerns hackney carriages and the proposal that the five current geographical hackney zones, with their own byelaws, vehicle specifications and wheelchair accessibility, ranks, limitation policy (in respect of Aylesbury Town), licence fee and fares should be removed and replaced with one single new hackney zone across the Buckinghamshire Council area

Main content of report

2. **Consultation survey and responses**
 - 2.1 An online consultation was undertaken between 10th November 2020 and 4th January 2021. Information on the survey was provided to key stakeholders, including the taxi trade, via email, SMS, social media and member newsletters. A total of 636 responses were received with 23% of responses received from residents and 70% of responses from the licensed taxi trade (hackney and private

hire drivers, operators and taxi trade organisations). This contrasts significantly with the pre-engagement survey that was carried out in September 2020 where 58% of responses received were from residents. Both surveys are referenced within the content of this report. A copy of the full consultation executive summary and survey report is attached as appendix 3, copy of a response from the Licensed Private Hire Car association (LPHCA) is attached as appendix 4 and a copy of the pre-engagement summary public survey results is attached as appendix 5.

3. Statutory Standards

- 3.1 In accordance with the Policing and Crime Act 2017, the Department for Transport published new standards for taxi and private hire vehicles in July 2020 with the aim of safeguarding children and vulnerable adults from abuse and exploitation. Councils must have regard to these new standards and it is expected that they will be adopted unless there is compelling local reason not to. A separate report on the implementation of the statutory standards will be presented to the Licensing (Regulatory) Committee on the 3rd February 2021 to enable focused consideration of the new standards and their application within the new Buckinghamshire Council Taxi and Private Hire Licensing Policy.

The majority of the statutory standards had already been adopted in the former District Council areas. However the Policy will implement additional requirements as set out in the standards in the following areas:

- Policy to be reviewed every 5 years and annual performance reviews
- Retrospective application of the new policy in some areas (e.g. English language testing and criminal convictions policy)
- 6 monthly DBS checks and subscription of drivers to the DBS Update Service (currently, driver DBS checks are performed every 3 years on licence renewal)
- Annual DBS checks for vehicle owners where they are not licensed drivers
- Annual basic DBS checks for operators where they are not licensed drivers (these are currently carried out every 5 years on renewal of the licence, or 3 yearly for driver/operators), basic DBS checks on all staff responsible for bookings.

4. Other key policy changes:

- 4.1 Beyond the statutory standards, the policy introduces further robust measures which will be new to some or all of the former District areas. These include:

- Vehicle emissions policy: aspiration of ultra low or zero emission vehicles by 2030. New licences for vehicles exceeding Euro 6 only and renewals for vehicles exceeding Euro 5 only.

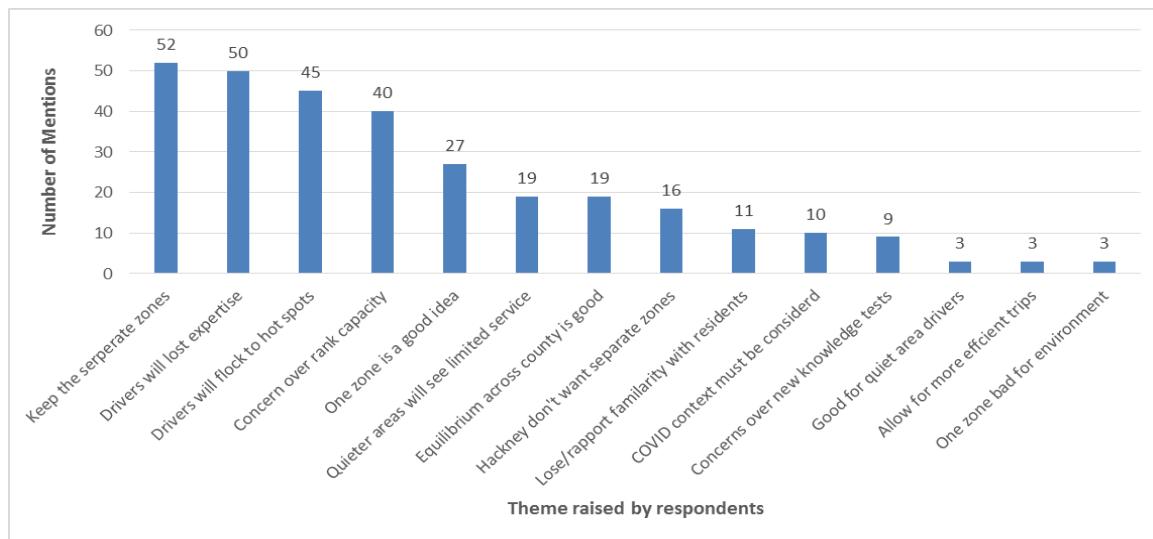
- New vehicles to be less than 5 years old and vehicle licences ceasing once the vehicle is 10 years old (limousines / prestigious vehicles and low emission vehicles 15 years).
 - Disability awareness training for drivers and operators. Specific training for all drivers of Wheelchair Accessible Vehicles (WAVs).
 - English language testing for all drivers – new applicants and those who have not previously been tested (as required by the Statutory Standards).
 - Compulsory Safeguarding training for operators, with refresher training for drivers and operators every 3 years.
 - Knowledge test for operators (knowledge test for operators will cover legislative and policy requirements rather than local geographical area knowledge)
 - Drug testing of drivers in appropriate circumstances or where there is cause for concern
- 4.2 The adoption of the new policy as drafted will ensure that Buckinghamshire Council not only meets its statutory obligations, but will help promote the highest standards to secure public safety and promote a cleaner environment. Elements of the policy will inevitably place a higher financial burden on the trade, notably in terms of the proposed vehicle age limits. Additional testing, assessment and record keeping requirements introduced by the new statutory standards, particularly in relation to the 6 month DBS checking requirements, will also place additional burdens on the trade and on Licensing Services resources. It should be noted that policy changes which increase the work required within Licensing Services will be reflected in the licensing fees charged to the trade. Case law judgments indicate that Licensing Committees should not take financial considerations into account when reaching taxi licence decisions and that the over-riding objective must be public safety. This is of relevance here and means that whilst the Council may be mindful of fee impacts on the taxi trade, this cannot take precedence in decision making.
- 4.3 It is not currently possible to provide a detailed indication of the financial impact policy changes may have on the taxi trade ahead of the decision to recommend the approval and adoption of the final Policy. Most changes to taxi licensing fees and charges require public consultation and as such any proposed changes to the existing charging structures will be presented to Licensing (Regulatory) Committee to review ahead of a further public consultation process.
5. **Policy consultation feedback:**
- 5.1 Alongside adoption of a new policy, there are some key areas of contention and complexity that have been considered as the Council moves to align policy areas of the former Districts:

5.2 Hackney Carriage Zones

There are currently 5 separate hackney carriage zones in the Buckinghamshire Council area, with separate requirements in respect of vehicle specifications, fares payable and areas where they are permitted to stand and ply for hire. In addition, Aylesbury Town currently has a limitation policy of 50 hackney carriage vehicles. The policy as drafted reflects the recommended decision to remove the zones which will mean that hackney carriage vehicles will be free to ply and stand for hire across the entire Buckinghamshire Council area.

- 5.2.1 The context and rationale supporting this recommendation were clearly set out within the Licensing (Regulatory) Committee report and appendix (hackney carriage unitary decisions) of the 2nd November 2020. Feedback obtained from the pre-engagement survey carried out in September 2020 around the retention or removal of hackney carriage zones was mixed with 41% of responders indicating that they felt that the existing zones should be retained, 27% indicating that they should not be retained and 32% unclear on either option.
- 5.2.2 Feedback from the public consultation held between the 10th November 2020 and the 4th January 2021 indicates that the view on removal of the existing hackney carriage zones remains mixed with a difference in responses of 7.8% in favour of disagreement versus agreement. When this is reviewed by respondent type the picture is more complex. Residents are split on agreement and disagreement. Private Hire Drivers and Operators agree with the policy with a slight majority of 4-6%. Hackney Carriage drivers and Business Owners are in strong disagreement with the Policy. Area differences are also present with Aylesbury Vale and South Bucks drivers in slight agreement with the policy by 3-4%, whereas Chiltern and Wycombe drivers are in strong disagreement with the policy. Respondent type is relevant to this as 70.4% of Aylesbury Vale respondents to the consultation are Private Hire drivers and 73.8% of Chiltern respondents are Hackney Carriage drivers. This may influence the results on this issue because Hackney Carriage drivers are more likely to disagree with the policy approach to remove the existing zones as they are arguably more directly impacted.
- 5.2.3 Respondents were asked to make further comments about the removal of hackney carriage zones and the most common themes raised included:
 - concerns that hackney carriage drivers would not have the necessary expertise and knowledge of local areas
 - that hackney carriage drivers would flock to 'hot spot' areas e.g. town centre locations
 - that taxi rank capacity would not be sufficient for the number of hackney carriage vehicles in 'hot spot' areas.

These concerns were also raised in a petition from the Wycombe area hackney carriage drivers (41 signatures) (contained within appendix 3). A summary of the open responses received by theme is provided below:



- 5.2.4 The breakdown of open responses and reasons for disagreement with the removal of the existing hackney carriage zones indicates that hackney carriage drivers and business owners are more likely to raise comments indicating disagreement, and to reference local area expertise and that vehicles will flock to 'hot spots', as reasons for this. Of note is that these respondents did not raise concerns about rank capacity in their open comments to any higher degree than other respondent groups.
- 5.2.5 Open comments that indicated agreement with the removal of the existing zones were also analysed and show that drivers from the South Bucks area were more likely than drivers from other areas to comment positively.
- 5.2.6 Having considered the consultation feedback alongside information on the potential advantages and disadvantages of removing the existing hackney carriage zones, including from other unitary authorities where a similar approach has been taken, the Policy as drafted reflects the recommendation to remove the existing hackney carriage zones and limitation policy for the Aylesbury town area and replace them with a single zone for the Buckinghamshire Council area. This decision is in line with DfT guidance which states that a one zone approach is best practice and that limitation zones should only be retained if the Council is satisfied that there is no significant demand which is unmet.
- 5.2.7 The formation of the new Buckinghamshire Council unitary authority by government on the 1st April 2020 was based on the opportunities that this would present in terms of the rationalisation and streamlining of services, as well as the provision of joined up services for residents. The creation of the new Council

provides an opportunity for a coherent and more joined up approach on taxi and private hire licensing across the Buckinghamshire Council area, enabling greater innovation in service provision for residents and informed strategic decision making in terms of the direction of travel for the future.

- 5.2.8 A key consideration has been a desire to ensure that how we operate in the future reflects the priorities of the new Buckinghamshire Council in terms of protecting the environment and promoting the local economy for businesses and residents. Creating a single zone enables hackney carriages to operate across the Council area and respond flexibly to meet demand. Hackney carriages travelling across the Buckinghamshire Council area will be more able to pick up a fare on a return journey, limiting the amount of time spent travelling unoccupied and increasing earning potential. A single zone will also assist the implementation of a single set of standards and tariffs, simplifying the system for taxi users and for the licensed trade and supporting the delivery of a tariff regime that is sufficient to allow the taxi trade to flourish going forward. It should also deliver better distribution of wheelchair accessible vehicles across the Buckinghamshire area providing a more consistent service for users.
- 5.2.9 It is accepted that there will inevitably be a ‘settling down period’ following implementation of the removal of the existing hackney carriage zones during which there may be migration of hackney carriages to more densely populated locations and congestion on some ranks at peak times. Evidence from other unitary authorities who have followed a similar approach indicates that negative impacts should level out over time, as market forces take effect and supply flexes to meet demand, ultimately providing a better service for users.
- 5.2.10 The Council has committed to reviewing the existing taxi rank provision across Buckinghamshire following the adoption of the new Taxi and Private Hire Licensing Policy and this will form part of the Licensing (Regulatory) Committee work programme for 2022/23.

5.3 **Wheelchair accessible vehicles (WAVs):**

The legacy district areas currently have different requirements in relation to vehicle specifications and wheelchair accessible vehicles:

Current wheelchair accessible vehicles by type:

% or vehicles that are WAVS	Aylesbury	Wycombe	Chiltern	South Bucks
Hackney Carriage	100%	48.3%	1.4%	1.2%
Private Hire	4.4%	6.7%	1.4%	1.25%

Vehicle				
---------	--	--	--	--

- 5.3.1 The policy as drafted proposes that all new, additional licensed hackney carriage vehicles must be wheelchair accessible vehicles (WAVs). Whilst this measure is primarily intended to ensure an adequate provision of WAVS within the mixed taxi and private hire fleet, it is also likely to limit in part the number of new entrants to the market because of the additional financial outlay required. This should go some way towards balancing concerns regarding an influx to the market for the existing trade associated with removal of the existing hackney carriage zones. Existing hackney carriage providers will be able to replace their vehicle with a similar type vehicle at the point it reaches the maximum vehicle age limit, ensuring the long term provision of a mixed fleet. Where the existing vehicle is a 'black cab or similar type specification' hackney carriage or a rear loading vehicle, providers will be able to replace the vehicle with a different type of WAV if they wish to do so. This approach should result in a mixed fleet which is considered to be best practice.
- 5.3.2 Consultation responses indicate that overall respondents tend to disagree with this policy, the difference between agreement and disagreement is 6%. However when reviewed by respondent type, responses are more nuanced with residents split on agreement and disagreement, hackney carriage drivers in agreement with a difference of 4% and all other groups in disagreement. A further breakdown of open responses on the requirement for all new hackney carriage vehicles to be WAVs provides the following key reasons for disagreement:
- Not enough demand for wheelchair accessible vehicles
 - Split fleet is preferable (mix of wheelchair access and non)
 - Increases vehicle costs dramatically
 - Customers do not like 'larger' cars and can struggle to get in
- 5.3.3 Having considered the consultation feedback the Policy will require that all new, additional licensed hackney carriage vehicles are WAVs. Current Policy requirements in all previous District Council areas require that new hackney carriage vehicles must be WAVs and it is therefore considered that this is not a change for the existing licensed trade. The removal of existing hackney carriage zones will enable hackney carriage vehicles to operate across the Buckinghamshire Council area. This open market approach should increase the availability of WAVs, balancing up to some extent the differences in legacy Council area WAV availability for users and maintaining a mixed fleet. This requirement should be reviewed again by the Licensing (Regulatory) Committee following implementation of the new Policy and a suitable 'settling down period', when market forces should have determined longer term supply issues. At this time it will be possible to gather a

more representative picture of WAV provision across the Buckinghamshire Council area and consider whether further Policy changes are required. There is a requirement to review the new Policy every 5 years and more often if there are significant local or national changes to the market.

5.4 WAV specification:

The Policy as drafted requires that any vehicle, before it can be considered to be licensed as a Wheelchair Accessible Vehicle, must have either European Community Whole Vehicle Type Approval (ECWVTA), or Individual Vehicle Type Approval. Officers will work with the licensed trade over the coming months to jointly design and agree a detailed vehicle specification which will sit outside of the Policy document. Licensing (Regulatory) Committee will be kept updated on progress with this piece of work.

5.5 Vehicle age and Emissions:

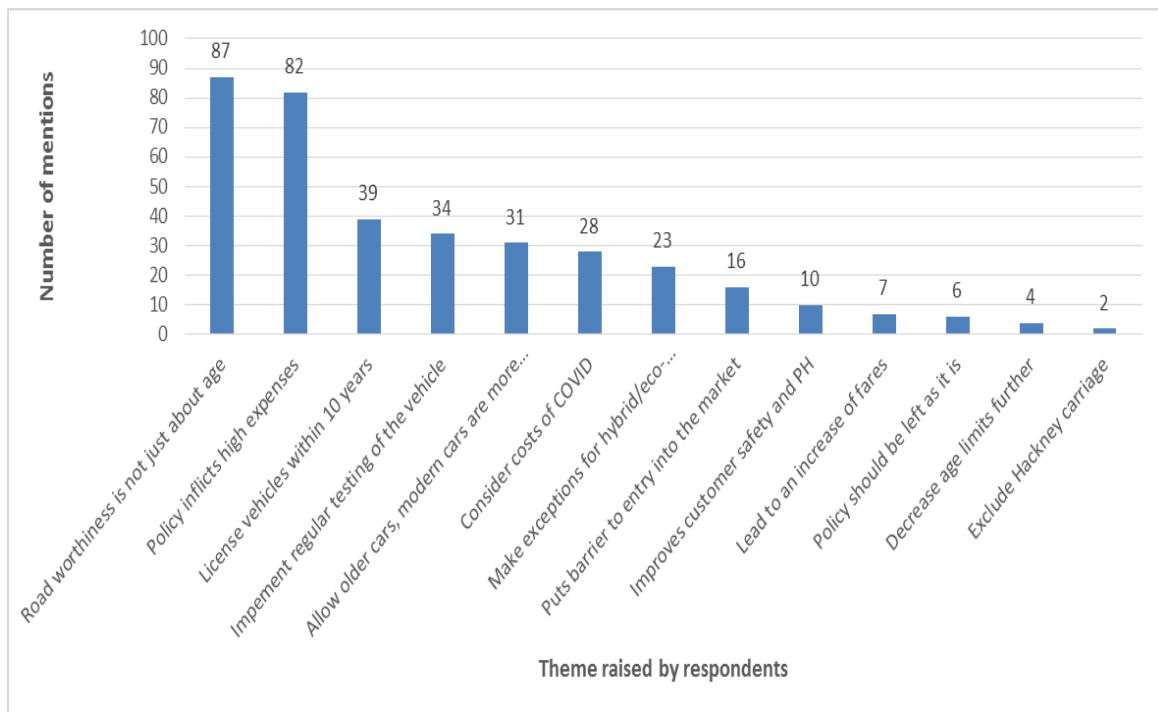
The policy as drafted sets maximum licensed vehicle age limits of 5 years old at first licence with any licence ceasing when the vehicle is 10 years old. Vehicles deteriorate due to a combination of age and use and are constantly being improved by manufacturers. In addition improved standards are regularly imposed by the Government, such as Euro 5 and Euro 6 emission standards which are reflected in the policy requirements. Newer vehicles are safer, less environmentally damaging and less likely to break down. A younger fleet should reduce the need for frequency of vehicle testing to every 12 months as well as reducing the level of enforcement activity required. Existing vehicles which are licensed by the Council and were not previously subject to this age requirement and are older than 10 years will continue to be licensed until the vehicle is 15 years old or until 1st April 2023 (whichever is sooner) when the licence will cease. This lead in time enables the existing licensed trade to plan and prepare for a change in fleet. This will be the case for all vehicles other than the following exceptions which will be licensed up to their 15th year; previous Aylesbury Vale hackney carriage vehicles of black cab type or similar specification, ultra low emission vehicles and prestigious/limousine vehicles.

- 5.5.1 Consultation responses indicate that a majority of respondents (65%) disagree with this policy with all groups of a similar view. The LPHCA response is also in disagreement with the Policy stating that ‘arbitrary age policy is ineffective and is not the best way to establish a vehicle’s safety and suitability’. When responses from drivers are analysed by the area within which they are currently licensed Wycombe drivers have the least extent of disagreement. The Policy mirrors the current vehicle age requirements in the Wycombe area so this group are likely least impacted.

- 5.5.2 A further breakdown of open responses on the maximum licensed vehicle age limits provides the following key reasons for disagreement:

- Road worthiness is not just about age
- Policy will inflict high expenses, not feasible to meet
- Vehicles within 10-year range should be able to be licensed

A summary of the open responses received by theme is provided below:



5.5.3 In contrast with the majority of respondents, responses from disabled people or those with long term health conditions indicate that they are much more likely to agree (47%) with the maximum licensed vehicle age limits within the Policy. This may correlate with the information obtained within the pre-engagement survey carried out in September 2020 which had a much higher response rate from residents (58%). These previous survey results confirmed that the requirement for vehicles to be safe and roadworthy was extremely important with 90% of respondents stating this to be the case. The need for vehicle interiors to be clean, tidy and presentable was also considered to be important with 96% of respondents rating this as fairly or extremely important. In addition 91% of respondents said that it was fairly or extremely important that vehicle exteriors are also in a good condition. These results (below) show a clear view that the overall safety, condition and standard of licensed vehicles should be high.



Thinking about taxi vehicles, how important are each of the following points to you?	Extremely important	Fairly important	Neither important or unimportant	Fairly unimportant	Extremely unimportant
Vehicles are safe and roadworthy	90%	8%	0%	0%	0%
Vehicle interiors are clean, tidy and presentable	68%	28%	3%	0%	1%
Vehicles can be clearly identified as 'taxis'	66%	20%	8%	3%	2%
Vehicle exteriors are in good condition	53%	38%	5%	2%	1%

- 5.5.4 The DfT Taxi and Private Hire Vehicle Licensing Best Practice Guidance (2010) states that it is possible for an older vehicle to be in good condition and therefore the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate.
- 5.5.5 In January 2021 officers carried out a vehicle age policy benchmarking exercise of 45 other local licensing authorities in England. Of these authorities 40 (89%) had licensing policies in place that set vehicle age limits. Of these policies 19 (47.5%) were more onerous in terms of age limits than the licensed vehicle age limit for Buckinghamshire. Where age limit policies are in place, the majority (21 or 52.5%) have set a lower vehicle age limit of maximum 5 years at first licence as for the Buckinghamshire Council area, perhaps reflecting the link to the Euro 6 emissions manufacture date. It is worth noting that 8 authorities (20%) have set a lower vehicle age limit of a maximum of 3 or 4 years at first licence.
- 5.5.6 Currently the Council has limited data available on licensed vehicle testing as a result of the different arrangements in place in each of the previous District Council areas. However in the Aylesbury Vale area licensed vehicle testing is carried out in-house at the Pembroke Road depot in Aylesbury and data is available. The Council (Aylesbury Vale zone) currently requires all licensed private hire and hackney carriage vehicles to pass an annual MOT regardless of age. Vehicles are also required to pass an additional enhanced vehicle inspection to ensure that they meet the Council's policy requirements and conditions.
- 5.5.7 Officers carried out an analysis of MOT test results from the Council's approved testing centre at Pembroke Road. Results were compiled for pass and fail rates on first MOT for all private hire and hackney vehicles presented for testing during the periods 19th October to 23rd December 2020. Only details for pass rates on first test were considered as this is an indication of whether vehicles are in a

roadworthy condition when first presented for testing. The results show that of the 271 tests carried out during this period there is clear evidence of declining pass rates as vehicles age. Vehicles less than 5 years old have a pass rate in excess of 75%, vehicles more than 6 years old have a pass rate of 50% or less. The results (accepting limitations of duration and scale) do generally support a correlation between the age of the vehicle and roadworthiness as illustrated below:

Vehicle age (years)	Vehicle fail at first MOT	Vehicle Pass at first MOT	Total vehicles tested	% of vehicles tested that pass MOT
1	1	4	5	80%
2		8	8	100%
3	1	5	6	83%
4	1	12	13	92%
5	4	13	17	76%
6	19	23	42	55%
7	28	26	54	48%
8	24	12	36	33%
9	22	20	42	48%
10	23	8	31	26%
11	4	2	6	33%
12	3		3	0%
13	4	2	6	33%
15	1	1	2	50%
Grand Total	135	136	271	

- 5.5.8 DfT guidance also suggests that Licensing Authorities may wish to consider how far the vehicle licensing policy can and should support local environmental policies that the Council may have. The Council may also decide to set vehicle emissions standards by promoting cleaner fuels. A review carried out by the National Society for Clean Air and Environmental Protection in 2005 found that taxis were more likely than other vehicles to fail emissions tests. A review of MOT test information obtained for licensed vehicles tested at the Pembroke Road testing centre between the 20th October and the 20th December 2020 supports this. MOT test failures by category were analysed and the site failure rate average was then compared to the national failure rate average. The results show that the site failure rate average for licensed vehicles tested during this period was 17% as a result of 'noise, emissions and leaks' in comparison with the national failure rate average of 11%.
- 5.5.9 The Council considers that every effort should be made to improve the efficiency of vehicles licensed to operate in its area by reducing the emissions of pollutants such as nitrous oxides, particulate matter and carbon dioxide. The European Union has introduced stricter limits on pollutant emissions from light road vehicles, particularly

for emissions of nitrogen oxides and particulates. In order to limit pollution caused by road vehicles, this Regulation introduces common requirements for emissions from motor vehicles and their specific replacement parts (Euro 5 and Euro 6 standards).

5.5.10 Age limits set within the Policy are closely linked to these emissions standards.

Vehicles first registered since September 2015 must meet or exceed Euro 6 emission standards. The recommended requirement is that from the date of implementation of the Policy (likely to be summer 2021), new vehicle licences will not be granted to vehicles that were first registered more than 5 years prior to the date that the application was made. All newly licensed vehicles will therefore meet Euro 6 emissions standards. Vehicles first registered since January 2011 must meet or exceed Euro 5 emission standards. From the date of Policy implementation (likely to be summer 2021), licences will not be renewed in respect of any licensed vehicle that was first registered more than 10 years prior to the date of renewal, other than those subject to grandfather rights under the age limits policy. All such vehicles will therefore meet Euro 5 standards, other than those subject to grandfather rights for a limited period. The Policy also commits to issuing licences to ultra-low or zero emission vehicles only by 2030. To encourage the use of less polluting vehicles, taxis that produce ultra-low or zero emissions will also be licensed for a longer period until they are fifteen years old.

5.5.11 Consultation responses indicate that overall respondents disagreed with the emissions policy by 8.9% more than they agreed. There are notable differences in driver responses when analysed by the area within which they are currently licensed, with drivers licensed in the Chiltern area most likely to disagree with the policy (17 of these respondents appear to be copied answers and of note is the high proportion of Hackney Carriage driver respondents from Chiltern). Drivers licensed in the Aylesbury Vale area are also likely to disagree but to a lesser extent. Drivers licensed in the South Bucks and Wycombe areas are both likely to agree with the proposal, particularly those from South Bucks.

5.5.12 Analysis of open comments received from respondents identified key themes that underpinned their agreement or disagreement with the Policy. These include:

- Concern over expense of low emission vehicles
- Change is good for the environment

Comments also indicate a degree of misunderstanding of the Policy requirements in 7% of responses and of the grandfather rights within the Policy for the existing licensed trade. Comments also show that respondents clearly link the emissions policy with the licensed vehicle age limits policy with cost being a significant concern. The consultation had a large response rate from the taxi trade (70%) and this may be why responses were less positive on this issue than those collected

during the pre-engagement survey in September 2020. Within the September survey 71% of respondents stated that they felt it was important that licensed vehicles are environmentally friendly and 62% felt it was important that the Council provide incentives for electric vehicles (of note is the significantly higher resident response rate of 58% to the survey carried out in September 2020).

- 5.5.13 Whilst DfT guidance is that a vehicle age limit policy may not be appropriate, this guidance was produced some time ago (2010) and in this area may not reflect either the local Buckinghamshire picture or national picture. Historically the District Councils have operated age policies for licensed vehicles effectively and consider them a relevant and important factor in ensuring that standards of licensed vehicles are maintained for service users. Nationally there is some evidence that authorities who have removed vehicle age limits have then subsequently reintroduced them following reductions in the condition, appearance and tidiness of their licensed vehicles (Northampton Borough Council, Borough Council of Wellingborough, Cotswold District Council, and Reading Borough Council). Northampton Borough Council also cited concerns that proprietors of vehicles of a lower standard may choose to licence particular older vehicles with their authority because of the 'lighter touch policy', and that overall this may drive down the standard of vehicles available for users.
- 5.5.14 The importance of considering the climate change agenda when drafting and shaping local policy has increased significantly for Councils since 2010 when the DfT guidance on licensed vehicle age limits was produced. The Euro 5 and 6 standards were adopted by the European Commission to significantly reduce air polluting emissions from vehicles and provide long term planning security for vehicle manufacturers who wish to continue pursuing diesel technology. Euro 6 emission standards can achieve up to a 99 percent reduction in the emission of pollutants like fine particulate matter (PM2.5), reducing the risk of ischemic heart disease, lung cancer, stroke, and asthma (International Council on Clean Transportation; June 2016). Although there are fewer taxis on the road than private cars, they have a disproportionate impact on air quality. This is because they often operate in urban areas where there are lots of people and do a high number of miles. Taxi emissions impact on the health of local people, as well as taxi drivers who could be exposed to poor air quality for 8-12 hours each day. Whilst it is accepted that the Council could choose not to have an age limit policy on licensed vehicles, evidence (which is supported by Buckinghamshire Council MOT testing results) clearly shows that older vehicles are more polluting and more likely to fail emissions tests and that taxis are more likely than other vehicles to fail emissions tests. Having reviewed the consultation responses and evidence on this issue it is considered that an age policy for vehicles that closely aligns to the Euro 5 and Euro 6 standards is likely to be the most comprehensive, robust and effective way of ensuring that

the Council is working towards local and national commitments on climate change, particularly as at this time there remains some uncertainty around the longer term UK legislative Euro 5 and Euro 6 equivalent standards following Brexit. Alongside other environmental strategies, the licensed vehicle age limits and emissions policy will contribute to the Council reducing air pollution levels in Buckinghamshire.

5.6 CCTV

The new DfT standards for taxi and private hire vehicles advocate local consultation to determine whether CCTV would have a net positive or adverse impact on safety. Pre-engagement survey results (September 2020) show that 59% of responders felt that having CCTV installed in vehicles was extremely or fairly important with 24% indicating that it was neither important or unimportant to them. Consultation responses indicate that overall, respondents agreed with the proposal to mandate the installation of CCTV in licensed vehicles from April 2023 by 14.4% more than they disagreed with the proposal. When reviewed by respondent type whilst most groups agree with the proposal, hackney carriage drivers and private hire operators were in equal agreement and disagreement.

5.6.1 Analysis of open responses indicates that whilst a high level of respondents (49) feel that CCTV protects drivers and customers an equal amount (46) consider it poses a violation of privacy and raise concerns over the financial cost of installation (41). The LPHCA response states that they 'totally oppose' CCTV being a mandatory requirement for private hire vehicles' and provide the following key reasons for this:

- Financial burden (upwards of £608 per vehicle for installation)
- Imposition of additional regulatory obligations on licence holders regarding data control
- Onerous on the driver in terms of decision making around the activation of the device
- Contingency plans for vehicle replacement

5.6.2 Having reviewed the consultation feedback the recommended approach is that the Policy will not mandate the installation of CCTV within licensed vehicles at this point in time. However the Policy will provide clear guidance to those within the licensed trade who wish to use CCTV. Only 4% of local authorities currently mandate CCTV in licensed vehicles (DfT Taxi and Private Hire Vehicle Statistics 2019) although most allow it. The technology in this area continues to develop and this should positively influence the costs and choice associated with installation in the future. In considering this approach Officers have also been mindful of the cumulative impacts of Policy change on the licensed trade at this time. It is recommended that Licensing (Regulatory) Committee keep this matter under review and reconsider the mandate of CCTV at the 5 year Policy review point.

5.7 English language:

The DfT Statutory Standards require that all new drivers, and those who have not previously been tested, pass an English language test. The Policy requires that all taxi drivers must pass an English language test. From 12 months after the Policy implementation date (likely to be summer 2021), any existing drivers who have not previously taken the test will also be required to take and pass it. If they have not passed the test by this date, we will not be able to renew their licence until they have done so, unless they can demonstrate they meet the Council's required level of proficiency by way of approved qualification.

- 5.7.1 The Policy recognises the importance of English language skills, not only for identifying and reporting safeguarding concerns, but also because it facilitates good communication with passengers and officials. The ability to communicate in English can also help avoid confrontation and stressful situations, such as disputes over fares and misunderstanding over directions. In line with the recommended standard that changes to licensing requirements should be applied to all licence holders, and in recognition of the important role that English language plays in addressing safeguarding concerns, it is proposed that all licensed drivers undertake a formal English language assessment, using the approach currently adopted in the Aylesbury Vale area. This approach is detailed within the separate report on the implementation of the Statutory Standards provided to the Licensing (Regulatory) Committee.
- 5.7.2 Pre-engagement survey results (September 2020) indicate that respondents clearly feel it is important that taxi drivers can understand, speak and read English (92%). Consultation responses indicate that overall respondents disagree with the Policy requirement to pass an English language test with 8.5% more respondents in disagreement over those that agreed. Of note here is that the response rate from residents during pre-engagement in September 2020 was significantly higher (58%) than to the consultation in December 2020 when the majority of respondents are from the taxi trade (70%). When analysed by respondent type taxi trade organisations and business owners/representative (non-taxi industry) were the only groups who were more likely to agree than disagree. Analysis of open responses indicates the most notable themes raised by respondents are:
 - English is not an important factor in completing the job - communication requirements are limited
 - Important for drivers and passengers to be able to communicate
 - Experienced drivers should be exempt from testing

The LPHCA response states that they have ‘concern as to the final criteria for the assessment, the cost and strategic timing of implementing such a requirement’ and raises the following key points:

- That the Policy imposes an ill-timed fee burden given the Covid-19 pandemic
- That it does not specify exact parameters or qualification requirements or alternative qualifications which may already be held
- The proposal could lead to a shortage of supply of new drivers

- 5.7.3 Having reviewed the consultation responses it is clear that existing drivers who have not previously had to take and pass an English language test to enable them to hold a drivers licence are concerned that the introduction of a test may negatively impact them. Whilst the Council is able to deviate from the DfT Statutory Standards should it wish to do so, the Standards explicitly state that ‘The Department...expects these recommendations to be implemented unless there is a compelling local reason not to’. Given the importance of English language skills for identifying and reporting safeguarding concerns it is not considered that there is a compelling local reason not to implement this requirement.
- 5.7.4 Officers are committed to facilitating opportunities for drivers to practise and develop their English language skills once the Policy is adopted in order to limit impacts on drivers and on service users. This will include signposting to the Council’s Adult learning ESOL courses to those who do not have English as a first language as well as enabling drivers to take the test earlier than their licence renewal date should they wish to do so. The points raised by the LPHCA on parameters and alternative qualifications are relevant and have been addressed either within wording changes to the Policy (appendix 6) or within the separate report on the implementation of the Statutory Standards provided to the Licensing (Regulatory) Committee. Research undertaken as part of the review and benchmarking work underpinning the English language test requirement within the new Policy has indicated that the current pass level used by Aylesbury Vale could be reduced slightly while still achieving the safeguarding objectives. It is anticipated with the additional training and slight reduction in test pass mark that the pass rate of existing drivers could be in the region of 75%. Drivers who are unsuccessful in passing the test will be directed to additional sources of support to help improve their English language skills. They will also have the opportunity to take further tests for which an additional cost will be incurred.

5.8 **Safeguarding training**

All drivers licensed by Buckinghamshire Council have undertaken exploitation safeguard training and it is an ongoing requirement for new drivers. The Policy

requires that licence holders attend refresher training at least every three years. As criminal exploitation of children and vulnerable persons evolves and changes in nature overtime, it is important that those involved in the trade are regularly updated on developments and receive routine reminders on how to identify and report signs of abuse and exploitation. The Policy requirement also includes operators. Whilst this is not a recommended requirement of the statutory standards, operators can also play a key role in identifying and reporting safeguarding concerns at the point of booking.

Consultation responses indicate that most respondents (65%) agree with this proposal. Analysis of open questions indicates that the most notable themes raised by respondents are:

- Safeguarding is of high importance
- 3-year refresh is excessive and will be repetitive
- Ensure training is free of charge / time compensated

A small number of respondents (6) indicated that they felt that the training should be available online.

5.8.1 Having reviewed the consultation responses it is considered that the approach set down within the Policy as drafted supports the Council's public safety objectives and should be implemented. Taxi licensing operates on a cost recovery model and therefore the costs of providing this training will be factored into the licence fee for drivers and operators. Since the start of the Covid-19 pandemic training has been delivered online and it is likely that this and/or a hybrid model of face to face training will continue for the future, reducing the time commitment needed for drivers and operators to attend.

5.9 **Criminal convictions and unacceptable behaviour policy**

The LPHCA response states that they 'totally oppose an automatic refusal requirement for drivers with '7 or more penalty points on their DVLA licence'.

Reasons given for this are:

- The proposal imposes an ill-timed unreasonable burden on the trade, given the Covid-19 pandemic
- The proposal will unfairly penalise individuals who receive penalty points, and can continue to drive by law, but lose the ability to work
- The proposal means 49% of current driving offence endorsements, whether minor or not, could result in loss of a licence for a single incident
- The proposal may prevent, or otherwise stall, the licensing of new drivers which could lead to "...shortages of supply..."

This LPHCA comment relates to ‘Other motoring offences’ within the Criminal Records and Unacceptable Behaviour Policy at appendix 4 which states:

A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

- 5.9.1 This requirement reflects the Institute of Licensing ‘Guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire trades’ (April 2018) which provides authoritative guidelines to licensing authorities as to how they should make determinations about the safety and suitability of drivers and operators. The Guidance also aims to deliver consistency across local authorities by providing a degree of national uniformity and consistency, promoting confidence in the licensing regime. Officers continue to apply discretion when making licensing decisions by reviewing each case on its individual merits, referring to guidance but using their judgement to apply proportionate balance. However it is important that the Council adopts a robust and consistent framework within which they can operate when determining suitability.

- 5.9.2 Public safety must be the Council’s primary objective when licensing drivers. Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require that a “council shall not grant a driver’s licence to drive a private hire vehicle or hackney carriage unless they are satisfied that an applicant is a fit and proper person”. There is no definition of this term within the legislation but the relevant case law states that:

“those licensed to drive private hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience; sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers”

McCool-v-Rushcliffe Borough Council (1998)

Another frequently applied test is whether a reasonable person, having access to all relevant information, would feel comfortable and confident allowing the applicant or driver to drive a close friend or relative.

- 5.9.3 A simple internet search illustrates that less than 7% of the overall number of licence holders in the UK have points on their DVLA licences (2019, <https://www.driving.co.uk/news/one-20-drivers-points-licence/>). Taking this into account it would not be ‘normal’ for the average person to have over 7 points on their DVLA driving licence and it is not considered that this Policy requirement for

licensed drivers is unreasonable or should have a significant impact on the vast majority of the law abiding licensed taxi trade.

5.10 **Drug testing**

The Policy states that, where concerns are raised, the Council may require licence applicants or existing drivers to be tested for the unlawful use of drugs. The Council views the use of illegal drugs as completely incompatible with being fit and proper to hold a licence to drive members of the public. Consultation responses indicate that most respondents (78%) are in agreement with this approach and that all respondents, irrespective of type, are in agreement. Analysis of open responses indicates the most notable themes raised by respondents are:

- Agree this is a good idea
- Testing should be regular and random
- Only test when there is reason to do so

These comments support the approach detailed within the Policy.

5.11 **Tinted windows**

Although the online consultation did not ask a specific question about the Policy requirements for licensed vehicles with tinted windows this issue was raised by respondents within the open comments area of the consultation and directly with officers during meetings with the licensed trade and via direct correspondence. In addition the LPHCA response states that they totally oppose restrictions on the use of tinted window glass on licensed vehicles and provide the following key reasons for this:

- The proposal imposes an ill-timed, given the Covid-19 pandemic, unreasonable and unlimited costs burden of £600 to £4,000
- The proposal requires removal of manufacturer specified glass which may result in a reduction of the vehicles retail value
- The proposal negates the environmental benefits of retaining tinted glass (including, for example, heating / cooling vehicles)
- The proposal, in the absence of contrary evidence, is not supported by a correlation with crime prevention

5.11.1 Section 4.3, point 12 of the Policy states:

A minimum of 75% light must be transmitted through the front windscreen, 70% light is transmitted through any front passenger windows and a minimum of 60% light through all other glass (with the exception of rear quarter lights). Approved executive vehicles are exempted from this requirement.

Vehicles which were licensed by the Council before this requirement was introduced and which were not already subject to a policy on tinted windows will continue to be licensed until the end of the usual licence period (10 years for standard licences and 15 years for zero emission vehicles / prestigious vehicles / limousines) unless the tint is considered to be so dark that it would provide a significant risk to public safety i.e. where it is not possible to see passengers in the rear areas of the vehicle.

- 5.11.2 Currently the District Council policies all contain requirements on tinted windows but varying levels of light transmission are permitted. Taxi and private hire vehicles provide essential services to children and vulnerable adults, including to school, and the Council considers it essential for public safety and safeguarding purposes that it is possible to clearly see into both the front and rear of a licensed vehicle. Whilst the DfT Best Practice Guidance (2010) advises licensing authorities to consider the cost of replacing factory fitted tinted windows, when determining policy requirements, it is also important to consider that this guidance was published prior to a wider appreciation of the role that the taxi and private hire trade has played in the exploitation of children and other vulnerable persons. Evidence is cited in the Jay and Casey reports into child sexual exploitation in Rotherham as follows:

"There is evidence to support the view that taxis and PHVs are a high-risk environment. In terms of risks to passengers, this can be seen in the number of sexual crimes reported which involve taxi and PHV drivers" (para 1.2).

This evidence underpins the DfT Statutory Standards which were published in July 2020 and state:

"There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers" (para 1.1).

Furthermore, locally we are developing a greater understanding and awareness of 'County Lines' type activity, where young persons are coerced into transporting illicit drugs, money and other items, often using taxi/private hire vehicles.

- 5.11.3 A benchmarking exercise of 56 licensing authorities carried out by officers in January 2021 found that:

- 45% had policy requirements equivalent to or more stringent than the Buckinghamshire Council Policy
- 39% had no policy in place and/or accepted manufacturer window tint specification for all licensed vehicles

- 16% had policy requirements less stringent than the Buckinghamshire Council Policy
- 5.11.4 Research carried out by officers in 2016 (revisited in 2021) on the level of light transmission provided by the manufacturer's specification windows of 13 commonly licensed vehicle makes and models shows that at the time of assessment of these only 1, the Toyota Prius Plus, would not meet the requirements specified within the Policy (Toyota have confirmed that the vehicle can be ordered with standard glass which allows 70% light transmission in the rear glass). Setting a tinted window policy provides the trade with clarity on requirements and allows them to purchase vehicles that will meet the specification. Officers will continue to consider each vehicle licence application on an individual basis and are mindful of the cost implications to applicants when making decisions. However it is important that the Council adopts a robust and consistent framework that supports the primary objective of protecting the public. Having considered the consultation responses and associated evidence and information the tinted window requirements within the Policy are considered reasonable, particularly given the grandfather rights provided for the existing licensed trade which will limit cost implications. Officers have made a change to the recommended Policy wording to exclude rear quarter lights (windows) from the requirement in response to feedback from the taxi trade that some vehicles that are otherwise compliant would not meet the tint specification.

5.12 **Policy wording changes**

Consultation raised a number of minor Policy wording amendments which have been considered and changes made where required. Details of all wording changes made to the Policy following consultation are attached as appendix 6 to this report.

5.13 **Open responses**

The consultation enabled respondents to provide the Council with any other comments they would like to make about the Policy. The purpose of this is to capture any insight which would be out of context to previous consultation questions posed but relevant to the Policy proposal. 273 responses were received both within the online consultation and outside of this via direct communication with the Licensing Service. Analysis of these indicates that the most notable themes raised by respondents are as follows:

- Policy needs to be discussed/extended in the context of COVID-19
- Policy overall will put financial burden on drivers/operators
- Policy does not seem to be fair to taxi driver/operators - non-supportive policy

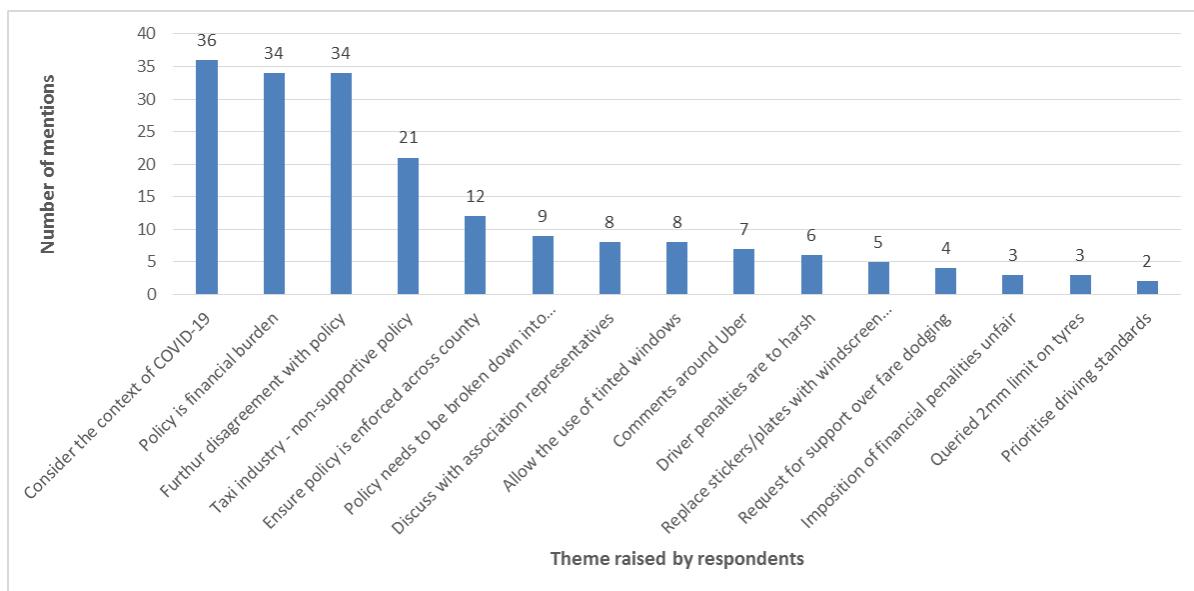
Respondents commented that:

"Any changes should not be considered or implemented until after COVID-19 and there is some sense of normality. We do not know the true extent of the damage COVID-19 has had on our trade and until we do it would be unfair for any changes to be made"

"Council should seek advice to make the policy which is cheap to follow for the drivers. Some changes proposed are nothing more than a sheer expense on the drivers"

"The policy seems very one sided, you have not taken into consideration the drivers or the impact on the trade, you are not about safeguarding the trade but merely adopting policies to close the door on current and new drivers. Its most frustrating that in already challenging times you have added the burden off additional costs on us, varying from CCTV to newer vehicles."

The full breakdown of open responses is provided below:



- 5.13.1 Following requests from the taxi trade and the LPHCA the consultation period on the Policy was extended for a further 2 weeks providing an 8 week consultation period in total. The Council is very mindful of the Covid-19 situation impacting businesses at the present time, including the taxi trade and have given this careful consideration when thinking about the adoption of a new Policy, but must balance this against the reasons for Policy change, and particularly the need to protect public safety. The DfT have been clear that there is an expectation that licensing authorities will implement the statutory standards and we must report to the DfT on progress with this in January 2021. Where the Policy makes changes that are not linked to the Statutory Standards (such as changes to vehicle age, an emissions policy, requirements for wheelchair accessible vehicles) grandfather rights have been provided to give the taxi trade time to prepare and plan for these changes but also in consideration of the current Covid-19 impacts felt by the taxi trade. The

approval mechanisms and operational changes required to deliver the Policy change mean that, if approved, it will not come into effect until summer 2021 at the earliest and it is considered that by then the effects of the vaccination and testing programmes should provide support for business recovery. The Licensing Service has provided information on business grant support that may be available to operators throughout the Covid-19 pandemic and will continue to do so. In addition SEN school transport contracts have continued to operate throughout the pandemic providing some degree of certainty for the taxi trade engaged to deliver these. Case law judgments indicate that Licensing Committees should not take financial considerations into account when reaching taxi licence decisions and that the over-riding objective must be public safety. This is of relevance here and means that whilst the Council may be mindful of fee impacts on the taxi trade; this cannot take precedence in decision making.

- 5.13.2 The Policy if approved aims to deliver benefits in terms of improving public safety as well as ease of operation for the taxi trade. It is important that we balance the impacts of the proposed changes on those who may be negatively affected, with the improvements to public safety and the benefits to service users and the taxi trade that aligning licensing service provision will bring.

6. Next steps and review

- 24th February 2021 Report to Full Council to approve and adopt the new policy (should Licensing (Regulatory) Committee choose to recommend approval)
- March 2021 - fees and tariffs report to Licensing (Regulatory) Committee
- Date TBC - 28 day consultation on fees and tariffs
- Date TBC - Report back to Licensing (Regulatory) Committee on fees and tariffs consultation
- Date TBC (likely summer 2021) - Policy implementation.

- 6.1 In conjunction with the above, the Council will potentially need to consider other matters such as resolutions pertaining to Private Hire and Hackney Carriage licensing areas and the appointment of taxi ranks. The Licensing (Regulatory) Committee will continue to be advised on such matters.

7.0 Key documents:

DfT Taxi and Private Hire Vehicle Licensing: best practice 2010

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf

- Other options considered

There are no specific statutory time scales imposed on the Council to align taxi and private hire licensing policies. Maintaining and applying four different policies however is burdensome on the trade, Council Members and Officers. The adoption of a new policy, for the new Council area, presents a timely opportunity to review best practice and adopt the highest standards for Buckinghamshire's taxi and private hire trade.

- Legal and financial implications

The new statutory standards now mandate the provision of a taxi and private hire licensing policy document. A written policy document helps assist decision making and provides safeguards against legal challenge.

The additional costs of drafting the new policy have been met by funds allocated to the transformation work streams prior to vesting day. There may be future cost implications to the Council from new policy requirements, however any additional costs incurred or savings made will be reflected in future adjustments to fee levels. The Council is legally obliged to ensure licence fee levels are set on a cost recovery basis.

- Corporate implications

- Protecting the vulnerable – taxi and private hire vehicles play a valuable role in transporting vulnerable members of the community such as children and those with physical disabilities. Many children, including those with special educational needs, rely on taxis and private hire vehicles for school transport. This policy review presents an opportunity to ensure that the required standards of the Council's Client Transport Services and private hire and taxi licensing are aligned. The policy also allows the Council to set out its expectations in terms of vehicle requirements, including accessibility requirements.
- Property – there are implications for the Council in respect of testing arrangements for vehicles. The Council is able to determine the frequency, manner and location of vehicle testing. Presently this varies between areas as to whether these tests are performed at Council or external facilities. A Council review is ongoing and various options are being explored, which includes the potential use of the new Pembroke Road facility for increased vehicle testing.
- HR – N/A
- Climate change – measures to encourage the use of low emission vehicles have been considered in the new policy.

- Sustainability – the provision of public transport reduces the need for car ownership. A policy that promotes higher quality transport options is more likely to be desirable to passengers and further reduce the need for vehicle ownership.
- Equality – a full equalities impact assessment has been carried out and accompanies this report (appendix 7)
- Data – a review of the existing data protection policies in place is required ahead of implementation and is now in process.
- Value for money – a unified policy reduces financial burdens on the Council with savings in Member and Officer time: consultations, committee meetings, enforcement and application processing. There are savings in advertising costs of statutory public notices required for changes to fees and hackney carriage fares. The trade benefit with one licensing regime for the whole Council area, rather than up to four under the current arrangements.



HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

Date TBC

<u>CONTENT</u>	<u>PAGE NO</u>
1. Introduction	3
2. About this policy	3
3. Hackney Carriage / Private Hire Driver Licence	9
4. Hackney Carriage / Private Hire Vehicle Licence	16
5. Private Hire Operator Licence	28
6. Decision Making Process	32
7. Enforcement	33
8. Service Standards	33
Appendix 1 Map of Buckinghamshire Council area	34
Appendix 2 List of Offences	35
Appendix 3 Licence Conditions	
• Private Hire Vehicle Driver Licence	39
• Hackney Carriage Vehicle Driver Code of Conduct	46
• Hackney Carriage and Private Hire Vehicle Licence	52
• Executive Private Hire Vehicle	59
• Stretched Limousines and Novelty Vehicles	61
• Private Hire Vehicle Operator Licence	65
Appendix 4 Criminal Records and Unacceptable Behaviour Policy	73
Appendix 5 Penalty Points System	80
Appendix 6 Licensing Enforcement Policy	90
Appendix 7 Advertising Policy	93
Appendix 8 CCTV Guidelines for Licensed Vehicles	94
Appendix 9 National Register of Taxi Licence Refusals and Revocations (NR3) Policy	95

1. Introduction

Version Control

Version No	Initial	Date	Changes Made
V1.0			Policy adopted (date TBC) and in force from (date TBC).

Accessibility

We have actively considered the needs of blind and partially sighted people in accessing this document. We will make this document available in full on our website and you may download and translate into other accessible formats. If you have other needs in this regard, please contact the licensing service on [**LICENSING TEAM INBOX EMAIL ADDRESS**].

This policy has been written taking into consideration the following 4 key priorities identified in the [Buckinghamshire Council Corporate Plan 2020 to 2023](#):

- strengthening our communities
- improving our environment
- protecting the vulnerable
- increasing prosperity

This policy replaces all previous Taxi and Private Hire Licensing policies used by the former District Councils. This policy also relates to the Safer Buckinghamshire Plan and our Climate Change Strategy, the draft Buckinghamshire Low Emission Strategy, The Local Transport Plan.

2. About this Policy

The Council has responsibility for regulating the hackney carriage and private hire trades under the Town and Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976.

This policy sets out our approach to hackney carriage and private hire licensing to provide

transparency and consistency for both those working in the industry, passengers, other road users and members of the public.

The primary and overriding consideration in relation to the licensing of hackney carriage and private hire vehicles is public safety. Public safety includes the safety of drivers, operators, vehicle proprietors and their staff as well as the users of hackney carriage and private hire vehicles and the wider public. The public must have confidence in the safety of hackney carriages and private hire vehicles as a form of transport and as a consequence the highest standards will be expected from all applicants and licence holders.

Hackney carriages are commonly called ‘taxis’, ‘black cabs’ and ‘cabs’. They may be hired immediately in the street or from a taxi rank. In this policy they are generally referred to as ‘taxis’. Private hire vehicles are commonly called ‘minicabs’. They must always be booked in advance of the journey through a licensed private hire operator. In this policy they are referred to as ‘private hire vehicles’.

Taxi and private hire services are an important part of the transport network in Buckinghamshire. They are essential for passengers with disabilities and residents of rural communities. They also play an important social role in enhancing the public transport system and facilitating social inclusion.

Evidence supports the view that taxi and private hire services can be a high-risk environment for drivers, passengers, and the public. Drivers may be at risk of abuse or assault from customers. Private hire operators and their call handlers may have contact with children or vulnerable people. They may receive information that could be exploited for criminal purposes. In some circumstances, taxis and private hire vehicles may present a danger to other road users.

Policy objectives and aims

This policy is intended to enable the Council to provide a robust licensing regime which enables the hackney carriage and private hire trades to provide the best possible service to the public with the overriding aim of maintaining and improving public safety.

The objectives of this policy are:

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

The Council aims to improve our environment and air quality by encouraging the use of low and ultra-low emission (such as electric, hybrid or liquefied petroleum gas [LPG]) taxi and private hire vehicles. From the date of the implementation of this policy we will not issue new vehicle licences to vehicles unless they comply with Euro 5 or 6 emissions standards. We also

aim to only issue licences to ultra-low or zero emission vehicles by 2030.

We aim to improve access to wheelchair-accessible transport by maintaining a list of taxis and private hire vehicles with these facilities available on the Council's website in accordance with the Equality Act 2010 ([insert link](#)). All new additional hackney carriage vehicles will also be required to be wheelchair accessible from the date of the implementation of this policy.

The Council adopted this policy on (date TBC) and it came into force on (date TBC). It replaces earlier Hackney Carriage and Private Hire Licensing policies that were in force within the former Bucks District Council areas.

We will keep this policy under review at least every five years in line with the Statutory Taxi and Private Hire Vehicle Standards to ensure that it remains up-to-date. We may make minor amendments to this policy, with the agreement of the Chairman of the Licensing Committee, Cabinet Member for Regulatory Services and the Head of Service, as set out in the [Council's constitution](#).

This policy cannot predict every scenario or set of circumstances that may arise and sometimes it may be appropriate and necessary for us to depart from the policy. If we do make an exception, we will give full reasons for doing so.

This policy contains "bright lines". These are firm statements of intent which may appear to be absolute. Such statements are lawful and allow the Council to provide robust guidance to itself, applicants, licence holders and citizens on the approach that will be taken. They do not fetter the discretion of the Council because each case will be considered on its merits but in the light of this policy.

Where this policy differs from the previous policies used by the former District Councils, consideration will be given by the Council to licences that were granted or renewed before this policy was adopted. There is no guarantee that any licence will be renewed and the Council will consider all new and renewal applications in the light of this policy. The fact that a licence has been granted in the past will be taken into account and will be a relevant consideration, but there is no legitimate expectation that any hackney carriage or private hire licence will be renewed. This policy will also be used to inform action that may be taken against any existing licence.

This policy does not seek to undermine the right of any individual to make an application and to have that application considered fairly and on its individual merits.

Consultation

The Council is keen to hear the views of persons who may be affected by this policy and full consultation will take place before any significant changes are made.

The Policy and associated documentation are available for inspection on the Council's website at [www.buckinghamshire.gov.uk\(\)](http://www.buckinghamshire.gov.uk/) and hard copies are available at the Council Offices or by contacting info@buckinghamshire.gov.uk

Information and Data Sharing

In the interests of protecting public funds, the Council reserve the right to use any information or data submitted as part of an application, renewal, administration or compliance and enforcement process for the prevention and detection of fraud and crime.

Data held will include name, address, telephone number(s), e-mail address(es), date of birth, national insurance number along with information about medical status, criminal history, driving record and right to work in the UK. This information will have been provided as part of the application process.

This information is required so that applications can be processed and licences granted. It is in the public interest to determine whether or not an applicant or driver is a fit and proper person to hold a licence as defined by this policy and conditions. It is not possible to make these decisions without this information.

Data relating to taxi and private hire licences will generally be held for a period of 15 years after the expiry of the last licence issued. Data provided as part of the NR3 Database will generally be held for a period of 25 years after the licence was revoked or the application was refused.

The Council may share your information internally and we reserve the right to check the information you have provided for accuracy and to detect crime. We may share your information with other statutory/regulated Authorities or if it is required by law. Other parties may include the Disclosure and Barring Service (in relation to Banning Lists), the Department for Work and Pensions, The Home Office, The Police, the DVLA, HM Revenues and Customs and other local authorities.

The Council subscribes to the National Register of Hackney Carriage and Private Hire Driver Licence Refusals and Revocations (NR3) to check all drivers applying for licences (new and renewal) against the register. Where an existing licence is revoked or an application refused, this will be recorded on the register. Further information explaining the Council's policy on using the NR3 register is shown in appendix 9.

Further information about how the Council processes data relating to taxi and private hire licences along with details of the Council's Data Protection Officer can be found at www.buckinghamshire.gov.uk/your-council/privacy/privacy-policy/

Definitions

Applicant

Person or business who has submitted an application for either a grant or renewal of a licence.

Application: a completed application made by an individual (or individuals) for the grant or renewal of a licence

Assistance Dog

a dog which has been trained to guide a blind person;
a dog which has been trained to assist a deaf person;
a dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects;
a dog of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (c)) of a prescribed kind;

Authorised Council Officer

A Council officer who is authorised by the Council to exercise powers and duties conferred by legislation.

Conditions

Conditions of licence applied by the Council to a driver's licence, an operator's licence or a vehicle licence.
Non-compliance will lead to penalty points being imposed or action against the licence

Council

Buckinghamshire Council

Date of First Registration

The date of first registration on the vehicles V5 log book issued by DVLA.

DBS

Disclosure & Barring Service.

Driving licence

Full UK driving licence issued by DVLA, Northern Ireland driving licence, EEA driving licence or exchangeable driving licence as defined in section 108 of the Road Traffic Act 1988 or as amended by any subsequent legislation.

DVLA

Driver and Vehicle Licensing Agency.

DVSA

Driver and Vehicle Standards Agency (which replaced VOSA in 2014).

Fare Card

A card which must legally be displayed in Hackney Carriage vehicles that are fitted with a taximeter which indicates the maximum authorised fare to be charged for distance travelled, waiting time and additional

charges determined by the Council under section 65 of the Local Government (Miscellaneous Provisions) Act 1976 and the licence plate number. This is issued by the Council

Hackney Carriage Vehicle

A vehicle licensed under the Town Police Clauses Act 1847 often referred to as a taxi.

Hirer

Any person or persons who from time-to-time hires or books the vehicle

Legislation

Acts of Parliament, Secondary legislation and decisions of the senior courts, Supreme Court, European Court of Justice and European Court of Human Rights.

Licensing Authority

The licensing function within Buckinghamshire Council.

Licensing Committee

The committee which determine licensing matters as set out in the Council constitution.

Licensed Driver

A driver licensed under the Town Police Clauses Act 1847 to drive a Hackney Carriage vehicle and under the Local Government (Miscellaneous Provisions) Act 1976 to drive a Private Hire vehicle.

Licensed Operator

A person, persons or company 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.

Licensed Vehicle

A hackney carriage or private hire vehicle licensed by Buckinghamshire Council.

Licensee(s)

The person(s) or company/firm named in the licence

Licence Plate

The plate that licensed vehicles must display showing the licence number, maximum number of persons to be carried, expiry date, vehicle registration number, and make and colour of vehicle.

Licensed Vehicle

Vehicle licensed under Town Police Clauses Act 1847 as a Hackney Carriage or licensed under the Local Government (Miscellaneous Provisions) Act 1976 as a private hire vehicle.

Operator

See licensed operator

Policy

This policy document and all associated documents.

Private Hire Vehicle

A vehicle licensed by Buckinghamshire Council under the section 48 Local Government (Miscellaneous Provisions) Act 1976.

Proprietor

Registered owner or part owner of a vehicle.

PSV

Public Service Vehicle.

Taximeter

Device used for calculating the fare to be charged for the journey by measuring distance travelled plus any time waiting. This must be fitted in all hackney carriage vehicles and may be fitted in private hire vehicles.

WAV

Wheelchair Accessible Vehicle. Certain hackney carriages and private hire vehicles suitable for carrying wheelchair-bound passengers.

3. Hackney Carriage and/or Private Hire Driver Licence

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

There is no definition of this term within the legislation but the relevant case law states that:

“those licensed to drive private hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience ; sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers”

McCool-v-Rushcliffe Borough Council (1998)

Another frequently applied test is whether a reasonable person, having access to all relevant information, would feel comfortable and confident allowing the applicant or driver to drive a close friend or relative.

In order for you to demonstrate that you are “fit and proper” you need to provide evidence of the following:

- An acceptable driving standard
- Appropriate attitude / behaviour / integrity
- Medical fitness
- Honesty and trustworthiness
- Relevant knowledge necessary for the role (including training on safeguarding and disability awareness)
- An acceptable understanding of English

Application forms must be completed in full.

Applying for a Licence

If you are applying for a new licence you will need to do the following:

1. Submit an application form completed in full.
2. You will need to apply for an Enhanced Disclosure and Barring Service (DBS) Certificate (including checks on the adult and children barred lists) and register with the DBS Update Service. If you have already subscribed to the service you will have to provide a copy of your most recent Disclosure Certificate.

You should read the Council's Convictions and Acceptable Behaviour Policy (Appendix 4) and contact the Licensing Service before you make an application if you have any previous convictions or cautions and want advice on whether your application is likely to be successful.

3. Provide 2 colour, passport sized photographs of the applicant, taken within the last month, prior to the application which conform to the standards required by HM Passport Office. One photograph must be signed on the back by you and state your name and address.
4. Provide your original DVLA driving licence. You must have held a full DVLA or EU licence (or equivalent requirement after 01 January 2021) for at least 3 years (see 3.2 below).
5. If your driving licence was issued in England, Wales, or Scotland, you must provide a DVLA check code and signed mandate form to share your driving licence information with us. This will enable us to view your driving record and check your penalty points or disqualifications.
6. If you have been absent from the United Kingdom for a continuous period of 3 months or more since the age of 18 you will have to provide a certificate of good conduct from the local police or the embassy of all of the countries you have stayed at.
7. Provide a pass certificate for the practical driving test taken with one of our approved providers. This test will include some verbal questions - more information about this part of the application process can be found in our guidance notes.
8. Pass the approved English language test.
9. Provide a medical certificate which has been completed and signed / stamped by your own registered doctor.
10. You must provide evidence that you are entitled to live and work in the United Kingdom or an online Home Office right to work share code. We will only accept documents that have been approved by the Home Office for these purposes.

Further details on these requirements and the process for applying for a licence are available in the Guidance to Applicants on the Council's website at ()

If you have taken no action with your application for a period of six months, we will write to you and ask if you want to continue with your application. If you do not reply within 14 days your application will be archived and you will need to submit a fresh application should you still want to obtain a licence.

Driver licences will usually be issued for a three year period, although they may be issued for a shorter period depending on the circumstances of the case. If you have only been granted a temporary right to work in the UK you will be granted short term licences as required by the Immigration Act 2016. You will need to pay a fee for additional short term licences in these circumstances.

Renewing a Licence

If you are renewing an existing licence you will need to apply before your licence expires and provide the following:

1. A completed application form.
2. The correct fee.
3. Your most recent Disclosure and Barring Service Disclosure certificate.
4. Your original DVLA driving licence.
5. A medical certificate that has been completed and signed / stamped by your registered doctor.
6. 2 colour, passport sized photographs of the applicant, taken within the last month, prior to the application which conform to the standards required by HM Passport Office. One photograph must be signed on the back by you and state your name and licence number.
7. A DVLA check code and signed mandate form to share your driving licence information with us.
8. If you have been absent from the United Kingdom for a continuous period of 3 months or more since your last licence was issued, you must provide a certificate of good conduct from the country or countries where you have stayed or from the relevant embassy or embassies (see 3.5 below).
9. For those not holding a UK passport, evidence will need to be provided of the applicant's continued right to work in the United Kingdom, which will include a relevant visa or letter from the appropriate Embassy / Authority.

3.1 Fee

All applications must be accompanied where appropriate by the required fee set by the Council. Licensing fees are reviewed, considered by the Council and agreed every year.

3.2 Driving Standards

You must have held a full driving licence for a continuous period of at least three years in order to apply for a taxi or private hire driver licence.

If you have been disqualified from driving for any period as a result of a conviction, you will not be granted a licence until you have held a full DVLA driving licence for a continuous period of at least one year.

If you hold an exchangeable driving licence (one that has been issued in Andorra, Australia, Barbados, British Virgin Islands, Republic of Cyprus, The Falkland Islands, The Faroe Islands, Guernsey, Gibraltar, Hong Kong, Isle of Man, Japan, Jersey, Malta, Monaco, New Zealand, Republic of Korea, Singapore, Switzerland, Zimbabwe) you will be allowed to drive on that licence for 1 year, but after that you must exchange it for a UK licence. Further information about exchanging licences can be found at <https://www.gov.uk/exchange-foreign-driving-licence>

In order to demonstrate that your driving standards are acceptable you will also have to pass a practical driving test with one of the Council's approved test providers. You will need to arrange and pay for this test. Existing drivers may also be required to take this test where concerns are raised about the standard of their driving. In these circumstances drivers will usually be expected to take and pass the test within three months of the date of the request. A list of test providers can be found at [].

Before you can drive a wheelchair accessible vehicle (WAV) you will also need to have successfully passed a Council approved course specifically designed for this type of vehicle in addition to undertaking the mandatory disability awareness training.

3.3 Age

You have to be at least 21 years old to apply for a taxi or private hire driver licence.

3.4 Health / Medical Certificate

Anyone applying for a new or renewal driver licence will have to provide a Council issued medical certificate which has been completed and signed by the applicant's **registered** medical practice/practitioner and issued within the previous three months. You can also provide a PSV/HGV Group II medical certificate that has been completed by your own registered medical practice within the previous three months. If you are applying for a new licence you are advised to arrange this appointment after you have successfully completed all of the other parts of the application process. The Council has adopted the Group II requirements of the DVLA driver medical standards and you will need to demonstrate that you can comply with this standard. You are responsible for paying any fees required for any medical examination.

If you are aged 65 or over you will need to provide an approved medical certificate every year. Drivers under the age of 65 will have to provide this when they renew their licence. Drivers with certain medical conditions (e.g. diabetes) may also be required to provide annual medical certificates and / or information from specialist services. The Council shall carry out an Equality Impact Assessment pursuant to the Equalities Act and each case will be assessed on its merits.

If there are concerns about your health at any time when you hold a licence, you may need to have additional medical checks carried out and if these are not carried out or indicate that you are not fit to drive, your licence may be suspended or revoked as a result.

The Council views the use of illegal drugs as completely incompatible with being fit and proper to hold a licence to drive members of the public.

The Council may require applicants or drivers to be tested for the unlawful use of drugs where there are concerns. You may have to pay for this test if you have any criminal record for the use of drugs.

3.5 Criminal Records and Complaints

The Council will not generally grant a licence to anyone who does not meet the minimum standards set out in our Criminal Records and Acceptable Behaviour Policy (Appendix 4). To determine this you will need to provide an Enhanced Disclosure Certificate from the Disclosure and Barring Service (DBS). You will also need to subscribe to the DBS Update Service and maintain your subscription for the whole time that you are licensed. In line with the Statutory Hackney Carriage and Private Hire Vehicle Standards, checks will be carried out with the DBS Update Service every six months.

If you have been absent from the United Kingdom for a continuous period of three months or more since you were 18 years old, you will also need to provide a certificate of good conduct from any country or countries where you have lived in addition to the Certificate from the DBS.

If a DBS Certificate reveals several minor offences, the Council will take into consideration any pattern of offending. The Council can also take into consideration spent convictions, cautions and other relevant information when determining an application for a driver's licence. If you already hold a taxi or private hire driver licence, we will consider the type and number of any breaches of conditions, offences or complaints when deciding what action, if any, we need to take.

Your licence may be revoked with immediate effect pending the outcome of any investigation or trial if you have been convicted of, arrested or charged with a serious offence. Serious offences can include but are not limited to:

- Driving or being in charge of a vehicle whilst under the influence of drink or drugs
- A drug related offence
- Any offence involving children
- An offence of a sexual nature
- An offence involving violence
- An offence involving dishonesty
- Any conviction for or fixed penalty notice issued under immigration legislation

Your licence may also be revoked with immediate effect where information received raises serious concerns about your fitness, regardless of whether criminal charges are brought.

You would not usually be granted a licence if you are under investigation for a serious offence when you make your application.

We will not provide the details of any complainant unless they have provided written permission for their details to be shared.

If we revoke your licence for persistent breaches of licence conditions, we will not usually grant another licence to you for at least 3 to 5 years.

To ensure that any pattern of behaviour is identified, and in line with the Statutory Standards, complaints or warnings will usually be held on file during any licence or application period and can also be taken into consideration if there is a period when the licence holder is not licensed.

You must notify us within 48 hours in writing if you are arrested, charged, cautioned or convicted of any offence (including motoring offences) during the period of any licence or if you have submitted an application. If you are given a fixed penalty notice you need to notify us in writing when you accept it rather than when your DVLA driving licence has been updated. You (or someone on your behalf) must also notify us in writing within 48 hours if you have been detained by the police.

3.6 Knowledge test

New applicants will need to pass a supervised knowledge test in English. The knowledge test includes questions about the conditions of the licence, the laws relating to the licence, geographical knowledge of the area, customer care and disability awareness. Further information about the test is available in our Guidance for Applicants at [\(\)](#)

3.7 English Language Test

All licensed taxi and private hire drivers are expected to be able to speak, understand and read English, so that they can communicate freely and clearly with passengers and officials, including in stressful and emergency situations. You will also need to be able to follow instructions or directions from passengers and be able to identify and report situations where there may be safeguarding concerns about a passenger.

As a result, and in line with the Statutory Standards, you are required to undertake an assessment of your communication skills (for which an additional fee will be payable) unless you can provide evidence that you have previously completed an English-language qualification at an acceptable level.

Existing drivers who have not previously taken this assessment will be required to take and pass it. From 12 months after the date of the implementation of this policy, if you have not passed the assessment criteria the Council is unlikely to renew your licence until you have done so.

3.8 Child Sexual Exploitation Training

The Council is committed to safeguarding the needs of children and vulnerable groups so it is important that all licensed drivers are properly trained to help them promote the welfare of children and vulnerable groups within the area. As part of the application process you will be required to complete a training course covering these issues in English. Further information on this training is available in our Guidance for Applicants at [\(\)](#).

Existing drivers will also be required to do refresher training covering relevant safeguarding issues every 3 years.

3.9 Other Agency Checks

We may need to carry out other checks which may include contacting the licensing authority where you have previously lived or held a licence. Checks may also be carried out using fraud prevention and application verification technology.

3.10 Renewal of Licences

It is your responsibility to ensure that your licence is renewed before it expires. The Council will not accept a renewal application after your licence has expired and you will be required to submit an application for a new licence.

If you submit a new application in these circumstances within three months of the expiry of your previous licence you will not, however, be required to undertake the knowledge test, practical driving test, English language or child sexual exploitation training (unless you are due to take refresher training).

Under no circumstances will renewal (or new) licences be issued without full and satisfactory checks having first been carried out, including medical and Disclosure and Barring Service checks.

3.11 Change of Type of Licence

If you want to change from holding a private hire licence to a joint hackney carriage and private hire driver licence, you will be required to undertake any additional relevant tests in addition to any other routine checks such as medical or DBS checks. If you want to change from a joint licence to a private hire only licence, you will not need to carry out any further checks other than those required as a matter of routine.

In either of the above circumstances, the normal fee will be required on application and no refund will be payable in respect of any existing licence.

3.12 Right of appeal

If we are considering refusing your application or suspending or revoking your licence you will usually be invited to attend a meeting with an officer of the Council to discuss our concerns and to give you the opportunity to respond. If you do not want to attend a meeting you will be given the opportunity to provide your comments in writing. The final decision about what will happen with your licence will then be made by a senior member of staff in line with our decision making process which is set out at section 6.

If your licence is suspended or revoked or your application is refused you have the right to appeal to a Magistrates Court and you must do this within 21 days from the date on which the letter confirming the Council's decision is served on you.

If there are serious concerns about public safety, the decision may also be made to revoke or suspend a driver licence with immediate effect which means that the driver will not be able to work or drive a licensed vehicle until any appeal has been concluded. This power would generally only ever be used where there are allegations of serious violence offences, driving or being in charge of a vehicle whilst under the influence of drink or drugs, drug related offence(s), offences of a sexual nature, the driver has been banned from driving or where there is considered to be a serious risk to passengers or members of the public in allowing the driver to continue as a hackney carriage and / or private hire driver.

4 Hackney Carriage / Private Hire Vehicle Licences

The relevant law for licensing taxis and private hire vehicles (the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847) requires that taxis have to be clearly recognisable as a hackney carriage and that private hire vehicles need to be:

- Suitable in type, size and design for the use of a Private Hire Vehicle;
- Not of such a design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage;
- In a suitable mechanical condition;
- Safe;
- Comfortable; and
- That there is in force in relation to the use of the vehicle a policy of insurance that complies with the Road Traffic Act 1988.

Vehicle licences can be held by individuals, registered partnerships (two or more people in business together) or limited companies. Usually, the vehicle must be registered to one of these groups, but there will be occasions where the vehicle is leased or hired. In all cases the applicant(s) must demonstrate that they have ownership of, or a financial interest in, the vehicle or permission to use the vehicle on an extended basis (in the case of a lease or hire).

Applying for a Licence

Any application for a taxi or private hire vehicle licence will only be accepted if completed in full and accompanied by all required documents, as detailed below:

1. Completed application form (via the Council's website) with the correct payment.
2. Valid MOT Certificate for the vehicle issued by an approved testing station issued within one month of the application.
3. Valid vehicle registration document in the name of the applicant or other acceptable proof of ownership (lease or hire contract, the V5 New Keeper Supplement completed by the applicant or an official receipt from a registered company in the case of newly manufactured vehicles).
4. Relevant certificate of insurance for the vehicle which covers the activity required (i.e. public or private hire – see 4.2) and which is valid on the date that the licence is due to come into force.

5. Valid schedule of insurance where the certificate does not specify the registration number of the vehicle to be licensed.
6. If your vehicle has been altered or converted since original manufacture, you must supply one of the following documents in addition to providing full details of what has been altered and the reasons:
 - Wheelchair Accessible Vehicles – DVSA Certificate M1
 - Stretch Limousines – DVSA Individual Vehicle Approval (IVA) Certificate
 - Any other relevant conversion document.
7. In the case of applications for executive status, the supporting documentation as specified at 4.18 of the policy and the exemption notice previously issued in relation to the vehicle where appropriate

4.1 Licence Fee

A fee must be paid with all applications and it is your responsibility to make sure that you have paid the correct amount. Fee information is available at [\(\)](#)

Licensing fees are reviewed, considered by the Council and agreed every year. Some fees also have to be advertised in a local newspaper and at the Council Offices so that anyone can comment on new fees if they are increased.

You will not get a refund if you surrender your vehicle licence before it expires.

4.2 Insurance

Taxis must be insured for public hire and reward and must cover at least third party, fire and theft and include legal liability for passengers and luggage (minimum of £10 million).

A private hire vehicle must be insured for private hire and reward, such insurance to provide, as a minimum requirement, cover for third party, fire and theft and also to include legal liability for passengers and luggage (minimum of £10 million).

4.3 Type of vehicle

All vehicles must comply with British and European vehicle regulations, be approved to the standard of type M1 European Whole Vehicle Type Approval (EWVTA), and materially unaltered from the type approval specification. A certificate of conformity bearing the vehicle's unique identification number which relates to an M1 whole vehicle type approval may be required. This requirement is subject to the following provisions:

(a) The Council may, at its discretion, accept vehicles converted and certified as conforming to a national Small Series or Low Volume Type Approval in place of the above requirement, providing no further

modifications have been made to the vehicle since conversion. A certificate of conformity, bearing the vehicle's unique identification number, will be required as evidence of the satisfactory conversion.

(b) Proprietors of vehicles which have been modified from an original type approval specification must additionally provide proof of type conformity by way of successful completion of a voluntary Individual Vehicle Approval (IVA) test to M1 standards at a Driver and Vehicle Standards Agency (DVSA) testing station, following completion of the modification and with any additional equipment (e.g. wheelchair access/restraints) in place. In such cases, the original vehicle, prior to modification, must be of M1 EWVTA Approval.

(c) Vehicles converted from other base vehicle types (e.g. M2 or N1) will not be accepted for licensing, unless converted and certified in accordance with sub-paragraph a.

In making decisions about a vehicle's suitability to be licensed, the Council will take into account passenger safety, comfort and the design of the vehicle. We will only license a vehicle as a private hire vehicle or taxi if it meets the following requirements:

1. unless it is a hackney carriage and is required to be wheelchair accessible, it is a saloon car, hatchback car or other vehicle of suitable type and design;
2. it has at least four doors (a rear-opening hatchback will not be considered or counted as a door in terms of getting into or out of the vehicle);
3. the steering wheel is on the right hand side of the vehicle;
4. it has four road wheels and a suitable means of repair if one or more of the tyres fail;
5. the number plates comply with any relevant DVLA regulations;
6. an MOT pass certificate and satisfactory garage inspection report from an approved garage has been issued within the previous month. Additional certificates may be required if the vehicle is involved in an accident or mechanical breakdown;
7. it has an area for storage of luggage and/or the means for all luggage to be secured and kept secure at all times so that no damage or injury is caused to either passengers or luggage;
8. it has an acceptable means of getting into and out of all parts of the vehicle and which does not require the passenger to climb over other seating or luggage ;
9. it has a seat width of at least 16 inches, a seat depth of at least 17.5 inches, a rear seat height of at least 30 inches and it has knee space of at least 21.5 inches (measured from the rear of the seat);
10. all seats within the vehicle, front and rear must be fitted with working seat belts. It is the driver's responsibility to ensure that all passengers under the age of 14 are using appropriate seat belts;
11. in the interests of public safety, tinted windows are not permitted on licensed vehicles unless a minimum of 75% light is transmitted through the front windscreen and 70% light is transmitted through any front passenger windows. All other glass on the vehicle (with the exception of rear quarter lights) must transmit a minimum of 60% light (with the exception of rear quarter lights). Approved executive vehicles are exempted from this requirement.

Vehicles which were licensed by the Council before this requirement was introduced and which were not already subject to a policy on tinted windows will continue to be licensed until the end of the usual licence period (10 years for standard licences and 15 years for zero emission vehicles / prestigious vehicles / limousines) unless the tint is considered to be so dark that it would provide a significant risk to public safety i.e. where it is not possible to see passengers in the rear areas of the vehicle.

12. it has no more than 8 passenger seats;
13. it is not licensed by any other authority. The Council does not allow dual-plating of any licensed vehicle at any time. Any vehicle found to be licensed by another authority will have the licence suspended or revoked.
14. It has not been written off by an insurance company - unless it is a Category N write-off (has sustained no structural damage) and it has been repaired, tested and certificated to the satisfaction of the Council.

In exceptional circumstances, (e.g. stretch limousines or novelty vehicles) the above requirements may be departed from, although you need to confirm this with the Licensing Service before you buy a vehicle or make an application.

4.4 Testing of vehicle

All licensed vehicles will be tested at least once annually and further tests may be required in addition to the annual MOT and compliance test.

You are responsible for the payment of any fees required for any visual and mechanical inspections direct to any independent nominated testing stations. Independent testing stations are not the agents of the Council.

It is your responsibility to make sure that your vehicle complies in every respect with Council policy and that you have told the inspecting garage all relevant information.

The Council will not be liable for any financial loss or expense which results from any failure to provide relevant information.

All licensed vehicles must be kept clean, tidy, damage free, safe and mechanically sound. Any repeated failures in relation to vehicle maintenance may result in formal action being taken against the vehicle licence holder and / or the operator.

4.5 Accessibility

The Council is committed to social inclusion and ensuring a wide variety of vehicle types are available for disabled residents to avoid discrimination in terms of travel arrangements.

A mixed fleet which provides the greatest opportunities and flexibility for a range of disabilities is considered most appropriate to serve the widest possible needs of disabled people.

Any existing hackney carriage vehicle which has been previously licensed by the Council as a non-WAV (saloon) vehicle will continue to be licensed as such. Hackney carriages which were previously required to be WAV's will continue to be required to be WAV's.

Any application for a new hackney carriage vehicle licence (not covered by grandfather rights referred to above) will only be considered if the vehicle is wheelchair accessible and meets the requirements below and those set out in the Wheelchair Accessible Vehicles Specification document which is available [here](#):

Any vehicle, before it can be considered to be licensed as a Wheelchair Accessible Vehicle, must have either European Community Whole Vehicle Type Approval (ECWVTA) (or UK equivalent after 01 January 2021) or Individual Vehicle Type Approval.

Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307) – or as amended from time to time. Any such equipment must be maintained in good working order and be available for use at all times.

Any driver of a licensed wheelchair accessible vehicle must have successfully passed a Council approved course specifically designed for this type of vehicle in addition to undertaking the mandatory disability awareness training. Any existing licensed drivers who drive wheelchair accessible vehicles and who have not taken this training will be required to provide a course certificate within 18 months of the date that this policy comes into force.

Signage is to be fixed to the outside of all vehicles to convey to passengers that the vehicle has been designed or adapted to carry a wheelchair.

Drivers of any licensed vehicle cannot refuse to carry an assistance dog unless they have a medical exemption issued by the Council. Such exemptions shall only be issued following receipt of a medical report produced by the driver's registered general practitioner / practice. Assistance dogs should generally only be carried in the rear of the vehicle.

4.6 Age of Vehicle

From the date of the implementation of this policy any new licensed vehicle must be less than 5 years old when they are first licensed and any licence issued will end once the vehicle reaches ten years of age.

Vehicles which are specified as "prestigious" or "limousines" on the registration document can be licensed up until they are fifteen years old.

In line with the Council's emissions policy, vehicles which produce ultra-low (ULEV) or zero emissions will also be licensed until they are fifteen years old. A ULEV is currently defined as having less than 75 grams of CO₂ per kilometre (g/km) from the tail pipe.

Any dates are calculated from the date of first registration (or date of manufacture if it is earlier) provided on the V5 Registration document.

The age of the vehicle will be calculated on the date that a valid application is received by the Council.

Existing vehicles which are currently licensed by the Council, which were not previously subject to this age requirement and which are older than 10 years will continue to be licensed until the vehicle is 15 years old or in any event until 1st April 2023 (whichever is sooner) when the licence will cease.

All vehicles are subject to and must pass the Council's testing requirements before a licence is issued.

4.7 Fire Extinguisher and First Aid Kit

A licence will not be issued to any vehicle unless it is fitted with an approved fire extinguisher. It must be securely fixed within the vehicle so that it is both safe and easily accessible. The fire extinguisher must be hand-held with a pressure gauge and be at least 1.0 kg in weight or 1.0 litre in volume and comply with current British/European Standards along with the requirements relating to fire extinguishers for use in public service vehicle.

All extinguishers must be checked and serviced if required or replaced on an annual basis. The check/service must be carried out by a registered company in line with the requirements of current British Standards. The date of the test and signature of the tester must be clearly visible on a sticker attached to the extinguisher along with the vehicle licence number details of the company carrying out the check / service.

A first aid kit complying with the Health and Safety (First Aid) Regulations 1981 must be carried in all licensed vehicles so that it is immediately available for use in an emergency. All items contained within the first aid kit must be within their expiry date and in good condition.

4.8 Vehicle Signage

Door Stickers

Members of the public often confuse taxis with private hire vehicles. It is important to distinguish between the two types of vehicle to ensure that passengers travel safely, are fully insured and that each vehicle is easily identifiable.

All private hire vehicles issued with licences by the Council must display yellow door signs on the driver door and the front passenger door of the vehicle which state the vehicle licence number. The only exceptions to this requirement are where vehicles have been granted executive status. These must be positioned so that the sign is above the rubbing strip on the doors or, in any event, the top of the sticker cannot be more than 15cm below the bottom of the window. The stickers must be properly maintained and securely fixed to the vehicle. Stickers secured by means of a magnet are not allowed unless they are being used on a temporary vehicle.

The stickers will also include the Council's logo and state that the vehicle must be pre-booked. The stickers must remain on the vehicle at all times when the licence is in force.

No Smoking Signs

Approved "No Smoking" signage must be displayed on the vehicle at all times that the vehicle is licensed.

Information Notice

A Council issued notice must be displayed within the vehicle which provides information to passengers in relation to how they can contact the Licensing Service to make a complaint or provide other information.

Hackney Carriage Roof Sign

All taxis must have a fixed, double-sided roof sign bearing the word “TAXI” in black lettering, on a white background (purpose built taxis may be constructed differently). When illuminated, the roof sign must not show a white light to the rear.

All signage which indicates that a vehicle is licensed must be removed when the licence expires, is suspended or revoked or if the vehicle is transferred. This requirement is to make it clear to members of the public that the vehicle is not licensed by the Council.

4.9 Advertising

Other than the door stickers referred to above at 4.8, no signs, notices, advertisements, marks, numbers, letters, figures, symbols, emblems or devices can be displayed on, in or from any licensed vehicle unless it is a legal requirement or it has been approved in writing by the Council in line with the Council’s advertising policy (Appendix 7).

4.10 Taximeter

Taxis must be fitted with a taximeter which has been installed by an authorised taximeter company and calibrated on an annual basis. The taximeter must be able to be seen by passengers and must clearly show the tariff being used and the amount payable. Drivers must use the meter at all times when carrying passengers, even for journeys which have been pre-booked. Drivers cannot charge more than the approved tariff **except** where a fare has previously been agreed and the journey ends outside of the Council area. Drivers can charge less than the metered amount.

4.11 Table of Fares

A copy of the fare table issued by the Council must be displayed at all times inside the vehicle so that it is clearly visible to passengers.

Fares set for hackney carriages will be reviewed annually. In order for this review to be carried out, comparison will be made with fares charged in neighbouring authorities and the relevant retail price index rates will be taken into consideration. A public notice will be placed in a local newspaper and on the Council’s website where any variation of the fares is proposed. The notice shall allow 28 days for comments. A report will then be submitted to the relevant Cabinet Member for consideration and final approval.

4.12 Emissions Policy

We acknowledge that taxi and private hire vehicles account for a relatively small proportion of the total number of cars in the UK and Buckinghamshire, however we recognise that they have a disproportionate

impact on air quality impacting human health. This is due to the relatively high mileage they cover and their concentration in urban areas such as railway stations, supermarkets, and shopping centres where large numbers of pedestrians are present. Emissions produced by these vehicles not only have an impact on the health of the local population but also on taxi and private hire drivers who may be exposed to poor air quality for 8-12 hours a day.

Department for Transport guidance suggests that Licensing Authorities may wish to consider how far the vehicle licensing policy can and should support local environmental policies that the Council may have. They may also decide to set vehicle emissions standards by promoting cleaner fuels. A review carried out by the National Society for Clean Air and Environmental Protection in 2005 found that taxis were more likely than other vehicles to fail emissions tests.

The Council considers that every effort should be made to improve the efficiency of vehicles licensed to operate in its area by reducing the emissions of pollutants such as nitrous oxides, particulate matter and carbon dioxide.

The European Union has introduced stricter limits on pollutant emissions from light road vehicles, particularly for emissions of nitrogen oxides and particulates. In order to limit pollution caused by road vehicles, this Regulation introduces common requirements for emissions from motor vehicles and their specific replacement parts (Euro 5 and Euro 6 standards or UK equivalent after 01 January 2021).

Air Quality Management Areas have been declared in parts of the Council area including High Wycombe, Marlow, Aylesbury, Chesham, Iver Heath and, along the M40 and M4 motorway corridors because of predicted levels of nitrogen dioxide. An Air Quality Management Area (AQMA) is an area identified by Local Authorities where the statutory UK air quality objectives are being breached. AQMAs are areas where levels of air pollution are higher than they should be (as defined by central government).

Levels of nitrogen dioxide in parts of the Council area remain above the National Objectives. Air quality action plans were introduced individually by the former district councils within Buckinghamshire (Aylesbury Vale DC (2010), Chiltern DC (2009), South Bucks DC (2006) and Wycombe DC (2018). All the action plans set out strategies to reduce vehicle emissions in order to improve air quality, including working with businesses to reduce their impact on air quality. It is a duty for local authorities to bring down pollution levels, within their areas, to within acceptable limits in the shortest period of time possible.

Vehicles first registered since September 2015 must meet or exceed Euro 6 emission standards. From the date of the implementation of this policy, new licences will not be granted to vehicles that were first registered more than 5 years prior to the date that the application was made. All newly licensed vehicles will therefore meet Euro 6 standards.

Vehicles first registered since January 2011 must meet or exceed Euro 5 emission standards. From the date of the implementation of this policy, licences will not be renewed in respect of any licensed vehicle that was first registered more than 10 years prior to the date of renewal. This applies to the renewal of licences only. All such vehicles will therefore meet Euro 5 standards.

This requirement does not apply to any existing licensed vehicles which are subject to “grandfather rights” in relation to the vehicle age policy.

In order to encourage a greater uptake of ultra-low emission (ULEV) and electric vehicles within the taxi trade, however, zero emissions vehicles will be licensed for a period of up to 15 years of age as opposed

to the standard period of up to 10 years of age referred to above. A ULEV is currently defined as having less than 75 grams of CO₂ per kilometre (g/km) from the tail pipe.

It is the aim of the Council that all licensed vehicles will have ultra-low or zero emissions by 2030 and this policy will be kept under review with this target in mind.

All vehicles are subject to and must pass the Council's testing requirements before a licence is issued.

4.13 Dual Plating

The Council will not license any vehicle that is already licensed as either a hackney carriage or private hire vehicle by another authority. Vehicles can also only be licensed as **either** a hackney carriage or a private hire vehicle. It is your responsibility to ensure that the vehicle is not licensed by another authority.

4.14 Use of Executive Vehicle Licence Plates

The Licensing Service has 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 and that private hire vehicles are readily recognisable as such. To that end the Council's standard conditions require the display of private hire licence plates and door stickers, and do not allow the use of heavily tinted windows.

The Council recognises a class of Executive Status vehicles which will be exempt from these requirements. For such vehicles, more discreet executive plates will be issued, the requirement to display door stickers will be waived and windows may be tinted. In truly exceptional circumstances, exemptions may be granted for the display of the licence plate although this will generally only be allowed when it relates to the safety and security of passengers.

Executive status will only be given to vehicles which carry out work of a corporate or executive nature, which is defined as work which satisfies both conditions (a) and (b) below. The work must be conducted:

- solely for corporate or other business account customers who have a contract or written agreement with the licence holder; and
- on an account basis with no cash payments

In order to obtain executive status the following must be complied with:

- (1) An application for executive status must be made providing details of the vehicle, including make and model, registration, vehicle licence details where applicable, owner's details and full name and address of the driver using the vehicle.
- (2) The vehicle must be a high quality, executive or prestigious vehicle such as a 5 or 7 series BMW, E, R or S Class Mercedes, Jaguar XF or XJ, a Chrysler Grand Voyager or similar. Applicants should supply the Licensing Service with a full specification of any other vehicle for confirmation as to whether it would be eligible for executive status before buying any make or model of vehicle other than those listed above.
- (3) The vehicle must be in a pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim or seating.

- (4) You must satisfy the Council that you intend to operate the vehicle solely for work of an executive or corporate nature as defined in the Executive Status conditions. Full details of all corporate or other business clients as at the date of application must be provided, including their names, addresses, individual contacts, plus a contact telephone number and e-mail address, together with details of the number of journeys undertaken for each customer on a weekly basis.
- (5) You must sign an acknowledgment that you fully understand, accept and will comply with both the Executive Status conditions and this policy.

Following receipt of an application for executive status, the vehicle will be assessed on its own merits and inspected by an authorised Council officer to ensure that it is fit for purpose. Officers of the Licensing Service may contact customers to confirm the details given in the application.

If an applicant is aggrieved by the decision they will have a right to appeal in writing within 14 days of the date of the decision to the Head of Licensing.

If executive status is granted, the Council will issue an Exemption Notice with the licence. This status may be removed at any time after it has been granted if there is evidence that the conditions and requirements are not being complied with. Exemption notices are non-transferable and each application will be treated on its own merits.

The Council views the granting of executive status as a privilege and expects the Executive Status Conditions to be complied with at all times.

If a decision is made to remove executive status, the executive licence plate must be returned to the Council immediately. The vehicle will then be subject to ordinary private hire conditions as to the display of licence plates, door stickers and non-tinted windows.

4.15 Stretched Limousines and Novelty Vehicles

In recent years there has been rapid growth in demand for the hire of limousines and specialist vehicles.

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 and which is capable of carrying up to, but not more than, 8 passengers.

The Council will not license this type of vehicle as a Hackney Carriage.

On application for a vehicle licence for stretch limousines and novelty vehicles the following documents must be provided in addition to the requirements for a standard private hire vehicle:

- a) Individual 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

The requirements for licensing stretched limousines and novelty vehicles and the conditions to be attached to these licences can be found at Appendix 3 in this policy.

Applications for non-standard road vehicles such as novelty vehicles, tuk tuks or horse and carriages will be considered on their own merits but will be subject to greater scrutiny because they raise special safety concerns.

4.16 Sale of Licensed Vehicle

In line with the Hackney Carriage and Private Hire Vehicle Licence conditions, the licence plate and paper licence must be returned to the Licensing Service before the sale of any licensed vehicle, along with a written request to transfer the vehicle licence to another person where relevant. This is to ensure that the vehicle remains properly insured and only driven by an appropriately licensed person.

Where the vehicle is sold with the intention of its continued use as a licensed vehicle, the new owner must apply for the licence to be transferred into their name by completing the appropriate application form and submitting this along with a valid insurance certificate (and schedule if required), the V5 Registration Document in the applicant's name or the completed New Keeper Supplement and the relevant fee.

4.17 Change of Vehicle / Variation of Licence

Where a change of vehicle is required during the period of a vehicle licence due to sale of the vehicle, mechanical breakdown or accident, a new application must be submitted along with the appropriate fee and any documents usually required for a vehicle licence. The application will be treated as a new vehicle application and the previous licence must be surrendered.

4.18 Temporary Licence / Plate

In cases of mechanical breakdown or damage following an accident, a temporary licence and plate can be issued to a different vehicle. This licence will last for a period of no more than two calendar months and will be renewable on only two occasions, up to a maximum of six months. If the vehicle is still required at the end of this period a full licence must be applied for.

A temporary licence will not be issued to any vehicle that is already licensed by the Council when the application is made. A temporary licence may also not be issued to anyone who has failed to return a temporary licence and plate when requested to do so within the previous two years. A fee is payable for temporary licences.

Temporary licence plates must be displayed on the vehicle in line with the conditions of the licence. It is your responsibility to pay for any damage which might be caused when the temporary licence is removed.

Council issued door stickers must also be displayed on temporary vehicles but because the licence is only valid for a short period of time these can be attached by means of magnets.

4.19 Renewal of Licences

It is your responsibility to ensure that your licence is renewed before it expires. Any application submitted after the expiry of the licence will be treated as a new application, unless the application is made within three days of expiry and exceptional circumstances exist as to why the application was not made before the licence expired. Evidence of exceptional circumstances will be required.

4.20 Criminal Record and Acceptable Behaviour

Unless the applicant is a current driver, all applicants for a new vehicle licence will have to provide a Basic Disclosure and Barring Service (DBS) Certificate which is not more than 3 months old. Any information on the Certificate will be considered in line with the Council's Criminal Records and Acceptable Behaviour Policy (Appendix 4).

If you have been absent from the United Kingdom for a continuous period of three months or more since the age of 18, you will also be required to provide a certificate of good conduct from any country or countries where you have lived.

Where existing vehicle licence holder's commit offences and/or breaches of licence conditions, the nature and number of incidents will be taken into consideration along with the Council's Criminal Convictions and Acceptable Behaviour Policy when making any decisions about what action should be taken. Complaints or warnings will usually be held on file during any licence or application period and can also be taken into consideration if there is a period when the licence holder is not licensed. If your licence is revoked for persistent breaches of licence conditions, we would not usually grant another vehicle licence to you for a period of 3 to 5 years.

The Council will not normally issue a vehicle licence to anyone who does not comply with the minimum requirements set out in the Council's Criminal Records and Acceptable Behaviour Policy (see Appendix 4). Where several minor offences or failures to comply with instructions or requests have been committed, the Council will take into consideration any pattern of offending. The Council will take all relevant information into consideration when considering an application for a hackney carriage or private hire vehicle licence.

You must inform the Licensing Authority in writing within 48 hours if you have been arrested, charged, cautioned or convicted of any offence (including motoring offences) if you have a current licence or if you have submitted an application to renew your licence or for a new licence. You (or someone on your behalf) must also notify us in writing within 48 hours if you have been detained by the police. Fixed Penalty Notices must be reported to the Licensing Service in writing when it is accepted, as opposed to when the driving licence has been updated.

4.21 Rights of appeal

Vehicle licences may be suspended or revoked for breach of licence conditions, where the vehicle is considered to be unroadworthy, where there is no current valid insurance or operator for a private hire vehicle or where the licence holder is not considered to be a fit and proper person. The licence holder will be issued with full reasons in writing for any such action.

If your vehicle licence has been suspended or revoked under section 60 of the Local Government (Miscellaneous Provisions) Act 1976, you can appeal to the Magistrates Court within 21 days from the date on which the letter confirming the council's decision was served on you.

5. Private Hire Operator Licences

The relevant law, (Section 55 of the Local Government (Miscellaneous) Provisions Act 1976) requires that the Council must be satisfied that the applicant is a "fit and proper" person before issuing a private hire operator licence.

In order for you to prove that you are "fit and proper" you must provide evidence of:

- an acceptable Disclosure and Barring Service certificate and/or certificate of good conduct (where relevant);
- knowledge of the relevant conditions and legislation by successfully undertaking a knowledge test;
- knowledge of Child Sexual Exploitation by successfully undertaking an approved course as detailed below at 5.4;
- any other information reasonably that the Council may need to determine your application;

Applications must be made online via the Council's website and all required documents provided. Any forms received without accompanying documentation will be returned to the applicant.

It is your responsibility to renew your licence before it expires and if you have not submitted a valid renewal application before your licence expires you will need to apply for a new licence. (see 5.9 below).

Applying for a Licence

Applications will only be accepted if they include the following:

1. A fully completed application form and the correct payment;
2. 2 colour, passport sized photographs of the applicant taken within the last month prior to the application which conform to the standards required by HM Passport Office;
3. Public liability insurance (where relevant);
4. Employer's liability insurance (where relevant).

5.1 Licence Fee

All applications must be accompanied by the correct fee. Information about taxi and private hire fees is available on the Council's website at [www.buckinghamshire.gov.uk\(\)](http://www.buckinghamshire.gov.uk/)

Licensing fees are reviewed every year and considered and agreed by the Council following any required advertising.

5.2 Criminal Record and Acceptable Behaviour

Unless the applicant is a current driver, all applicants for a new licence will have to provide a basic Disclosure and Barring Service (DBS) Certificate which is not more than 3 months old. Any information on the Certificate will be considered in line with the Council's Criminal Records and Acceptable Behaviour Policy (at Appendix 4). All licensed operators are required to produce a new basic disclosure Certificate from the DBS on an annual basis.

If you have been absent from the United Kingdom for a continuous period of three months or more since the age of 18, you will also be required to provide a certificate of good conduct from any country or countries where you have lived.

Where existing operators commit offences and/or breaches of licence conditions, the nature and number of incidents will be taken into consideration along with the Council's Criminal Convictions and Acceptable Behaviour Policy when making any decisions about what action should be taken. Complaints or warnings will usually be held on file during any licence or application period and can also be taken into consideration if there is a period when the operator is not licensed. If your licence is revoked for persistent breaches of licence conditions, we would not usually grant another operator licence to you for a period of 3 to 5 years.

The Council will not normally issue an operator licence to anyone who does not comply with the minimum requirements set out in the Council's Criminal Records and Acceptable Behaviour Policy (see Appendix 4). Where several minor offences or failures to comply with instructions or requests have been committed, the Council will take into consideration any pattern of offending. The Council will take all relevant information into consideration when considering an application for a private hire operator licence.

You must inform the Licensing Authority in writing within 48 hours if you have been arrested, charged, cautioned or convicted of any offence (including motoring offences) if you have a current licence or if you have submitted an application to renew your licence or for a new licence. You (or someone on your behalf) must also notify us in writing within 48 hours if you have been detained by the police. Fixed Penalty Notices must be reported to the Licensing Service in writing when it is accepted, as opposed to when the driving licence has been updated.

Operators are also required to check that any staff they employ are safe and suitable in terms of any criminal history. In order to achieve this operators will need to require Basic DBS Disclosures from any new member of staff and confirm that they comply with this own Policy for Employing Ex-Offenders. Staff DBS checks should be carried out on an annual basis.

5.3 Knowledge Tests

All new applicants will be required to pass a knowledge test in English. The test includes questions about the conditions of the licence and the laws affecting the licence as well as other issues relevant to operating private hire vehicles. There may also be questions about the conditions and laws relating to private hire vehicles. Further information about this test is available in the Guidance to Applicants at (www.buckinghamshire.gov.uk/)

5.4 Child Sexual Exploitation Training

The Council is committed to keeping children and vulnerable people safe and it is important that all licensed operators are aware of safeguarding issues. It is therefore a requirement that all operators are properly trained so that they can protect people who may be in danger of being abused or exploited.

Any existing operators who have not yet been trained will have to attend the training course within 12 months of this policy being adopted. Refresher training will also be required for all operators every 3 years.

Further details about this training is available in the Guidance to Applicants at (www.buckinghamshire.gov.uk/)

5.5 Trading Names

Only trading or business names which have been authorised in writing by the Licensing Service can be used. This requirement includes any names used on promotional material, advertisements, website information or any other written documents.

To prevent confusion to the public, trading names will generally not be authorised if they are actively being used by a company in an adjoining authority and, in these circumstances, any trading names would not then normally be authorised until they had not been actively used for a period of at least 18 months. Trading names will only be authorised or retained where there is evidence that they are actively used by the operator. Trading names can also be removed in appropriate circumstances

5.6 Company Applicants

Applications can be made in the name of a company. In these circumstances all company directors must be named on the application form. Any director who does not hold a valid operator licence at the time of application will have to pass a knowledge test and undertake the child sexual exploitation training referred to above. All directors must be considered to be “fit and proper” persons in order for a licence to be issued to the company. As part of this process valid and appropriate identity documents will be required to be provided.

Any changes to directors during the licence period must be notified to Licensing Services in writing within seven days of the change. Any new director will also need to be considered a “fit and proper person” to undertake the role and will have to pass the knowledge test, undertake the child sexual exploitation training and submit a DBS Disclosure application within two months of the notification.

If the new director fails to comply with these requirements the Council will consider taking formal action against the operator licence.

5.7 Premises

To make sure that we can carry out any necessary checks or enforcement, the Council will not issue an operator licence to anyone whose operating centre or intended operating centre is outside of the Council’s area.

If you do not own the premises you will have to provide evidence, such as a signed lease or a tenancy-at-will with a minimum of 12 months remaining) issued by the freeholder/landlord that you have a right to use the building as an operating centre. The premises must also comply with the operator licence conditions.

You will need to provide details of a landline telephone number along with evidence that the bookings are made via the operating centre. Only telephone numbers which have been approved in writing by the Council can be used for the acceptance of bookings.

Public liability insurance will be required if members of the public are permitted to visit the operating centre and the operator is responsible for the safety and behaviour of any staff that they employ or use.

Specific conditions may be placed on operator licences depending on the circumstances and these may include measures to prevent noise and other nuisance to local residents or other businesses. Drivers and members of the public will not usually be allowed to visit operating centres in residential areas and no more than two licensed vehicles would usually be permitted to visit or be kept at premises in these areas.

Any changes to the operating centre must be approved in writing by the Licensing Authority before they are implemented.

5.8 Planning Permission

You may also need to obtain planning consent to operate private hire vehicles from your proposed operating centre. Before you submit your application for an operator licence you are strongly advised to contact the Council's Planning Department to confirm whether you also need to apply for planning permission. Operating private hire vehicles without any required approval could result in action being taken against your licence.

5.9 Renewal of Licences

It is your responsibility to ensure that your licence is renewed before it expires. The Council will not accept a renewal application after your licence has expired and you would be required to submit an application for a new licence.

If you submit a new application in these circumstances within three months of the expiry of your previous licence you will not, however, be required to undertake the knowledge test or child sexual exploitation training (unless you are due to take refresher training).

5.10 Rights of appeal

If we are considering refusing your application or suspending or revoking your licence you will usually be invited to attend a meeting with an officer of the Council to discuss our concerns and to give you the opportunity to respond. If you don't want to attend a meeting you will be given the opportunity to provide your comments in writing. The final decision about what will happen with your licence will then be made by a senior member of staff in line with our decision making process which is set out at 6 below.

If your licence is suspended or revoked or your application is refused you have the right to appeal to a Magistrates Court and you must do this within 21 days from the date of which the letter confirming the Council's decision is served on you.

6 Decision Making

Each application will be considered and determined on its own merits and on a case by case basis, having taken into consideration this policy and any relevant information. The underlying reason for any decision will be to preserve public safety.

If we are considering refusing your application or suspending or revoking your licence you will usually be given an opportunity to discuss the Council's concerns and to give your views. This can either be achieved through a face-to-face meeting or in writing if you prefer.

When all of the relevant information has been collected, the application or licence history will generally be considered by a panel of Council officers who will provide a recommendation to a senior member of staff. A senior officer will then make a decision, and where appropriate in consultation with a lawyer from the Council's Legal Services department.

The decision will be issued in writing to you. All taxi and private hire decisions generally have a right of appeal which will be explained in the decision letter and which must be made within 21 days of the date on which the letter confirming the Council's decision is served.

In making any decisions about licences the Council aims to be fair and consistent. In certain circumstances, the Council is required to act with immediacy, for example where there is a perceived imminent risk to public safety. In such circumstances the Council must balance the right of an individual to be heard against the paramount need to protect the public. Where the Council is of the view that a driver poses an imminent or serious risk to public safety, then immediate action may be taken in respect of a licence, without following the usual decision making process.

Decisions concerning vehicles will be made by authorised officers of the Council, trained to carry out vehicle inspections on behalf of the Council. Generally decisions concerning vehicle licence suspensions will be made without referral to the officer panel, where the matter relates to failure to comply with the Council's vehicle standards or conditions. For more complex matters, or where concerns arise in relation to the proprietor of the vehicle, then decision making will follow the usual officer panel process.

7. Enforcement

All enforcement of private hire and hackney carriage vehicle/driver and/or private hire operator licences will be carried out in accordance with the Council's adopted Licensing Enforcement Policy (Appendix 6) and the Council's Enforcement Policy which is available at buckinghamshire.gov.uk ()�.

Enforcement may be carried out in conjunction with other authorised bodies, such as DVSA and Thames Valley Police. Where appropriate, officers from neighbouring authorities may also be authorised to carry out taxi and private hire enforcement within the Council area and officers from the Council's Licensing Service may be likewise authorised in other areas.

The Licensing Service will aim to undertake enforcement fairly, providing advice where appropriate to ensure that operators, drivers and proprietors fully understand the relevant legislation and conditions.

Any enforcement action carried out will be proportionate and reasonable and will aim to treat all licensees fairly and consistently.

Complaints received and warnings issued in relation to licence holders will generally be held on file and taken into consideration during the period of any licence or application or where there is a break in licence history.

Informal interviews with licence holders and or applicants will generally be recorded on disk or tape to ensure that there is an accurate record of the meeting.

8. Service Standards

To ensure the efficient use of officer time and to save on costs, the Council's preferred means of communication is by e-mail at ()

Where it is necessary to speak to an officer in person appointments can be made.

The Council will endeavour to process all applications and deal with any queries as quickly as possible but all applicants for any type of licence are recommended to make their application in good time to make sure that you can continue to work.

If you fail to provide all of the information and documents required for the application, it is likely that your application will be rejected and there will be delays in issuing the licence. Failure to attend appointments without 24 hours' notice is likely to result in a cancellation fee being charged.

You can expect to be treated with courtesy, respect and fairness at all times. We expect that you will also treat our staff dealing with your application or query with the same courtesy, respect and fairness.

We will not tolerate threatening, abusive or unreasonable behaviour and this type of behaviour may result in formal action being taken against your licence or your application being refused.

Appendix 1 - Map of the Council area



Appendix 2 List of Offences

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

In relation to the maximum penalties specified, the levels of fine are currently as follows:

Level 1 - £200	Level 2 - £500	Level 3 - £1,000	Level 4 - £2,500
----------------	----------------	------------------	------------------

Town Police Clauses Act 1847

HACKNEYS		
Section	Offence	Maximum Penalty
40	Giving false information on application for HC Licence	Level 1
44	Failure to notify change of address of HC proprietor	Level 1
45	Plying for hire without HC Proprietors licence	Level 4
47	Driving a HC without a HC drivers licence	Level 3
47	Lending or parting with HC driver's licence	Level 3
47	HC proprietor employing unlicensed driver	Level 3
48	Failure by HC proprietor to hold HC driver's licence	Level 1
48	Failure by HC proprietor to produce HC driver's licence	Level 1
52	Failure to display HC plate	Level 1
53	Refusal to take a fare	Level 2
54	Charging more than the agreed fare	Level 1
55	Obtaining more than the legal fare	Level 3 and 1 month imprisonment whilst in default
56	Travelling less than the lawful distance for an agreed fare	Level 1
57	Failing to wait after a deposit to wait has been paid	Level 1
58	Charging more than the legal fare	Level 3
59	Carrying other person than the hirer without consent.	Level 1
60	Driving HC without Proprietors consent	Level 1
60	Allowing another to drive HC without proprietors consent.	Level 1
61	Drunken driving of HC	Level 1
61	Wanton or furious driving leading to injury or danger	Level 1
62	Driver leaving HC unattended.	Level 1
64	HC driver obstructing other HC's.	Level 1

Local Government (Miscellaneous Provisions) Act 1976

HACKNEYS		
Section	Offence	Maximum Penalty
49	Failure to notify the transfer of a HC proprietors licence	Level 3 (by virtue of s76)
50(1)	Failure to present a HC for inspection, as required	Level 3 (by virtue of s76)
50(2)	Failure to inform the Authority where the HC is stored, if requested.	Level 3 (by virtue of s76)
50(3)	Failure to report an accident to the Authority	Level 3 (by virtue of s76)
50(4)	Failure to produce the HC Proprietors licence and insurance certificate	Level 3 (by virtue of s76)
53(3)	Failure to produce the HC drivers licence	Level 3 (by virtue of s76)

57	Making a false statement or withholding information to obtain a HC drivers licence	Level 3 (by virtue of s76)
58(2)	Failure to return a plate after notice given following expiry, revocation or suspension of a HC proprietor's licence.	Level 3 + fine of £10 per day
61(2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	Level 1
62(A)	Failure to return a licence or identity badge further to suspension or revocation on the grounds of right to work	Level 3 +fine of £10 per day
64	Permitting any vehicle other than a HC to wait on a HC stand.	Level 3 (by virtue of s76)
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement.	Level 3 (by virtue of s76)
67	Charging more than the meter fare when HC used as private hire vehicle	Level 3 (by virtue of s76)
69	Unnecessarily prolonging a journey.	Level 3 (by virtue of s76)
71	Interfering with a taximeter.	Level 3 (by virtue of s76)
73(1)(a)	Obstruction of an Officer or Constable	Level 3 (by virtue of s76)
73(1)(b)	Failure to comply with a requirement of an authorised officer or constable.	Level 3 (by virtue of s76)
73(1)(c)	Failure to give information or assistance to an authorised officer or constable.	Level 3 (by virtue of s76)
73(2)	Making a false statement when providing information	Level 3 (by virtue of s76)
46(1)(a)	Using an unlicensed PH Vehicle	Level 3 (by virtue of s76)
46(1)(b)	Driving a PH vehicle without a PH driver's licence	Level 3 (by virtue of s76)
46(1)(c)	Proprietor of a PH vehicle using an unlicensed driver.	Level 3 (by virtue of s76)
46(1)(d)	Operating a PH vehicle without a PH operator's licence.	Level 3 (by virtue of s76)
46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle.	Level 3 (by virtue of s76)
46(1)(e)	Operating a vehicle as a PH vehicle when the driver is not licensed as a PH driver.	Level 3 (by virtue of s76)
48(6)	Failure to display a PH vehicle plate.	Level 3 (by virtue of s76)
49	Failure to notify transfer of a PH vehicle licence.	Level 3

PRIVATE HIRE		
Section	Offence	Maximum Penalty
50(1)	Failure to present a PH vehicle for inspection, as required	Level 3 (by virtue of s76)
50(2)	Failure to inform the Authority where the PH vehicle is stored, if requested.	Level 3 (by virtue of s76)
50(3)	Failure to report an accident to the Authority	Level 3 (by virtue of s76)
50(4)	Failure to produce the PH vehicle licence and an insurance certificate	Level 3 (by virtue of s76)

53(3)	Failure to produce a PH drivers licence	Level 3 (by virtue of s76)
54(2)	Failure to wear a PH driver's badge.	Level 3 (by virtue of s76)
56(2)	Failure by a PH operator to keep records of bookings.	Level 3 (by virtue of s76)
56(3)	Failure by a PH operator to keep records of PH vehicles operated by him.	Level 3 (by virtue of s76)
56(4)	Failure to produce a PH operator's licence on request.	Level 3 (by virtue of s76)
57	Making a false statement or withholding information to obtain a PH driver or operator licence.	Level 3 (by virtue of s76)
58(2)	Failure to return a plate after notice given following expiry, revocation or suspension of a PH vehicle licence.	Level 3 + fine of £10 per day
61(2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	Level 1
62(A)	Failure to return a licence or identity badge further to suspension or revocation on the grounds of right to work	Level 3 +fine of £10 per day
67	Charging more than the meter fare when HC used as private hire vehicle	Level 3 (by virtue of s76)
69	Unnecessarily prolonging a journey.	Level 3 (by virtue of s76)
71	Interfering with a taximeter.	Level 3 (by virtue of s76)
73(1)(a)	Obstruction of an Officer or Constable	Level 3 (by virtue of s76)
73(1)(b)	Failure to comply with a requirement of an authorised officer or constable.	Level 3 (by virtue of s76)
73(1)(c)	Failure to give information or assistance to an authorised officer or constable.	Level 3 (by virtue of s76)
73(2)	Making a false statement when providing information	Level 3 (by virtue of s76)

Transport Act 1980

Section	Offence	Maximum Penalty
64(2)(a)	Driving a PH vehicle with a roof sign, which contravenes s64 (1).	Level 3
64(2)(a)	Causing or permitting a PH vehicle to be driven with a roof sign which contravenes s64 (1).	Level 3

Health Act 2006 and Smoke Free (Penalties and Discounted Amounts) Regulations 2007

Section	Offence	Maximum Penalty
6	Failure to display required no-smoking signage	Level 3
7	Smoking in a smoke-free place	Level 1
8	Failing to prevent smoking in a smoke-free place	Level 4

Equality Act 2010

Section	Offence	Maximum Penalty
165	Refusal to carry a wheelchair passenger, or charging extra for doing so, or failing to provide reasonable mobility assistance	Level 3

	in a designated vehicle maintained in accordance with section 167 of the Equality Act 2010	
168	Refusal to carry an assistance dog or charging extra for doing so in a hackney carriage	Level 3
170	Refusal to carry an assistance dog or charging extra for doing so in a private hire vehicle	Level 3

Appendix 3 Licence Conditions

Private Hire Vehicle Driver Licence Conditions

The following requirements and conditions are made by Buckinghamshire 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.

1. General

The licence holder will ensure that he or she complies at all times with all of the requirements of any Act and Regulations affecting the operation of private hire vehicles and motor vehicles, these conditions and any Code of Practice or policy implemented by the Council.

2. Maintenance of the Vehicle

Licence holders must ensure before they drive a licensed vehicle that:

- it is in a roadworthy condition, thoroughly cleaned, undamaged and that all equipment, fittings and fixtures are present and working.
- the tyres are of the correct pressure and tread depth and the lights are working properly (so far as is possible)
- it complies with all of the conditions attached to the vehicle licence
- the licence plate issued by the Council is securely fixed to the outside rear of the vehicle so that other road users and pedestrians can clearly read it
- the interior licence disc is properly displayed and clearly visible.
- any roof sign on a hackney carriage is securely attached and working
- they record details of checks and inspections in the relevant record book.
- they report any defect discovered to the owner(s) and private hire operator.

3. Conduct of the Licence Holder

The licence holder will:

- at all times be clean and respectably dressed with good personal hygiene;
- behave in a civil and orderly manner, not use foul and abusive language and treat passengers other road users and authorised officers with courtesy and respect;
- not discriminate against any person because of their race, colour, creed, age, gender, sexuality or disability;

- drive at all times in a careful and considerate manner and ensure that both their driving and behaviour are of a high standard;
- Not carry, at any time, any form of object on their person or in their vehicle which could be used as a weapon, without a reasonable excuse. What constitutes a reasonable excuse is to be determined by the Licensing authority;
- not demand a fare greater than previously agreed between their passenger and the operator or the fare shown on the meter if they are driving a hackney carriage;
- not smoke or use any electronic smoking device in a licensed vehicle at any time or allow their passengers to do so;
- Not obtain the telephone numbers of, or engage in any form of contact on social media with any passenger under the age of 18 years, whilst working;
- keep their licence and identity badge secure and never lend them to any other person;
- help any passenger getting into or out of the vehicle if requested and take all reasonable steps to make sure that passengers are safe when they are travelling in, getting into or out of the vehicle;
- take all reasonable steps to ensure the safety of luggage conveyed in, being loaded in or removed from the vehicle;
- help any passenger with the loading and unloading of their luggage into and out of the vehicle if requested;
- have successfully completed an Approved Passenger Assistance Training Course and have been issued with the appropriate identify badge before they drive a wheelchair accessible vehicle;
- provide a receipt for the journey if requested by the passenger;
- use the shortest possible route to reach the destination unless the passenger requests a different route;
- not drive the vehicle without the written permission of the vehicle licence holder;
- not drink, eat or play audio equipment in the vehicle without the permission of the passenger(s);
- use a mobile telephone at any time whilst driving or in control of a licensed vehicle, unless it is being used as a satellite navigation system and the use complies with all road traffic legislation and Highway Code requirements.
- not cause an obstruction on the highway or any pavement or block any entrance;
- comply with any parking or waiting restrictions and all road traffic law;
- safeguard passenger information and comply with any relevant data protection legislation and requirements;

- make sure that no annoyance or disturbance is caused to residents or other road users when in possession or control of the vehicle;
- not use the vehicle horn or lights or shout to make the passenger(s) aware that they are ready to collect them;;
- not allow a private hire vehicle to be parked or waiting in such a way that it appears to be a hackney carriage or is waiting to be hired;
- not carry any passengers in a private hire vehicle where the journey has not been pre-booked via the vehicle's licensed operator before the start of the journey; not park or stop on a taxi rank for any reason when driving a private hire vehicle; and
- not initiate any dialogue of a "sexual" nature with a passenger. Licensed drivers are not permitted to become involved "sexually", or have sexual contact, even with consent, whilst in a licensed vehicle with any person.

4. Taximeter and Fare Table

If the vehicle being driven by the licence holder is fitted with a taximeter, he or she will not change or obstruct the fare recorded until that passenger has had a reasonable opportunity to examine the taximeter and has paid the fare.

The taximeter must not be tampered with and the vehicle cannot be used for private hire purposes unless the taximeter is in working order.

In a private hire vehicle the licence holder cannot charge more than any fare agreed with the private hire operator or charge more than the fare stated on the taximeter if the vehicle is fitted with a taximeter and no fare has been previously agreed.

In a hackney carriage the licence holder cannot charge more than the fare stated on the taximeter unless the journey finishes outside of the Council area and the fare has been agreed before the journey commences.

If the vehicle is fitted with a taximeter the licence holder must also ensure that the correct fare table is clearly displayed in the vehicle in such a way that it can be seen by the passenger(s) at all times.

9. Accidents and Damage to the Vehicle

The licence holder must report any accident (motoring or otherwise) involving the vehicle or any damage that affects the safety, performance or appearance of the vehicle in writing to the Licensing Authority within 72 hours of the accident. The licence holder must ensure that the vehicle is not used for hire until it has been inspected and approved by an authorised officer.

10. Driver's Identity Badge

The licence holder must wear the driver's identity badge issued by the Council in a position where it may be seen at all times when driving a licensed vehicle.

Should the licence or identity badge be lost or stolen, the licence holder must report it to the Licensing Authority in writing immediately and not drive a licensed vehicle until they have received

a replacement

The licence holder must return their licence and identity badge immediately if their licence is revoked, suspended or surrendered or when it expires.

11. Passengers

The licence holder will not:

- carry or allow to be carried in the vehicle a greater number of people than the vehicle licence permits and is stated on the licence plate;
- carry any additional passengers without the consent of the hirer or carry a child below the age of ten years in the front of the vehicle;
- carry more than one person in the front seat unless the vehicle has manufacturer fitted seats for more than one passenger in the front of the vehicle and is provided with seat belts for all front seat passengers. In this case you must not carry more than 2 front seat passengers;

When carrying any child passenger who is over 135cm in height (approximately 4 feet and 5 inches) or 12 years or older the licence holder must inform them that they must wear a seatbelt

For children under 135cm in height or under 12 years old, if the correct child restraints (i.e. child seats or harnesses) are not available the licence holder must inform their parent or guardian or some other adult responsible for their care that they can travel wearing an adult seatbelt, but this is at the discretion of the responsible adult.

12. Carriage of Animals

The licence holder will not allow any animal belonging to them or in their care to ride in the vehicle when they are using the vehicle for private hire.

The licence holder must not refuse any request to carry an assistance dog (for example a guide or hearing dog), accompanying a person with a disability unless they have been exempted in writing for medical reasons by the Licensing Authority from this requirement. If such an exemption certificate has been issued, it must be clearly displayed within the vehicle.

No additional charge will be made for carrying an assistance dog.

The licence holder must not refuse any reasonable request to carry an animal belonging to the hirer in the rear of the vehicle.

13. Private Hire Vehicle Operator

The licence holder must not use the vehicle for private hire unless the bookings are invited and accepted by the operator. The licence holder must ensure that the operator has a current private hire vehicle operator's licence issued by the Council.

The licence holder must notify the Licensing Authority in writing of the name and address of the operator that they are working for within seven days from the date that they start driving for that operator.

If the licence holder stops driving for the operator, they must notify the Licensing Authority in writing that they have stopped driving for the operator within seven days.

14. Deposit of Licence

The licence holder must give a copy of their private hire driver's licence to the vehicle licence holder and operator before starting to drive the vehicle. The vehicle licence holder and operator should keep a copy of this licence until the licence holder stops driving that vehicle.

15. Insurance

It is the licence holder's responsibility to make sure that a valid and appropriate certificate of insurance is in force for the vehicle they are driving before they drive it. The licence holder must also make sure that they do not do anything which might invalidate the insurance. The licence holder must provide the certificate of insurance to an authorised officer or police officer on request.

16. Lost Property

After each hiring the licence holder must check the vehicle for any left or lost property. If anything is found the licence holder must hand it to the private hire operator within 48 hours.

17. Inspections / Production of Documents

The licence holder must not obstruct any authorised officer or police officer from carrying out any inspection or test of the vehicle.

The licence holder must provide any of the following documents within five working days if they are requested by an authorised officer:

- the licence holder's DVLA driving licence and an access code to enable the Council to check the licence
- the licence holder's taxi or private hire driver's licence

18. Medical Fitness

The licence holder must notify the Licensing Authority in writing within 5 working days of any change in their medical condition that may adversely affect their ability to drive. This includes both temporary and long-term permanent medical conditions.

At all times when the licence holder is driving a licensed vehicle they must be sober and not under the influence of any illegal drugs. If the licence holder takes any prescription drugs for a medical condition, they must make sure that they do not affect your ability to drive.

If the licence holder feels unwell at any time when driving a licensed vehicle they must stop driving or working until they are fit to return to work.

19. Convictions and DVLA Driving Licence

The licence holder must notify the Licensing Authority in writing within 48 hours if they are arrested, charged, cautioned or convicted of any offence (including motoring offences, the

acceptance of speed awareness courses and /or any associated court orders) during the currency of the licence. The licence holder's representative must fulfil this requirement if the licence holder is detained. Fixed Penalty Notices must be reported to the Licensing Authority in writing when it is accepted, as opposed to when the driving licence has been updated.

The licence holder will make their DVLA driving licence available for inspection on request from the Operator, an authorised officer or a police officer.

The licence holder must retain their DBS Certificate and Update Service registration for the duration of any licence or licence application.

20. Change of Address

The licence holder must notify the Licensing Authority in writing within 7 days of any change in their address, even if it is temporary. The licence holder must also provide an updated copy of their DVLA driving Licence reflecting any change in address details to the Licensing Authority within one month of any change in his or her address.

21. Acknowledgement of Notifications

If the licence holder has not received written acknowledgement of any notification required by the conditions of the licence from the Licensing Authority within one month, the licence holder must confirm with the Licensing Authority that the notification has been received.

22. Variation of Conditions

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

23. Appeals

If the licence holder is aggrieved by any of these Conditions, they may appeal to a Magistrates' Court within twenty-one days of when the licence was issued.

INFORMATIVES:

Suspension, Revocation or Refusal to Renew Licence

Without prejudice to these Conditions, the Council may suspend, revoke or refuse to renew the Licence on any of the following grounds:

- Any conviction for an offence involving dishonesty, indecency or violence.
- Any offence, or non-compliance with the provisions of the Town Police Clauses Act 1847 or Local Government (Miscellaneous Provisions) Act 1976.
- Failure to comply with any of these Conditions. The Council reserves the right to waive any of these Conditions, at its absolute discretion.
- Failing to pay the appropriate licence fee. The Licence will be suspended immediately if the Licence is obtained by payment that is referred back to the Council by a Bank or other financial

institution and revoked if the fee is not paid within ten working days of the payment being referred back to the Council.

- Any criminal convictions
- Any other reasonable cause

Other Offences

The licence holder would be guilty of an offence if he or she:

- Wilfully obstructs an authorised officer acting in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847.
- Fails to comply with any reasonable request of an authorised officer.
- Without reasonable cause fails to give the authorised officer any other assistance or information which they may require.

Hackney Carriage Drivers Code of Conduct

The following requirements are made by Buckinghamshire Council to ensure efficient and to ensure that proper vehicular and driver standards are maintained in the interests of public safety.

1. General

The licence holder will ensure that he or she complies at all times with all of the requirements of any Act and Regulations affecting the operation of hackney carriages, this Code of Conduct or any policy implemented by the Council.

2. Maintenance of the Vehicle

Licence holders must ensure before they drive a licensed vehicle that:

- it is in a roadworthy condition, thoroughly cleaned, undamaged and that all equipment, fittings and fixtures are present and working.
- the tyres are of the correct pressure and tread depth and the lights are working properly (so far as is possible)
- it complies with all of the conditions attached to the vehicle licence
- the licence plate issued by the Council is securely fixed to the outside rear of the vehicle so that other road users and pedestrians can clearly read it
- the interior licence disc is properly displayed and clearly visible.
- any roof sign on a hackney carriage is securely attached and working
- they record details of checks and inspections in the relevant record book.
- they report any defect discovered to the owner(s) and private hire operator.

3. Conduct of the Licence Holder

The licence holder will:

- at all times be clean and respectably dressed with good personal hygiene;
- behave in a civil and orderly manner, not use foul and abusive language and treat passengers other road users and authorised officers with courtesy and respect;
- not discriminate against any person because of their race, colour, creed, age, gender, sexuality or disability;
- drive at all times in a careful and considerate manner and ensure that both their driving and behaviour are of a high standard;
- not carry, at any time, any form of object on their person or in their vehicle which could be used as a weapon, without a reasonable excuse,. What constitutes a reasonable excuse is to

be determined by the Licensing Service;

- not demand a fare greater than previously agreed between their passenger and the operator or the fare shown on the meter if they are driving a hackney carriage;
- not smoke or use any electronic smoking device in a licensed vehicle at any time or allow their passengers to do so;
- not obtain the telephone numbers of, or engage in any form of contact on social media with any passenger under the age of 18 years, whilst working;
- keep their licence and identity badge secure and never lend them to any other person;
- help any passenger getting into or out of the vehicle if requested and take all reasonable steps to make sure that passengers are safe when they are travelling in, getting into or out of the vehicle;
- take all reasonable steps to ensure the safety of luggage conveyed in, being loaded in or removed from the vehicle;
- help any passenger with the loading and unloading of their luggage into and out of the vehicle if requested;
- have successfully completed an Approved Passenger Assistance Training Course and have been issued with the appropriate identify badge before they drive a wheelchair accessible vehicle;
- provide a receipt for the journey if requested by the passenger;
- use the shortest possible route to reach the destination unless the passenger requests a different route;
- not drive the vehicle without the written permission of the vehicle licence holder;
- not drink, eat or play audio equipment in the vehicle without the permission of the passenger(s);
- use a mobile telephone at any time whilst driving or in control of a licensed vehicle, unless it is being used as a satellite navigation system and the use complies with all road traffic legislation and Highway Code requirements.
- not cause an obstruction on the highway or any pavement or block any entrance;
- comply with any parking or waiting restrictions and all road traffic law;
- safeguard passenger information and comply with any relevant data protection legislation and requirements;
- make sure that no annoyance or disturbance is caused to residents or other road users when in possession or in control of the vehicle;
- not use the vehicle horn or lights or shout to make the passenger(s) aware that they are ready to collect them;

- not initiate any dialogue of a “sexual” nature with a passenger. Licensed drivers are not permitted to become involved “sexually”, or have sexual contact, even with consent, whilst in a licensed vehicle with any person.

4. Taximeter and Fare Table

If the vehicle being driven by the licence holder is fitted with a taximeter, he or she will not change or obstruct the fare recorded until that passenger has had a reasonable opportunity to examine the taximeter and has paid the fare.

The taximeter must not be tampered with.

The licence holder cannot charge more than the fare stated on the taximeter unless the journey finishes outside of the Council area and the fare has been agreed before the journey commences.

The licence holder must also ensure that the correct fare table is clearly displayed in the vehicle in such a way that it can be seen by the passenger(s) at all times.

5. Accidents and Damage to the Vehicle

The licence holder must report any accident (motoring or otherwise) involving the vehicle or any damage that affects the safety, performance or appearance of the vehicle in writing to the Licensing Authority within 72 hours of the accident. The licence holder must ensure that the vehicle is not used for hire until it has been inspected and approved by an authorised officer.

6. Driver's Identity Badge

The licence holder must wear the driver's identity badge issued by the Council in a position where it may be seen at all times when driving a licensed vehicle.

Should the licence or identity badge be lost or stolen, the licence holder must report it to the Licensing Authority in writing immediately and not drive a licensed vehicle until they have received a replacement.

The licence holder must return their licence and identity badge immediately if their licence is revoked, suspended or surrendered or when it expires.

7. Passengers

The licence holder will not:

- carry or allow to be carried in the vehicle a greater number of people than the vehicle licence permits and is stated on the licence plate.
- carry any additional passengers without the consent of the hirer or carry a child below the age of ten years in the front of the vehicle;
- carry more than one person in the front seat unless the vehicle has manufacturer fitted seats for more than one passenger in the front of the vehicle and is provided with seat belts for all front seat passengers. In this case you must not carry more than 2 front seat passengers

When carrying any child passenger who is over 135cm in height (approximately 4 feet and 5 inches)

or 12 years or older the licence holder must inform them that they must wear a seatbelt

For children under 135cm in height or under 12 years old, if the correct child restraints (i.e. child seats or harnesses) are not available the licence holder must inform their parent or guardian or some other adult responsible for their care that they can travel wearing an adult seatbelt, but this is at the discretion of the responsible adult.

8. Carriage of Animals

The licence holder will not allow any animal belonging to them or in their care to ride in the vehicle when they are using the vehicle for hire.

The licence holder must not refuse any request to carry an assistance dog (for example a guide or hearing dog), accompanying a person with a disability unless they have been exempted in writing for medical reasons by the Licensing Authority from this requirement. If such an exemption certificate has been issued, it must be clearly displayed within the vehicle.

No additional charge will be made for carrying an assistance dog.

The licence holder must not refuse any reasonable request to carry an animal belonging to the hirer in the rear of the vehicle.

9. Deposit of Licence

The licence holder must give a copy of their Hackney Carriage Driver's Licence to the vehicle licence holder before starting to drive the vehicle. The vehicle licence holder should keep a copy of this licence until the licence holder stops driving that vehicle.

10. Insurance

It is the licence holder's responsibility to make sure that a valid and appropriate certificate of insurance is in force for the vehicle they are driving before they drive it. The licence holder must also make sure that they do not do anything which might invalidate the insurance. The licence holder must provide the certificate of insurance to an authorised officer or police officer on request.

11. Lost Property

After each hiring the licence holder must check the vehicle for any left or lost property. If anything is found the licence holder must hand it to the local police station within 48 hours.

12. Inspections / Production of Documents

The licence holder must not obstruct any authorised officer or police officer from carrying out any inspection or test of the vehicle.

The licence holder must provide any of the following documents within five working days if they are requested by an authorised officer:

- the licence holder's DVLA driving licence and an access code to enable the Council to check the licence

- the licence holder's taxi or private hire driver's licence

13. Medical Fitness

The licence holder must notify the Licensing Authority in writing within 5 working days of any change in their medical condition that may adversely affect their ability to drive. This includes both temporary and long-term permanent medical conditions.

At all times when the licence holder is driving a licensed vehicle they must be sober and not under the influence of any illegal drugs. If the licence holder takes any prescription drugs for a medical condition, they must make sure that they do not affect your ability to drive.

If the licence holder feels unwell at any time when driving a licensed vehicle they must stop driving or working until they are fit to return to work.

14. Convictions and DVLA Driving Licence

The licence holder must notify the Licensing Authority in writing within 48 hours if they are arrested, charged, cautioned or convicted of any offence (including motoring offences, the acceptance of speed awareness courses and / or any associated court orders) during the currency of the licence. The licence holder's representative must fulfil this requirement if the licence holder is detained. Fixed Penalty Notices must be reported to the Licensing Authority in writing when it is accepted, as opposed to when the driving licence has been updated.

The licence holder will make their DVLA driving licence available for inspection on request from the Operator, an authorised officer or a police officer.

The licence holder must retain their DBS Certificate and Update Service registration for the duration of any licence or licence application.

15. Change of Address

The licence holder must notify the Licensing Authority in writing within 7 days of any change in their address, even if it is temporary. The licence holder must also provide an updated copy of their DVLA driving Licence reflecting any change in address details to the Licensing Authority within one month of any change in his or her address.

16. Acknowledgement of Notifications

If the licence holder has not received written acknowledgement of any notification required by the conditions of the licence from the Licensing Authority within one month, the licence holder must confirm with the Licensing Authority that the notification has been received.

17. Variation of Conditions

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

18. Appeals

If the licence holder is aggrieved by any of these Conditions, they may appeal to a Magistrates' Court within twenty-one days of when the licence was issued.

INFORMATIVES:

Suspension, Revocation or Refusal to Renew Licence

Without prejudice to this Code of Conduct, the Council may suspend, revoke or refuse to renew the Licence on any of the following grounds:

- Any conviction for an offence involving dishonesty, indecency or violence.
- Any offence, or non-compliance with the provisions of the Town Police Clauses Act 1847 or Local Government (Miscellaneous Provisions) Act 1976.
- Failure to comply with any of these Conditions. The Council reserves the right to waive any of these Conditions, at its absolute discretion.
- Failing to pay the appropriate licence fee. The Licence will be suspended immediately if the Licence is obtained by payment that is referred back to the Council by a Bank or other financial institution and revoked if the fee is not paid within ten working days of the payment being referred back to the Council.
- Any criminal convictions
- Any other reasonable cause

Other Offences

The licence holder would be guilty of an offence if he or she:

- Wilfully obstructs an authorised officer acting in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847.
- Fails to comply with any reasonable request of an authorised officer.
- Without reasonable cause fails to give the authorised officer any other assistance or information which they may require.

Hackney Carriage and Private Hire Vehicle Licence Conditions

The following requirements and conditions are made by Buckinghamshire 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 Town Police Clauses Act 1847, the Town Police Clauses Act 1889, the Local Government (Miscellaneous Provisions) Act 1976, the Transport Act 1985 and other relevant legislation.

1. General

The licence holder must ensure that the vehicle complies in all respects with the requirements of any Act and Regulation affecting the operation of private hire vehicles, hackney carriages, motor vehicles, these conditions and any Code of Practice or policy implemented by the Council.

2. Construction

The Vehicle must be of such design and appearance and include such fittings as are specified by the Council.

3. Maintenance of the Vehicle

The vehicle must be regularly maintained and tested. The vehicle must be checked every day that it is used to ensure that it is roadworthy and complies with these Conditions and that any equipment, fittings or fixtures are present and serviceable. Details of checks and inspections must be recorded in the record book to be kept in line with Condition 16 below.

The colour of the vehicle, its mechanical or structural specification, design, condition or appearance cannot be changed without the prior written consent of the Council. The vehicle, including all fittings, must be kept roadworthy, well maintained and in good working order so that it complies with MOT requirements at all times.

A valid MOT certificate issued by an approved garage must be in force at all times that the vehicle is licensed.

The interior and exterior of the vehicle must be kept in a clean and tidy condition and all bodywork kept free from dents and other distortion and/or damage. Any repairs and cosmetic improvements must be of an acceptable quality with a good paint match. Doors, door locks, boot/tail gate and locks, bonnet, hinges and catches, windows, sunroofs and hoods must operate correctly and all upholstery must be well maintained and free from unsightly repairs, stains and burns.

The vehicle must not be fitted with any additional lights other than those originally fitted by the manufacturer unless they have been approved by the Licensing Authority.

If a roof rack (or roof box) is being used it must be securely fitted to the roof in accordance with the manufacturer's instructions. All luggage must be properly secured and in the case of a roof rack, a waterproof cover must be fitted. Any roof box must be correctly closed before moving off.

The vehicle must carry a spare wheel to fit the vehicle and the wheel, together with equipment to change the wheel must be securely stored. This does not apply if the vehicle did not include a spare wheel when new, in which case the manufacturer's alternative (e.g. spray can) will be acceptable.

The vehicle must be fitted with tyres that meet the specifications detailed by the manufacturer in terms of size and speed rating. All tyres must have at least 2 mm of tread across the entire contact surface.

The vehicle must be fitted with nearside and offside exterior rear view mirrors which must be maintained in a serviceable condition.

Any protective screen within the vehicle must have been installed in line with the Council's guidelines and be approved by the Licensing Section or an authorised garage prior to use.

The vehicle odometer must not be altered in any way or replaced without the prior written consent of the licensing authority.

The glass in the vehicle must not be replaced with glass that is different from the glass fitted when the vehicle was inspected by an approved testing station. Self-adhesive material (tinted or clear) must not be fixed to any part of the glass.

The licence holder must ensure that all drivers permitted to drive the vehicle check and confirm that it is roadworthy and complies with these Conditions before they drive the vehicle. A minimum of 75% light must be transmitted through the front windscreen, 70% light is transmitted through any front passenger windows and a minimum of 60% light through all other glass (with the exception of rear quarter lights). Approved executive vehicles are exempted from this requirement.

4. Taximeter and Table of Fares

Hackney carriages must be fitted with a calendar controlled and sealed taximeter which is tamper-proof and has been approved by the Council. It must be mounted in such a way as to avoid injury to the driver or passengers in the case of any collision and where it is visible to passengers. This must be in a safe and practical position in the vehicle where all letters and figures displayed on the meter are clearly visible to any passenger. The letters and figures must be illuminated when in use.

The meter must be set to ensure that the charge will never exceed the amount specified in the Council's Hackney Carriage Table of Fares.

The meter must be accurate, be capable of showing that the vehicle is or is not hired, it must be fitted with a key or other device that, when turned, will operate the meter and display the word "HIRED". This key or device must be capable of locking the meter so it does not work and no fare is recorded on it.

When the meter is in use, the fare must be clearly legible on the face of the meter. This fare must be unambiguous and must not exceed the fare permitted by the Council's Hackney Carriage Table of Fares.

The word “FARE” must be clearly printed on the meter so it clearly indicates the fare displayed.

The meter must only be brought into action and the fare or charge must only commence from the point at which the hirer starts his/her journey.

If the meter fails or does not comply with the conditions, the vehicle must not be used as a hackney carriage.

A notice showing the current Table of Fares must be displayed inside the vehicle in a position where any passengers can easily read it.

You must not (and you must not allow anyone else) to tamper with the meter or any seal on the meter without lawful excuse or alter any meter with the intent to mislead.

Meters in Private Hire Vehicles

You may use a meter in the private hire vehicle only if it is constructed, attached, and maintained in compliance with the requirements above.

Unless the fare is agreed in advance, you must switch the meter on at the point the hirer’s journey commences and keep the meter working until the termination of the hiring.

You must not cancel or conceal the fare recorded until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless a lesser fare has been agreed).

You must ensure that the fare charged does not exceed the fare displayed on the meter at the end of the journey.

5. Damage to the Vehicle

Any damage materially affecting the safety, performance or appearance of the Vehicle or the comfort or convenience of your passengers must be reported in writing to the Licensing Authority within 72 hours of the vehicle being damaged. The Vehicle must not be used until it has been repaired to the satisfaction of the Licensing Authority. Where a vehicle has not been inspected by an authorised officer prior to repairs being carried out, a new MOT certificate will generally be required to ensure that the vehicle is in a roadworthy condition.. If you are in any doubt as to whether the vehicle is affected you must notify the Licensing Authority.

6. Vehicle Inspections

The licence holder must make the vehicle available for inspection by an authorised officer or a police officer at any time and must confirm the location of the vehicle on request.

7. Licence Plate

The licence holder must ensure that the licence plate issued by the Council is securely fixed to the exterior of the rear of the Vehicle at all times and is maintained and kept in such condition that the information contained on the plate is clearly visible to public view at all times. Alteration of the size

and condition of the licence plate is not permitted. The plate must be secured to the vehicle by the use of a bracket. If a bracket is not suitable or practicable the plate shall be fixed with the aid of screws and bolts.

The licence plate remains the property of the Council and the licence holder must return the plate to the Licensing Authority immediately upon termination of the licence, whether this is through suspension, surrender, revocation or normal expiry.

The licence holder must report any theft or loss of the plate to the police and the Licensing Authority within 24 hours of becoming aware of the theft or loss. The vehicle must not then be used for hire until a replacement plate has been obtained and fixed to the vehicle.

8. Other Signs or Notices

The licence holder must fix and maintain in good condition and in the specified position, any sign or notice required by the Council. All private hire vehicles which are not subject to an exemption must display yellow door signs on the driver door and the front passenger door of the vehicle. These must be positioned so that the sign is above the rubbing strip on the doors or in any event the top of the sticker cannot be more than 15cm below the bottom of the window. The use of magnets to secure Council issued door stickers is not considered secure and is not permitted unless issued for a temporary vehicle.

Vehicles which have been granted executive status are not required to display the Council issued yellow door signs and must not display any form of signage other than the executive style licence plate.

9. Advertisements and Roof Signs

The licence holder must not display any advertisement in or on the vehicle or fix any roof sign to the vehicle without the written consent of the Council.

10. Drivers

The licence holder must only permit the vehicle to be driven by a driver licensed by the Council to drive private hire vehicles and they are satisfied that the person is a safe and suitable person to drive the vehicle.

Before permitting or employing a driver to drive the vehicle, the licence holder must obtain a copy of their private hire driver licence and must keep a copy of their current licence until the driver no longer drives the vehicle. The licence holder must also provide a copy of this licence to an authorised officer on request.

Before permitting or employing a driver to drive a wheelchair accessible vehicle, the licence holder must ensure that the driver has successfully completed an Approved Passenger Assistance Training Course and has been issued with the appropriate identify badge.

The licence holder must notify the Licensing Authority in writing of any driver permitted to drive the vehicle within seven days of the driver being employed or granted permission to drive the Vehicle.

The licence holder will notify the Licensing Service in writing of any complaint relating to the driver within seven days of receipt of the complaint.

11. Private Hire Vehicle Operator

The licence holder must notify the Licensing Service in writing of any change in the Operator(s) who operate(s) the vehicle within seven days from the date of the change.

12. Transfer of Vehicle

The licence holder must immediately notify the Council in writing of any transfer of their interest in the vehicle and provide the name and address of the person that the interest has been transferred to. The licence holder must return the licence plate and licence before they sell or transfer the vehicle transfer.

13. Insurance

The licence holder must ensure that a valid certificate of insurance that complies with the requirements of road traffic legislation is kept in force in respect of each driver of the vehicle and in relation to its use as either a private hire vehicle or a hackney carriage.

The licence holder must produce the insurance certificate to a Police Officer or an authorised officer on request. The licence holder must ensure that the Licensing Service is given a copy of the current insurance cover during the period of the licence.

14. Convictions

The licence holder must notify the Licensing Authority in writing within 48 hours if they are arrested, charged, cautioned or convicted of any offence (including motoring offences, the acceptance of speed awareness courses and / or any associated court orders) during the currency of the licence. The licence holder's representative must fulfil this requirement if the licence holder is detained. Fixed Penalty Notices must be reported to the Licensing Authority in writing when it is accepted , as opposed to when the driving licence has been updated.

The licence holder will make their DVLA driving licence available for inspection on request from the Operator, an authorised officer or a police officer.

15. Fire Extinguisher and First Aid Kit

At all times the vehicle must carry a 1 kg dry powder extinguisher or a 2 litre AFFF extinguisher approved to BS EN3: 1996, with the licence number painted on it. The fire extinguisher must be properly maintained in accordance with BS 5306; Part 3 and be secured in such a position in the vehicle as to be fit for immediate use in an emergency.

A first aid kit complying with the Health and Safety (First Aid) Regulations 1981 must be carried in all licensed vehicles so that it is immediately available for use in an emergency. All items contained within the first aid kit must be within their expiry date and in good condition.

16. Record Book

The licence holder must keep a record book that contains the following information:

- the name(s), address(es), and licence number(s) of the persons permitted or employed to

drive the Vehicle

- The name and licence number of the person in possession of the vehicle at any time
- records of maintenance checks and inspections undertaken which must include:
 - dates and times of each inspection and maintenance check
 - the name of the person or garage which undertook the inspection or check
 - details of defects identified and dates when the defects were corrected

The licence holder must retain this record book for a minimum period of twelve months and produce it to the authorised officer on request.

17. Change of Address

The licence holder must notify the Licensing Service in writing within 7 days of any change of address, even if it is temporary.

18. Acknowledgement of Notifications

If within one month you have not received written acknowledgement of any notification that you were required to make by the conditions of the licence from the Licensing Service you must confirm with the Licensing Service that the notification has been received.

19. Appeals

If the licence holder is aggrieved by any of these Conditions, they may appeal to a Magistrates' Court within twenty-one days of when the licence is issued

INFORMATIVES:

Suspension, Revocation or Refusal to Renew Licence

- (a) Without prejudice to these Conditions the Council may suspend, revoke or refuse to renew the Licence on any of the following grounds:
- that the Vehicle is unfit for use as a private hire vehicle;
 - any offences, or non-compliance with the provisions of the Town Police Clauses Act 1847 or the 1976 Act by the Operator or driver;
 - failure to comply with any of these Conditions;
 - failure to pay the appropriate licence fee. The Licence shall be suspended immediately if the Licence is obtained by payment that is referred back to the Council by a Bank or other financial institution and revoked if the fee is not paid within ten working days of the payment being referred back to the Council;
 - any criminal convictions;

- any other reasonable cause.
- (b) The Licence shall be deemed to be revoked should any defect(s) set out in a notice issued under Section 68 of the 1976 Act be not corrected to the satisfaction of the Authorised Officer within two months from the date the notice is issued.

Other Offences

The licence holder will be guilty of an offence if they:

- wilfully obstruct an Authorised Officer acting in pursuance of Part II of the 1976 Act or the Town Police Clauses Act 1847;
- fail to comply with any requirements properly made to him or her by the Authorised Officer;
- without reasonable cause fail to give the Authorised Officer any other assistance or information which the Authorised Officer may require for the performance of his or her functions.

Executive Private Hire Vehicle Licence Conditions

Definitions:

1. In these conditions, the following expressions have the following meaning:

“Exemption notice” means a notice served by the Council which permits the licensee:

- (1) to display the executive licence plate issued by the Council on the licensed vehicle in place of the normal licence plate required by condition 7 of the Hackney Carriage and Private Hire Vehicle Licence Conditions;
- (2) to tint the windows of the licensed vehicle notwithstanding the Council’s policy in this respect;
- (3) to refrain from displaying door stickers issued by the Council for display on licensed vehicles pursuant to condition 8 of the Hackney Carriage and Private Hire Vehicle Licence Conditions.

“Withdrawal notice” means a notice served by the Council which withdraws an exemption notice and revokes the permissions granted by the exemption notice.

“Work of a corporate or executive nature” means work which satisfies **both** (a) and (b) below. The work must be conducted:

- (a) solely for corporate or other business account customers who have an agreement with the licensee; and
- (b) on an account basis whereby payments are made pursuant to an invoice, remotely and otherwise than for cash.

2. Any vehicle which is the subject of an exemption notice shall only be used for work of a corporate or executive nature.

3. Without prejudice to condition 2:

- (a) Cash payment for hire shall not be sought or accepted.
- (b) Bookings shall not be taken from persons who are not corporate or other business account customers of the licensee.
- (c) The vehicle shall not be used to convey children to or from schools.

4. The vehicle shall be maintained in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim or seating.

5. The Exemption Notice issued by the Council shall be carried within the vehicle at all times and presented for inspection at the request of an Authorised Officer, a Police Officer or the Hirer.

6. Other than the executive licence plate issued by the Council, no advertisement, signage, logos or insignia shall be displayed in, on or from the vehicle.

7. The driver of the vehicle shall be dressed in a business suit or jacket and tie with smart trousers.

8. The Council may serve a Withdrawal Notice in its absolute discretion. Following service of a Withdrawal Notice, the Licensee shall return the executive licence plate to the Council forthwith, and may not use the vehicle for private hire work unless and until the vehicle is fitted with a standard private hire licence plate (as required by condition 7 of the Hackney Carriage and Private Hire Vehicle

Licence Conditions), door stickers (as required by condition 9 of the Hackney Carriage and Private Hire Vehicle Licence Conditions), and complies with the Council's policy in relation to tinted windows.

9. Executive status is not transferable between private hire operators. The Licensee must notify the Authorised Officer in writing of any change in the Operator(s) who are operating the vehicle in line with condition 11 of the Hackney Carriage and Private Hire Vehicle Licence conditions and the Authorised Officer will determine whether retention of executive status is appropriate.

Stretched Limousines and Novelty Vehicles – Non Standard Private Hire Vehicle Licence Conditions

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, whether left or right hand drive, that has been modified (stretched) to extend the length of the vehicle. The stretch shall not exceed 120 inches [3048 millimetres]. 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 or specification and 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 Team Leader, 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 will be licensed up to a maximum of fifteen years from the date of registration; 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 from both the interior and exterior of the vehicle. Where a partition is fitted to the vehicle a further internal licence plate must be displayed in the passenger compartment of the vehicle so that it is clearly visible to occupants.

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 their Council-issued identity badge in a prominent position on their person 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 Advertisements and Roof Signs

The Licensee shall not display any advertisement in or on the Vehicle or affix any roof sign to the Vehicle without the written consent of the Council.

7 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. For the avoidance of doubt a child in arms is classed as a person whatever age.
- b) No fare paying passengers will be carried in the front of the vehicle.
- c) Where a clear view into the vehicle is restricted by either a window tint or the nature of the vehicle, the vehicle shall not carry less than two passengers at any one time. Where the passengers in the vehicle consist of persons under the age of 14 years they will be accompanied by a responsible adult, other than the driver, who is over the age of 18 years.
- d) All passengers must remain seated at all times when the vehicle is in motion.
- e) The proprietor of the vehicle must:
 - 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 facilities for luggage to be conveyed safely and be protected from inclement weather.
 - vi) 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.
 - vii) Ensure that the interior and exterior of the Limousine/Novelty Vehicle is kept in a clean condition.
 - viii) 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 readily available to be worn by passengers at all times when the vehicle is in motion.
 - ix) Ensure that an approved first aid kit and fire extinguisher will be carried in the vehicle at all times when the vehicle is in use. The fire extinguisher must be replaced every two years or earlier if necessary.

9 Interior Lighting

There shall be maintained in the vehicle adequate internal lighting to enable passengers to enter and leave the vehicle with safety.

12 Tyres and Road Wheels

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

Without prejudice to any other conditions in the Licence, a roof rack or any other device for storing luggage shall not be installed or maintained on any part of the exterior 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.

17 Convictions

The licence holder must notify the Licensing Authority in writing within 48 hours if they are arrested, charged, cautioned or convicted of any offence (including motoring offences, the acceptance of speed awareness courses and / or any associated court orders) during the currency of the licence. The licence holder's representative must fulfil this requirement if the licence holder is detained. Fixed Penalty Notices must be reported to the Licensing Authority in writing when it is accepted, as opposed to when the driving licence has been updated.

18 Touting

No person shall tout, solicit or approach any person to encourage them to be carried in the vehicle.

19 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. This includes any complimentary drinks provided as part of the hiring.

Alcohol shall only be consumed while the vehicle is stationary and the bottle shall immediately afterwards be placed in a secure receptacle. Suitable stowage shall be provided for any containers during the journey.

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.

20 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.

- 21 The vehicle shall be maintained in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim or seating.
- 22 The driver shall have been appropriately trained to drive the type of vehicle being used. Evidence of this training shall be provided to an Authorised Officer on request.

The Council reserves the right to vary, delete or waive any of the foregoing Conditions.

Private Hire Vehicle Operator Licence Conditions

The following requirements and conditions are made by Buckinghamshire 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.

1. General

The licence holder will 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 or policy implemented by the Council.

The licence holder will take all reasonable precautions for the safety of the public, passengers, hirers and employees and is personally responsible for making sure that employees are aware of these conditions and any other relevant necessary information to enable them to fulfil their role.

2. Nominated Person

The licence holder will ensure that any person appointed as a Nominated Person is:

- at least 21 years of age
- appointed by the licence holder in writing
- a regular employee of the licence holder
- capable of supervising the licence holder's business properly

The licence holder will ensure that the Nominated Person has a copy of this Licence and is aware of these Conditions.

3. Person in Charge

The licence holder or a Nominated Person will be in direct control of the business at all times when bookings can be accepted and will not carry out other duties which may prevent them from having direct control.. The licence holder will remain ultimately responsible for compliance with the requirements of this licence.

The licence holder must keep a written record of the name, dates and times when a Nominated Person acts as a person in charge.

These records must be kept for a minimum period of twelve months and be made available to an authorised officer on request.

4. Standard of Service

The licence holder will provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose will in particular:

- ensure that passengers are collected at the agreed time and place and that, in the case of a delay, the operator should take all reasonable steps to inform the customer;
- ensure that passengers are delivered to the agreed destination;
- ensure that any information provided by hirers or passengers is kept safe and secure and in line with data protection requirements;
- ensure that any part of the premises provided for the use of the public to make bookings or wait for vehicles is kept clean, adequately heated and ventilated, provided with adequate seating facilities and provided with a notice indicating that the service provided is in respect of pre-booked journeys only;
- ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly;
- establish and maintain a procedure for dealing with complaints relating to any private hire booking accepted by them;
- establish and maintain a policy for the employment of ex-offenders which includes the requirement for all staff to provide a satisfactory Basic Disclosure from the Disclosure and Barring Service which is not more than 3 months old before they start working for the operator, with a new Basic Certificate provided on an annual basis;
- ensure that where bookings are sub-contracted to another private hire operator, that the receiving operator also has a policy for the employment of ex-offenders and requires Basic Disclosures from all staff as referred to above;
- ensure that no annoyance or disturbance is caused to residents or other road users by the operation of a vehicle or the operation of the licence holder's business in general;
- if requested to do so by a person making a private hire booking, agree the fare for the journey booked or provide an estimate of the fare;
- ensure that the driver is authorised in writing by the vehicle licence holder to drive the vehicle before the driver commences a journey;
- ensure that any driver of a wheelchair accessible vehicle has successfully completed an Approved Passenger Assistance Training Course and has been issued with the appropriate identify badge;
- where a Public Carriage Vehicle is required to carry out a booking, inform the hirer that the driver may not have been required to provide an Enhanced Disclosure from the Disclosure and Barring Service.
- ensure that the vehicle complies with the vehicle licence conditions before it is used to fulfil a booking;
- ensure that all drivers permitted or employed to drive the vehicle are familiar with the conditions, legislation and byelaws regulating the operation of the vehicle;

5. Number of Vehicles

The licence holder will ensure that the number of vehicles used by the licence holder does not exceed the number of vehicles specified in the licence..

6. Details of Drivers

The licence holder will keep at the Operating Centre a record containing the details set out below for each driver who carries out bookings accepted by them.

The details to be kept for each driver are:

- the surname, forename, address and date of birth
- the National Insurance number
- a photocopy of his or her DVLA driving licence
- a copy of his or her private hire driver licence
- the radio call sign for the driver (if applicable)
- the date on which they started working for the licence holder
- the date on which they stopped working for the licence holder

These records must be kept for a minimum period of twelve months and be made available to an authorised officer on request.

7. Details of Staff

The private hire operator must maintain a register of all persons engaged by the operator, in any capacity as part of the private hire operator's business. The details must include:

- the full name of the person engaged by the operator
- that person's address
- that person's national insurance number
- details and confirmation that checks have been made to ensure that person has the right to remain and work in the United Kingdom
- details and confirmation that checks have been made to ensure that person has provided a DBS certificate and meets the requirements of the licence holder's conviction policy
- dates that the person started (and where applicable) stopped working for the licence holder

These records must be kept for a minimum period of twelve months and be made available to an authorised officer on request.

8. Booking Records

For the purposes of Section 56(2) of the 1976 Act, the licence holder will keep at the Operating Centre a record, containing the information listed below:

- The full name of the call handler accepting the booking;
- the date on which the booking is made and, if different, the date of the proposed journey;
- the name of the hirer, or if more than one person, the names of them;
- a contact telephone number and e-mail address of the hirer, if provided;
- the agreed time and place of collection;
- the main destination given at the time of the booking;
- any fare or estimated fare quoted;
- the name or call-sign of the driver carrying out the booking;
- the registration number of the vehicle carrying out the booking;
- the name of the individual who dispatched the vehicle;
- if applicable, the name of the other operator to whom the booking has been sub-contracted;

The licence holder will ensure that all of the above information is recorded before the commencement of each journey and is kept for a minimum of twelve months in a format which is legible and can be immediately provided to the Licensing Authority on request, either as a hard copy or electronically.

9. Details of Vehicles

For the purposes of Section 56(3) of the 1976 Act, the licence holder will keep a record containing the information referred to below relating to each Vehicle operated by the licence holder.

The details to be kept for each vehicle are:

- the make, model and colour;
- the registration number;
- the name and address of the registered keeper and owner (if different) ;
- a copy of the current private hire vehicle licence;
- a copy of the current certificate of insurance;
- the radio call sign for the vehicle (if applicable);
- the date on which the vehicle started to be operated by the licence holder; and

- the date on which the vehicle stopped being operated by the licence holder.

These records must be kept for a minimum period of twelve months and be made available to an authorised officer on request.

10. **Trading Name**

The licence holder will only use a trading name which has previously been approved in writing by the Licensing Authority. This requirement includes any names used on promotional material, advertisements, website information or any other written documents.

11. **Record of Complaints**

The licence holder will keep a record containing the following information:

- the name of the complainant and any address, telephone number or other contact details provided by him or her
- the nature of the complaint
- details of any investigation carried out and subsequent action taken as a result

In relation to a complaint made in respect of private hire booking:-

- the name of the driver who carried out the booking
- the date of the related booking
- the registration mark of the Vehicle used for the booking

These records must be kept for a minimum period of twelve months and be made available to an authorised officer on request.

12. **Insurance**

The licence holder will maintain in force, where relevant, employer's liability insurance in line with the Employer's Liability Compulsory Insurance Act 1969.

For Operating Centres which are accessible to members of the public, the licence holder will maintain in force public liability insurance which provides a minimum indemnity of £10,000,000 in respect of any one event.

The licence holder will ensure that every Vehicle operated by him or her is covered by a certificate of insurance or cover note indemnifying the owner of the vehicle for the carriage of passengers for hire and reward and will keep a copy of the current certificate or cover note for a minimum period of 12 months.

13. **Fares and Fare Table**

The licence holder will agree the fare for the journey booked or provide an estimate of the fare if requested by the hirer.

Where the licence holder has a table of fares, they will ensure that a copy of the current fare table is clearly displayed in any vehicles operated by them and a copy of the table of fares is also exhibited at the Operating Centre.

When the licence holder uses a hackney carriage to fulfil a private hire booking they will ensure that the fare charged will not be greater than the fare or rate of fares set by the Council under Section 65 of the 1976 Act for hackney carriages. When any such hackney carriage is used, the fare will be calculated from the point in the district at which the Hirer commences his or her journey.

14. Operating Centre

The licence holder will not use the Operating Centre until the Authorised Officer has approved its location in writing. This includes any change of premises during the period of the licence.

Any authorised officer and Police Officer will be permitted by the licence holder to visit and inspect the Operating Centre at any time.

15. Change of Address

The licence holder must notify the Licensing Service in writing within 7 days of any change in their home address, even if it is temporary.

16. Operator Licences in Company Names

Where a licence has been issued in the name of a company, the licence holder will notify the Licensing Authority in writing within seven days of any change in the directorship of the company. Any new directors would then be required to submit an application for the appropriate level of Disclosure and Barring Service Disclosure Certificate and undertake the relevant knowledge test, and Child Sexual Exploitation training, both within two months of the notification.

17. Convictions

The licence holder is required to produce a new basic disclosure from the Disclosure and Barring Service (DBS) on an annual basis, unless they hold a current driver's licence with the Council. The disclosure must be dated and produced within a month prior to the anniversary of the grant of the licence.

During the period of the Licence, the licence holder must within 48 hours notify the Licensing Authority in writing if any of the following are arrested, charged, cautioned or convicted of any offence

- where the Operator is an individual, against him or her;
- where the Operator is a firm, against any partner of that firm, or
- where the Operator is a Company, against the Company itself, a Director or Officer of the Company

The licence holder's representative must fulfil this requirement if the licence holder is detained.

Fixed Penalty Notices must be reported to the Licensing Authority in writing upon acceptance from

a police officer, as opposed to when the driving licence has been updated.

18. Provision of information

During the currency of the licence the Licensee shall within 7 days of the date of an event detailed below give the Authorised Officer written notice of the following:

- any change in the information provided in the original application for the grant of the Licence, or any subsequent application for the variation thereof, if any driver ceases to be available to the Operator for carrying out bookings, by virtue of that driver's unsatisfactory conduct in connection with the driving of a vehicle including the name and address of the driver and the circumstances of the case;
- a vehicle or vehicles cease to be used by the Operator for carrying out bookings, by virtue of that vehicle's unsatisfactory condition; or
- any complaint concerning a contract for hire or purported contract for hire relating or arising from the Licensee's business and of any action (if any) which the Licensee has taken in response to the complaint.

Further to a reasonable request, the licence holder will provide such records or information as required by an authorised officer or police officer by a specific time and date and in an acceptable format.

19. Copy of the Licence and Conditions

The Licence must be clearly displayed within the Operating Centre and these Conditions must also be available at the Operating Centre for inspection at all times.

20. Acknowledgement of Notifications

If the licence holder has not received written acknowledgement of any notification required by the conditions of the licence from the Licensing Authority within one month, the licence holder must confirm with the Licensing Authority that the notification has been received.

21. Variation of Conditions

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

22. Appeals

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

INFORMATIVES:

Suspension, Revocation or Refusal to Renew Licence

Without prejudice to these Conditions, the Council may suspend, revoke or refuse to renew the Licence on any of the following grounds:-

- any offence under, or non-compliance with, the provisions of the 1976 Act
- any conduct on the part of the Licensee which appears to the Council to render him or her unfit to hold an operator's licence
- any material change since the grant of the Licence in any of the circumstances of the Licensee on the basis of which the Licence was granted
- failure to comply with any of these Conditions.
- failure to pay the appropriate licence fee.
- any criminal convictions
- any other reasonable cause

Other Offences

The licence holder would 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 the Authorised Officer may require for the performance of his or her functions.

Appendix 4 Criminal Records and Unacceptable Behaviour Policy

Guidelines for the issue of hackney carriage and private hire driver and operators licences

The sole purpose of Hackney carriage and private hire licensing is to protect the public. That is the only consideration the council can take into account when determining application for a licence, or whether to take action against an existing licence (suspend, revoke or refuse to renew).

Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.

The purpose of this policy is to lay down guidelines as to what Buckinghamshire Council regard as unacceptable previous conduct on the part of an applicant or licensee. This will then assist the council in determining whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence.

Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).

There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire vehicle’s licence.

“Fit and proper” means that the individual (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership¹) is “safe and suitable” to hold the licence.

In determining safety and suitability the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.

Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction². Relevant fixed penalties and community resolutions will also be considered as criminal conduct.

It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to “conviction” will also include matters that on the balance of probability

¹ Section 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.

² This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.

amount to criminal behaviour, but which have not resulted in a conviction. This may include Fixed Penalty Notices (FPNs) Penalty Notices for Disorder (PNDs) and community resolutions.

In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.

In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines and taking legal advice where appropriate.

Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.

As the council will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.

In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The council has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.

Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will generally result in a licence being refused, or if already granted, revoked and may result in prosecution.

As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.

Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.

Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.

These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

When considering whether an applicant or licence holder is fit and proper to hold a licence the Council will consider the following question:

'Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?'³

If on the balance of probabilities, the answer to the question is 'no', the person concerned will not be permitted to hold a licence. An equivalent test will be applied when considering vehicle and operator licence holders.

The council has to make difficult decisions but the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licence holder will be made on the balance of probability. This means that an applicant or licence holder will not be 'given the benefit of doubt'. If the council is only "50/50" as to whether the applicant or licence holder is 'fit and proper', they will not be permitted to hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Drivers

As the Council issues dual licences (permitting the licensee to drive either a hackney carriage or private hire vehicle, referred to as a taxi driver's licence) and the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.

A taxi driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

³ ³(“Statutory Taxi and Private Hire Vehicle Standards”, Department for Transport ,July 2020)

As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.

In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Sex and indecency offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any ‘barred’ list.

Offences involving violence

Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Dishonesty

Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

Drink driving and/or driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held telephone or hand held device whilst driving

Where an applicant has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Other motoring offences

A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving

without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Hackney carriage and private hire offences

Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Vehicle use offences

Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Private Hire Operators

A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.

As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.

Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority’s overall criteria, that will lead to the operator’s licence being revoked.

As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

Vehicle Licence Holders

Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.

Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.

Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

Appendix 5 – Penalty Points Policy and Schedule

Introduction

- 1.1 This document provides guidance in relation to the penalty point system for taxi and private hire enforcement used by Buckinghamshire Council. The system operates alongside and in addition to the Council's other enforcement powers in respect of hackney carriage and private hire licensing controls. The operation of the points system is not intended to fetter the Council's discretion to exercise the full range of its enforcement powers as it sees fit.
- 1.2 Penalty points may be awarded to licence holders for failure to comply with the Council's conditions and standards. The system may be used to issue points to licensed drivers, operators and vehicle owners. The schedule below sets out the applicable breaches for each category of licence and indicates the number of penalty points that may be awarded for failure to comply.
- 1.3 The penalty points system may be enforced by authorised officers of the Council and police officers who are duly authorised under the Local Government (Miscellaneous Provisions) Act 1976 and Town and Police Clauses Act 1847. In addition, Police Community Support Officers and other Local Authority Officers may refer taxi misdemeanours, along with the appropriate evidence to the Council's Licensing Service which, in the Council's discretion, could result in the issuing of points. Points may be issued arising from complaints from other third parties such as members of the public. Points may also be used in lieu of a written warning, for example if an applicant's criminal disclosure reveals matters which are not sufficiently serious to warrant regulatory sanction.
- 1.4 Licence holders who accumulate 12 points or more with 18 months will have their licence reviewed, which may result in temporary suspension or additional assessment and testing. Licence holders who regularly accumulate points can expect more serious consequences, such as longer periods of suspension and possible revocation of their licence.

Penalty points in operation

- 1.5 Penalty points may be issued immediately in the form of a Penalty Points Notice or following investigation by the Licensing Service.
- 1.6 Any penalty points issued will be confirmed in writing to the relevant licence holder or issued as a penalty points notice at the time of enforcement.
- 1.7 Penalty points will be issued depending on the points designated for that specific breach or, as appropriate, a specific number of points within the designated range (where a range is appropriate) depending on the facts and circumstances.
- 1.8 The Council retains the discretion to issue penalty points to the driver, vehicle licence holder and operator for the same contravention if the circumstances warrant it.
- 1.9 Penalty points against a driver who is an employee will not necessarily result in additional imposition of points to their operator.
- 1.10 Points will remain on the licensee's file for a period of 18 months from the date of issue and will

operate on a rolling basis. If the licence lapses during this period, the points would be noted on the system and will generally be carried onto a new licence.

- 1.11 There is no financial penalty associated with the system, and the licence holder may continue to work.
- 1.12 For persons holding more than one vehicle licence the threshold for commencement of formal action will be increased by 4 points per vehicle licence held.
For example a person holding 2 Vehicle Licences will have a threshold of 16 points or more before formal action is taken under the penalty point scheme.
- 1.13 If there are three repeat contraventions within a 6-month period the offender will automatically be referred to the Officer Panel.

Officer Panel Decision

- 1.14 Where 12 points or applicable threshold (see 1.12 above) are imposed on an individual licence in any one 18 month period, the licence holder will be interviewed by one or more officers from the Licensing Service to allow the licence holder to provide any information in response to the concerns raised.
- 1.15 Following the interview a report will be presented to a panel, usually comprising of 3 council officers. The panel will decide what action, if any, needs to be taken in respect of the licence. The investigating officer will not take part in the decision-making process. As a guide the panel will generally recommend one of the following:
 - Suspension of the licence for up to a maximum of three months for licence holders
 - Requirement to attend further practical assessment and / or testing
 - Longer period of suspension or revocation of the licence for licence holders who have previously been referred to the office panel or where there are significant concerns for public safety
- 1.16 The above recommendations do not fetter the discretion of the panel who may also decide to take no further action, to suspend the licence for any period or to revoke a licence.
- 1.17 Further to the serving of any suspension period, the points leading to the suspension will be removed from the licence holder's record although details of the non-compliance resulting in the imposition of the points may be taken into consideration in the future.
- 1.18 The licence holder will be informed of the officer panel's decision in writing.
- 1.19 The Council reserves the right to suspend, revoke or refuse to renew a licence or to prosecute in appropriate circumstances and without reference to the penalty points system.

Right of Appeal

- 1.20 If a licence holder is not satisfied that the points attributed for an alleged breach were imposed fairly, then an appeal may be made, in writing, to the Licensing Service within 14 days of receiving a penalty points notice. No appeals will be considered outside of this time.
The decision will be reviewed by a senior officer, unconnected with the original investigation,

who will, taking into consideration the representations made, either uphold the issuing of the penalty points notice or dismiss it. Where multiple points have been issued the licence holder must clearly stipulate which points they wish to be reviewed. The reviewing officer will give reasons for their decision which will be notified to the licence holder. If the decision is upheld, any points will be applied from the date of issue of the original notice.

- 1.21 A revocation or suspension of a driver's licence or the refusal to renew a licence can be appealed to the Magistrates' Court within 21 days of the date that the decision is received.

Changes to the points system

- 1.22 The Council reserves the right to make changes to the points system and, in particular, to vary the number of points which can be issued for a specified breach and to vary the list of specified breaches.

SCHEDULE OF PENALTY POINTS

Hackney Carriage and Private Hire Drivers

Penalty	Comment	Points
Failure to maintain vehicle – major defect.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 2. Major defects includes MOT such as bald tyres and light(s) not working and correct licence plate not displayed.	4
Failure to maintain vehicle – minor defect.	Minor defects include missing fire extinguisher or first aid kit, unclean vehicle, livery other than licence plate not displayed.	2
Failure to record details of checks and inspections in vehicle record book.		2
Failure to report vehicle defect to vehicle owner and operator.		2
Poor conduct – major	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 3. For example any discriminatory behaviour, aggression, poor driving, overcharging/extending route, inappropriate behaviour/conversation with passengers, failure to provide adequate passenger assistance, obstruction of the highway or an entrance, failure to comply with parking/waiting restrictions, causing a disturbance. For more serious breaches penalty points may not be considered appropriate and other regulatory options may apply in the first instance such as prosecution, suspension and revocation.	4

Penalty	Comment	Points
Poor conduct – minor	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 3. For example: unacceptable dress/hygiene, disrespectful behaviour, failure to provide receipt, driving vehicle without <u>written</u> permission from owner, eating/drinking/playing radio without passenger consent. For more serious breaches penalty points may not be considered appropriate and other regulatory options may apply in the first instance such as prosecution, suspension and revocation.	2
Obstructing taximeter from customer view or cancelling fare before customer has had opportunity to view.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 4. All journeys in a hackney carriage taxi vehicle must be charged based on a running taximeter calibrated to the latest tariff.	2
Tampering with taxi meter (missing seals) or driving with faulty taximeter.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 4. All journeys in a hackney carriage taxi vehicle must be charged based on a running taximeter calibrated to the latest tariff.	6
Charging more than agreed fare or metered fare if no prior fare agreed (private hire).	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 4. All journeys in a hackney carriage taxi vehicle must be charged based on a running taximeter calibrated to the latest tariff.	6
Failure to operate the taximeter from commencement of the journey and charging more than the fixed charge for hire of Hackney carriages	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 4. All journeys in a hackney carriage taxi vehicle must be charged based on a running taximeter calibrated to the latest tariff.	6
Hackney Carriage vehicle not displaying the tariff from within the vehicle	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 4. All journeys in a hackney carriage taxi vehicle must be charged based on a running taximeter calibrated to the latest tariff.	2
Failure to report an accident to the Licensing Authority within 72 hours.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 5.	4
Failure of a Hackney Carriage / Private Hire Driver to wear driver's badge or report badge lost or stolen.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 6.	4
Carrying additional passengers without consent of the hirer.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 7.	4
Failing to comply with a reasonable request to carry an animal belonging to a passenger.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 8. If the request relates to a passenger assistance dog recognised under the Equalities Act 2010 a more serious sanction will be applied.	2

Penalty	Comment	Points
Failure to notify the Licensing Authority within 7 days of starting/ending work with an operator.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 9.	2
Failing to give a copy of the driver's licence to vehicle licence holder and operator.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 10.	2
Failure to provide a copy of the vehicle insurance to an authorised officer on request.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 11.	4
Failure to hand in lost property to the operator within 48 hours.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 12.	2
Obstructing an authorised officer or police from inspecting a vehicle.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 13.	6
Failure to provide DVLA licence, check code or taxi/private hire driver's licence within 5 working days of a request.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 13.	4
Failure to notify the Licensing Authority with 5 working days of a change to medical condition that may affect driving.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 14.	4
Failure to notify the Licensing Authority of arrest, charge, caution, criminal conviction, FPN within 48 hours.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 15. In circumstances where the licence is not revoked in line with the "Fit and Proper Test"	4
Failure to disclose requested historical information on application for licence.	Policy Sections 3, "Hackney Carriage / Private Hire Driver Licence" and appendix 4, "Unacceptable Behaviour Policy" All applicants are required to supply information relating to historical criminal behaviour as specified on the application form. This includes convictions and also matters that on the balance of probability amount to criminal behaviour but which have not resulted in a conviction. This may include Fixed Penalty Notices (FPNs) Penalty Notices for Disorder (PNDs), cautions and community resolutions. Applicants are also required to disclose whether they have ever had a licence application refused or revoked by any licensing authority. Generally failure to disclose requested historical information will be considered an act of dishonesty and applications will be refused or licences revoked where this has been found to have	6

Penalty	Comment	Points
	occurred. Points will issued as an alternative in exceptional circumstances.	
Failure to notify the Licensing Authority of change of address within 7 days.	Private Hire Driver Licence Condition/Hackney Carriage code of conduct 16.	4

Hackney Carriage and Private Hire Vehicle Licence Holders

Penalty	Comment	Points
Failure to maintain vehicle – major defect. This includes items likely to fail a MOT such as bald tyres and light(s) not working.	Hackney Carriage and Private Hire Vehicle Licence Condition 3	4
Failure to maintain vehicle – minor defect. For example missing fire extinguisher, first aid kit, spare wheel/manufacturer's alterative; unclean vehicle.		2
Failure to mount taximeter appropriately.	Hackney Carriage and Private Hire Vehicle Licence Condition 4	4
Failure to set hackney carriage meter to the fare levels approved by the Licensing Authority.		4
Failure to display a table of fares in the vehicle where it can easily be seen by passengers.		2
Tampering with taxi meter, including seals, without reasonable excuse.		6
Failure to report damage to the Licensing Authority within 72 hours.	Hackney Carriage and Private Hire Vehicle Licence Condition 5	4
Failure to make licensed vehicle available for inspection or confirm location of vehicle to police officer or authorised officer.	Hackney Carriage and Private Hire Vehicle Licence Condition 6	6
Failure to display licence plate, door signs, window badge or any other livery required	Hackney Carriage and Private Hire Vehicle Licence Conditions 7 and 8.	4

Penalty	Comment	Points
Displaying advertisements and roof signs without consent.	Hackney Carriage and Private Hire Vehicle Licence Condition 9.	2
Failure to provide a copy of the private hire driver's licence of any authorised drivers of the vehicle to an authorised officer on request.	Hackney Carriage and Private Hire Vehicle Licence Condition 10.	4
Allowing a driver who has not completed an approved Passenger Assistance Training Course to drive licensed Wheelchair Accessible Vehicle.	Hackney Carriage and Private Hire Vehicle Licence Condition 10.	4
Failure to notify the Licensing Authority within 7 days of any driver being employed or granted permission to drive the vehicle.		2
Failure to notify the Licensing Authority within 7 days of any complaint received by the vehicle licence holder relating to the driver.		2
Failure to notify the Licensing Authority within 7 days of any change to the operator who operates the vehicle.	Hackney Carriage and Private Hire Vehicle Licence Condition 11.	2
Failure to notify the licensing authority in writing of any transfer on interest in the vehicle.	Hackney Carriage and Private Hire Vehicle Licence Condition 12.	2
Failure to return licence plates and licences before selling or transferring a licensed vehicle.		4
Failure to produce the current insurance certificate for the vehicle to a police officer or authorised officer on request.	Hackney Carriage and Private Hire Vehicle Licence Condition 13.	6
Failure to notify the Licensing Authority of arrest, charge, caution, criminal	Hackney Carriage and Private Hire Vehicle Licence Condition 14.	4

Penalty	Comment	Points
conviction, FPN within 48 hours.		
Failure to maintain a vehicle record book.	Hackney Carriage and Private Hire Vehicle Licence Condition 16.	2
Failure to notify Licensing Authority of a change of address within 7 days	Hackney Carriage and Private Hire Vehicle Licence Condition 16.	4
Failure to disclose requested historical information on application for licence.	Policy Sections 4, "Hackney Carriage / Private Hire Vehicle Licence" and appendix 4, "Unacceptable Behaviour Policy" All applicants are required to supply information relating to historical criminal behaviour as specified on the application form. This includes convictions and also matters that on the balance of probability amount to criminal behaviour but which have not resulted in a conviction. This may include Fixed Penalty Notices (FPNs) Penalty Notices for Disorder (PNDs), cautions and community resolutions. Applicants are also required to disclose whether they have ever had a licence application refused or revoked by any licensing authority. Generally failure to disclose requested historical information will be considered an act of dishonesty and applications will be refused or licences revoked where this has found to have occurred. Points will issued as an alternative in exceptional circumstances.	6

Private Hire Operators

Penalty	Comment	Points
Failure to provide Nominated Person aware of licence conditions.	Private Hire Vehicle Operator Licence condition 2	4
Failure to maintain accurate records of Nominated Persons.	Private Hire Vehicle Operator Licence condition 3	4
Failure to provide appropriate standard of service.	Private Hire Vehicle Operator Licence condition 4. Includes ensuring passengers are collected and delivered as agreed, passenger information is kept safe, passenger waiting areas are adequate, facilities and equipment is maintained, appropriate complaints procedure, ex-offenders employment policy and basic DBS checks on staff, prevention of disturbance, agreement of fares with passengers, driver and vehicle authorisations in place, drivers of WAVs appropriately qualified, hirers informed if a PSV is dispatched and driver may not be enhanced DBS checked, ensure vehicles comply with licence conditions and drivers are aware of those conditions.	4

Penalty	Comment	Points
Operating more vehicles than specified on the licence.	Private Hire Vehicle Operator Licence condition 5	4
Failure to maintain accurate records of Drivers.	Private Hire Vehicle Operator Licence condition 6.	4
Failure to maintain accurate records of Staff.	Private Hire Vehicle Operator Licence condition 7.	4
Failure to maintain adequate Booking Records.	Private Hire Vehicle Operator Licence condition 8.	4
Failure to maintain adequate Vehicle records..	Private Hire Vehicle Operator Licence condition 9.	4
Using a trading name which has not been authorised.	Private Hire Vehicle Operator Licence condition 10.	4
Failure to maintain adequate Record of complaints.	Private Hire Vehicle Operator Licence condition 11.	4
Failure to maintain copies of insurance document for vehicles.	Private Hire Vehicle Operator Licence condition 12. An operator who allows a vehicle to be used that is not adequately insured is likely to be subject to a more serious sanction.	4
Failure to display table of fares in vehicles and in operating centres.	Private Hire Vehicle Operator Licence condition 13.	4
Using a new operating centre without written approval from an authorised officer.	Private Hire Vehicle Operator Licence condition 14.	4
Failure of licence holder to notify the Licensing Authority of a change to home address within 7 days.	Private Hire Vehicle Operator Licence condition 15.	4
Failure of licence holder to notify the Licensing Authority of a change to Company Directors within 7 days.	Private Hire Vehicle Operator Licence condition 16. New Company Directors are required to submit an application for a Basic DBS disclosure certificate, attend safeguard training and undertake a knowledge assessment – failure to meet this requirement may result in a more serious sanction such as licence suspension.	4
Failure to notify the Licensing Authority of arrest, charge, caution, criminal conviction, FPN within 48 hours.	Private Hire Vehicle Operator Licence condition 17. Licence Holders are required to produce a Basic DBS disclosure certificate on an annual basis - failure to meet this requirement may result in a more serious sanction such as licence suspension.	6
Failure to provide information within 7 days of a specified event.	Private Hire Vehicle Operator Licence condition 18. Specified events include: any change in the information provided in the original application or subsequent variation application, if a driver ceases to be available due to the driver's conduct, a vehicle ceases to be available due to unsatisfactory condition, details of any complaints received.	4

Penalty	Comment	Points
Failure to provide records or information in relation to a specified event.	Private Hire Vehicle Operator Licence condition 18.	4
Failure to display licence or make licence conditions available at the operating centre.	Private Hire Vehicle Operator Licence condition 19.	4
Failure to disclose requested historical information on application for licence.	Policy Sections 5, "Private Hire Operator Licence" and appendix 4, "Unacceptable Behaviour Policy". All applicants are required to supply information relating to historical criminal behaviour as specified on the application form. This includes convictions and also matters that on the balance of probability amount to criminal behaviour but which have not resulted in a conviction. This may include Fixed Penalty Notices (FPNs) Penalty Notices for Disorder (PNDs), cautions and community resolutions. Applicants are also required to disclose whether they have ever had a licence application refused or revoked by any licensing authority. Generally failure to disclose requested historical information will be considered an act of dishonesty and applications will be refused or licences revoked where this has found to have occurred. Points will issued as an alternative in exceptional circumstances.	6

Appendix 6 – Licensing Enforcement Policy

The Licensing Service performs a range of licensing and registration duties as required by legislation or as a matter of Council policy. The Council will strive to ensure that the vulnerable are protected in a healthy environment as outlined in its Corporate Plan.

The underlying principle of the licensing regime is public protection.

The purpose of this Policy is to set out the steps officers will take when considering what, if any, action is necessary where possible offences or non-conformities are identified whilst carrying out their duties.

In carrying out its functions, the Licensing Authority will act with impartiality and be objective, consistent and recognise the rights of individuals. In carrying out their duties all officers will have regard to this policy along with the Council's Enforcement Policy for Regulatory functions (available at www.buckinghamshire.gov.uk/) and the Regulator's Compliance Code and the Enforcement Concordat. The aim of these documents is to make enforcement transparent and to ensure it is carried out in an equitable, practical and consistent manner.

The policy will be kept under review and revised periodically as appropriate.

Enforcement Concordat and the Regulators Code

Proportionality - action taken by enforcing authorities should proportionally reflect any risks, and the seriousness of any breach which will include consideration of the financial implications of any request.

Consistency - a similar approach should be taken in similar circumstances to achieve similar results, although it does not necessarily mean uniformity. Due regard shall be had to codes of practice and the activities of other Councils to achieve consistency.

Openness - customers should be helped by officers to understand what is expected of them and what they should expect from officers. Customers should be clearly informed of the difference between statutory requirements and advice/guidance/informal requests. Information will be provided in plain language and officers will be open about how they set about their work, including any charges.

Helpfulness - officers will provide a courteous and efficient service, properly identifying themselves at all times. Performance standards and the level of service customers should expect shall be made freely available.

Complaints about Service - The Council's complaints procedure shall be easily accessible and this, and any right of appeal, shall be explained to customers when appropriate.

Appointment and Authorisation of Officers

Officers are authorised depending upon qualification, experience and competency. The level of authorisation of officers is set out in the relevant internal scheme of delegation which stems from the Council's Constitution. Officers carry identity cards at all times when on duty and these should be shown to any customer on request.

Procedure

There are a number of options that will be considered in respect of one of the following:

- a) matters that have been identified during the application process which cause concern regarding the *fit and proper* person test;
- b) a complaint is received;
- c) unlicensed activity is suspected;
- d) the Licensee has not complied with the conditions of a licence or byelaw made by the Council;
- e) an officer has identified that a possible criminal offence has been committed;

In the first instance, the applicant / licensee will generally be contacted by telephone to arrange for them to attend an informal interview at the Council Offices at a mutually convenient date and time so that the matter can be discussed.

Informal interviews with drivers and or applicants will be recorded on disk/tape to ensure that there is an accurate record of the meeting.

Where a criminal offence is suspected, the suspect will be formally invited to attend an interview under caution at the Council offices.

Following the interview an investigation will be carried out, taking into account any relevant information, and a decision will be made as to the most appropriate action to be taken.

Enforcement Options

The Council defines “Informal Action” as the retention of information on Council records with no further steps taken in respect of a licensee/applicant. The Council defines “Formal Action” as action against a licensee or applicant where there is a statutory right of appeal.

1. Informal action

- (i) Warning as to future conduct – formal notice issued when concerns have been raised in respect of a specific matter and which will usually remain on file during the currency of any licence or application.
- (ii) An advisory notice – written confirmation of the matter investigated where no formal action is required but a record of the matter is to be retained on file.
- (iii) Formal warning – written notice where a breach of licence conditions has been identified and which will be retained on file.
- (iv) Final warning – written notice where a breach of licence conditions has been identified and further breach of which is likely to result in suspension or revocation of the licence.
- (v) Imposition of penalty points under the Council’s Penalty Points Policy (see Appendix 5).

Circumstances where informal action is considered appropriate may include but is not limited to the following:

- the breach is not of a serious nature;
- there is no significant risk to the health or safety of any person;
- there is no previous history of non-compliance;
- there is no independent evidence to support the matter under consideration;
- the breach was as a result of a genuine mistake or misunderstanding.

Where action has been taken in accordance with (i) to (v) above the recipient of the notice will be advised of their right to appeal in writing within 14 days of the date of the notice to the Head of Licensing, Buckinghamshire Council, The Gateway, Gatehouse Road, Aylesbury, Bucks, HP19 8FF.

2. Formal Action

Revocation/Refusal of current/future licence/application or restriction of such licence by imposition of conditions or suspension of a licence.

Where the Council has granted a licence, previous informal action recorded on file may be taken into account in deciding whether to revoke a licence, refuse a further application or impose conditions on future licences.

Where the Council is considering such steps, the licensee/applicant will be given notice of the course of action being considered and given the opportunity to respond at a formal interview to be held at council offices or alternatively in writing.

Circumstances where the Council may consider such action include but are not limited to the following:

- there has been or is a significant contravention of the legislation;
- there has been or is a significant risk to the health or safety of any person;
- there is a lack of confidence in an informal approach being positively responded to or such an approach has already failed;
- there is a history of non-compliance.

3. Prosecution

Circumstances where the Council may consider a prosecution include but are not limited to the following:

- the alleged offence is a flagrant breach of the law and the health, safety or wellbeing of any person has been put at risk;
- the failure to correct serious potential risk which has been identified and the person responsible has been given a reasonable opportunity to comply with the legislation;
- there is a history of non-compliance or offences.

In cases where prosecution is under consideration, a file containing all the relevant evidence and information will be submitted by the Licensing Service to the District Solicitor for a decision to be made in accordance with the Code of Crown Prosecutors.

Should the Council depart from this policy, in exceptional circumstances, the reasons will be recorded.

Appendix 7 – Advertising Policy for Private Hire Vehicles

Signs, Notices and Advertisements etc.

- (1) No signs, notices, advertisements, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as required by any statutory provision or in conformity with the following conditions **and** with written approval of Buckinghamshire Council. Prior to approval being given an application must be made in writing to the Council giving the plate number of the vehicle on which the advertisement is proposed to be displayed, plus the name and address of the applicant, details of the position, colour, size, subject-matter, wording proposed and any other information that the Council may require.
- i. No advertisement shall exceed 510mm x 297mm in size. Any advertisement must appear in landscape format.
 - ii. Any company name and/or telephone number appearing on any advertisement must have been previously authorised by the Council in writing. Any use of the words "Taxi" and/or "Cab", or any other word or combination of letters which when pronounced would sound similar, is strictly prohibited
 - iii. Roof signs of any description are strictly prohibited.
 - iv. No advertisements shall be placed anywhere on or in the vehicle other than the vehicle's rear passenger doors or rear panels. Advertisements must not be placed on rear tailgates/doors.
 - v. Any advertisement appearing on the outside of the vehicle must be of such form as not to become easily soiled, defaced or detached.
 - vi. Any material and/or adhesive used in the manufacture, and for the purpose of, affixing any advertisement to any part of the vehicle must not be inflammable.
 - vii. Any advertisement appearing in or on the vehicle must be legal, honest, decent and truthful within the standards laid down by the British Advertising Standards Authority or any public body succeeding to it.

- (2) Commercial advertisements

Commercial advertising for any company, body or corporate entity other than the operating company is strictly prohibited.

Appendix 8 CCTV Guidelines for Licensed Vehicles

The council recognises that Electronic Surveillance Technology (which includes CCTV) can help provide a safer environment for the benefit of both the driver and passenger.

The Council does not currently require CCTV to be installed in licensed vehicles but, if you decide to install CCTV in your licensed vehicle, please let us know as we will keep a record of all vehicles with CCTV and ask that you provide details of the system you intend to install. The council does not specify conditions, recommend any particular system or contribute to the cost of the system.

If you install CCTV into your vehicle, you must register with the Information Commissioners Office (ICO) as a "data controller". There is a fee to pay to register with the ICO. Anybody registered with the ICO as a data controller must ensure that they are aware of their responsibilities under data protection legislation, including the General Data Protection Regulation (GDPR). The legislation means that you, as a data controller, must have a record of any data processing activities, a specific purpose for collecting and processing data and adequate signage. Anyone, including passengers and other drivers, who is captured by your CCTV becomes a "data subject" and any identifiable imagery is considered to be personal data. The CCTV signage in your vehicle acts as informed consent from your passenger that they agree to their personal data being collected, so you must ensure your signage reflects this. The Surveillance Camera Commissioner (SCC) is an excellent source of information for those considering installing CCTV and their free resources include best practice, signage and general guidance, as well as tools and templates. Before you install CCTV you should visit both the SCC and ICO websites.

GDPR acknowledges that CCTV in taxis is important for securing driver and passenger safety and looks to ensure that the data collected is dealt with in an appropriate way. It is important that you understand that you are responsible for any personal data you collect or process. If you do not have good data protection practices in place you may liable to a substantial fine.

For further information contact the Surveillance Camera Commissioner
<https://www.gov.uk/government/organisations/surveillance-camera-commissioner>, the Information Commissioner's Office <https://ico.org.uk/>, your CCTV supplier or seek your own legal advice.

Appendix 9 – National Register of Taxi Licence Refusals and Revocations (NR3)

Buckinghamshire Council as licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence.

Therefore:

- Where a hackney carriage/PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective

Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of applying for and being granted, a hackney carriage / PHV driver licence. The authority has a published policy on the approach it will take to requests by other authorities for further information about entries on NR3, and about the use it will make of any further information provided to it. You can read that policy below.

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at x@buckinghamshire.gov.uk. This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website:
<https://ico.org.uk/make-a-complaint/>

Council Policy in respect of requests for information, disclosure of information, and use of information as a result of an entry on NR3

In this policy, the ‘first authority’ refers to a licensing authority which made a specific entry onto the National Register of Refusals and Revocations; the ‘second authority’ refers to a licensing authority which is seeking more detailed information about the entry.

I. Overarching principles

This policy covers the use that this authority will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3). The NR3 contains information relating to any refusal to grant, or revocation of, a taxi drivers’ licence. This information is important in the context of a subsequent application to another authority for a drivers’ licence by a person who has had their licence refused or revoked in the past.

This authority has signed up to the NR3. This means that when an application for a taxi drivers’ licence is refused, or when an existing taxi drivers’ licence is revoked, that information will be placed upon the register.

Throughout this policy reference is made to ‘taxi drivers licence.’ This generic term covers a hackney carriage drivers licence, a private hire drivers licence and a combined/dual licence.

When an application for a new drivers’ licence, or renewal of an existing drivers’ licence is received, this authority will make a search of the NR3. The search will only be made by an officer who has been trained in the use of the NR3 and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.

Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose.

Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, making a decision, notifying the applicant of the outcome of that decision, and the appeal processes.

For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application.

Where an appeal to the magistrates’ court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates’ court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the magistrates’ court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates’ court or the Crown Court, it is possible to appeal the decision by way of case stated. Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the magistrates’ court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

The data will be held securely in accordance with this authority’s general policy on the secure retention of personal data. At the end of the retention period, the data will be erased and/or destroyed in accordance with this authority’s general policy on the erasure and destruction of personal data. For further information see <https://www.buckinghamshire.gov.uk/your-council/privacy/privacy-policy/>

II. Making a request for further information regarding an entry on NR3

When an application is made to this authority for the grant of a new, or renewal of, a taxi driver’s licence, this authority will check the NR3.

This authority will make and then retain a clear written record of every search that is made of the register. This will detail:

- the date of the search;
- the name or names searched;
- the reason for the search (new application or renewal);
- the results of the search; and
- the use made of the results of the search (this information will be entered to the register at a later date).

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

If this authority discovers any match (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of this authority's data protection policy in relation to the use of any data that is obtained as a result of this process.

This request will be made in writing in accordance with the form at appendix 1 of this policy. It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

III. Responding to a request made for further information regarding an entry on NR3

When this authority receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

This authority will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request.

This authority will conduct a Data Protection Impact Assessment. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.

If this authority is satisfied that the other authority's (the 2nd authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed. This will be determined by an officer who has been trained to discharge this function.

Any disclosure must be considered and proportionate, taking into account the data subjects' rights and the position and responsibilities of a taxi driver. Data is held on the NR3 register for a period of 25 years, but this authority (the 1st authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

This authority will disclose information relating to a revocation or refusal to grant a drivers' licence in accordance with the timescales contained within this Council's 'Policy on relevance of criminal conduct & unacceptable behaviour (The fit and proper test)'. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in the Council's policy) which is within the timescales determined in those guidelines, the information will be disclosed. Where the reason for

refusal to grant or revocation relates to a conviction (or similar as defined in the Council's policy) which is outside the timescales determined in those guidelines, the information will not be disclosed. However, in every case, consideration will be given to the full circumstances of the decision and there may be occasions where information is provided other than in accordance with this policy.

Any information about convictions will be shared in accordance with this policy under part 2 of scheduled 1 to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the authority by an enactment or rule of law.

The officer will record what action was taken and why. This authority will make and then retain a clear written record of every decision that is made as a result of a request from another authority. This will detail:

- the date the request was received
- how the data protection impact assessment was conducted and its conclusions
- the name or names searched
- whether any information was provided
- if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
- if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made) and
- how and when the decision (and any information) was communicated to the requesting authority.

IV. Using any information obtained as a result of a request to another authority

When this authority receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal of a taxi drivers' licence. This will be in accordance with the Council's usual process for determining applications.

This authority will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above).

Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that this authority will make in relation to the application.

Appendix 1 - information disclosure form

This form is submitted following a search of the National Register of Refusals and Revocations (NR3).
(For completion by requestor authority)

Name of licensing authority requesting information:

Requestor authority reference number:

Name of licensing authority from which information is sought:

Name of individual in respect of whom the request is made:

Decision in respect of which the request is made: Refusal / revocation

Other details for this record:

Address:

Driving licence #:

NI #:

Reference number:

Declaration by requesting authority:

The authority hereby confirms that this information is being sought in connection with the exercising of its statutory function to ensure that holders of taxi / PHV licences are fit and proper persons, and that

the processing of this data is therefore necessary in the performance of a task carried out in the public interest.

The information provided below will only be processed, used and saved by the authority in connection with this particular application and in accordance with all relevant data and privacy requirements, as previously advised by the authority to applicants for and existing holders of taxi and PHV licences, and will be retained in accordance with the Authority's retention policy relating to the provision of such information.

To enable the authority to conduct a data protection impact assessment, details of this authority's policy in relation to the use of information obtained as a result of this request can be accessed at

<https://www.aylesburyvaledc.gov.uk/section/taxi-licensing>.

Signed:

Name:

Position:

Date.....

(For completion by providing authority)

Further information to support the decision recorded on NR3 in respect of the above named individual

Declaration by providing authority

The authority hereby confirms that it has conducted a data protection impact assessment.

It also confirms that the information above is accurate, and has been provided after thorough consideration by the authority as to the proportionality and lawfulness of making this disclosure. The information reflects the basis on which the decision recorded in the National Register of Refusals and Revocations was made. In the event that the authority becomes aware that this information is no longer accurate, we will advise the above named authority accordingly.

The authority also confirms that, as part of the basis for securing, retaining or applying for a taxi / PHV licence, the above named individual has been made aware of to the fact that this information will be shared, in accordance with all relevant data and privacy requirements

Signed:

Name:

Position:

Date:

This page is intentionally left blank



Department
for Transport

Statutory Taxi & Private Hire Vehicle Standards

Contents

	Page
1. Introduction.....	4
2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards.....	6
3. Administering the Licensing Regime.....	8
Licensing policies	8
Duration of licences	9
Whistleblowing.....	9
Consultation at the local level.....	10
Changing licensing policy and requirements	10
4. Gathering and Sharing Information.....	12
The Disclosure and Barring Service	12
The Disclosure and Barring Service Update Service	13
Common Law Police Disclosure	13
Licensee self-reporting	13
Referrals to the Disclosure and Barring Service and the Police	14
Working with the Police	15
Sharing licensing information with other licensing authorities.....	15
Multi-agency Safeguarding Hub (MASH).....	16
Complaints against licensees	17
Overseas convictions	17
5. Decision Making	19
Administration of the licensing framework	19
Training decision makers.....	19
The regulatory structure	20
Fit and proper test	21
Criminal convictions and rehabilitation	21
6. Driver Licensing.....	23
Criminality checks for drivers.....	23
Safeguarding awareness	23
‘County lines’ exploitation	24
Language proficiency	25

7. Vehicle Licensing.....	26
Criminality checks for vehicle proprietors	26
In-vehicle visual and audio recording – CCTV.....	27
Stretched Limousines.....	28
8. Private Hire Vehicle Operator Licensing	29
Criminality checks for private hire vehicle operators.....	29
Booking and dispatch staff.....	30
Record keeping	31
Use of passenger carrying vehicles (PCV) licensed drivers	31
9. Enforcing the Licensing Regime	33
Joint authorisation of enforcement officers	33
Setting expectations and monitoring.....	33
Suspension and revocation of driver licences.....	33
Annex – Assessment of Previous Convictions	35
Annex – Disclosure and Barring Service information	37
Annex – CCTV Guidance.....	38
Annex - Staying Safe: Guidance for Passengers	40

1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
 - (b) is experiencing, or is at risk of, abuse or neglect, and
 - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working Together to Safeguard Children](#) statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,

holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

3. Administering the Licensing Regime

Licensing policies

- 3.1 The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a ‘fit and proper’ person test, licence conditions and vehicle standards.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

“It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride.”

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

“Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction.”

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**

Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.

Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#).

Consultation at the local level

- 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

Changing licensing policy and requirements

- 3.14 Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15** Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

4. Gathering and Sharing Information

4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

The Disclosure and Barring Service

4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.

4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).

4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

The Disclosure and Barring Service Update Service

- 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. **Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**

Licensee self-reporting

- 4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

Referrals to the Disclosure and Barring Service and the Police

4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).

Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a ‘fit and proper’ person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police**. Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is ‘fit and proper’. An obvious source of relevant information is any previous licensing history. **Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA’s Councillors’ [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should “*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*”. While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as ‘NR3’). **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own polices.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

Multi-agency Safeguarding Hub (MASH)

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

Complaints against licensees

4.29 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual compliant, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the ‘balance of probabilities’ assessment that licensing authorities must take.

4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.

4.31 To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.

4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.

4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an ‘independent witness’ to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

Overseas convictions

4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more

4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).

4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

5. Decision Making

Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
 - any implications of the Human Rights Act should be considered.
 - the rules of natural justice should be observed.
 - decisions must be reasonable and proportionate.
 - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
 - decision makers must avoid bias (or even the appearance of bias) and predetermination.
 - data protection legislation.

5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

The regulatory structure

5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.

5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:

- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
- Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.

5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.

5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence**. It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

Fit and proper test

5.12 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.

5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Criminal convictions and rehabilitation

5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.

6. Driver Licensing

Criminality checks for drivers

- 6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

6.6 All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – ‘*Together, we can tackle child abuse*’ which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

‘County lines’ exploitation

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

Language proficiency

6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

7. Vehicle Licensing

7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

Criminality checks for vehicle proprietors

7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.

7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where an applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

In-vehicle visual and audio recording – CCTV

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers 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.

7.9 All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

Stretched Limousines

7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.

7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

8. Private Hire Vehicle Operator Licensing

8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

Criminality checks for private hire vehicle operators

8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.

8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.

8.4 Refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

Booking and dispatch staff

8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.

8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**

8.9 Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a '[responsible organisation](#)' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.

8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.

8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

8.12 Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

Record keeping

8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

Use of passenger carrying vehicles (PCV) licensed drivers

8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such**

as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

9. Enforcing the Licensing Regime

9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed ‘fit and proper’ but does not ensure that those already licensed continue to display the behaviours and standards expected.

Joint authorisation of enforcement officers

9.2 Licensing authorities should, where the need arises, jointly authorises officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

Setting expectations and monitoring

9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee’s time.

9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

- (a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
 - (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
 - (b) any other reasonable cause

9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.

9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is ‘fit and proper’ to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department’s view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions¹	Yes	Yes	Yes	Yes
Spent convictions²	No	Yes	Yes	Yes
Spent cautions^{1 & 2}	No	Yes	Yes	Yes
Additional police Information³	No	No	Yes	Yes
Barred list(s) Information⁴	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access

and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that ‘ensures appropriate security’, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers’ private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner’s Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.

Taxi Licencing Policy Consultation - Results

Introduction

Buckinghamshire Council have distributed an online questionnaire in order to capture the opinion and thoughts of various stakeholders to the new Taxi Licencing Policy being proposed.

The Policy sets out how we (Buckinghamshire Council) propose to regulate taxis (hackney carriage vehicles) and minicabs (private hire vehicles) across Buckinghamshire (excluding Milton Keynes). As the local authority, we are responsible for licensing hackney carriage drivers and the operators and drivers of private hire vehicles.

The purpose of document is to analyse the results of this consultation which opened on the 10th November 2020 and closed on the 4th January 2021. The questionnaire received 636 responses in this period. The analysis presented in this document can be reviewed by Buckinghamshire Council who can then go on to make any relevant adjustments to the draft Policy. In early 2021, our Licensing Committee will review the final draft Policy and decide whether to recommend its adoption. This document has been segmented by question themes outlined in the questionnaire itself, analysis using data tables and charts have been presented to highlight key insights.

Contents

Introduction	1
Respondent Demographics.....	2
Understanding the Policy.....	6
Hackney carriage zones	9
Wheelchair access.....	14
Vehicle age	19
Vehicle emissions.....	23
CCTV	26
English Language Test	30
Safeguarding training.....	34
Drug Testing	37
Any other comments	40
Appendices.....	43

Respondent Demographics

At the end of the questionnaire, respondents were asked demographic questions to give insight into who they are. This was so the difference of views could be examined between different groups.

Respondent Type

Respondents were asked to describe their interest in taxi licensing. Respondents can select multiple categories that apply, therefore the total count of 853 is higher than the 636 actual respondents. All 636 have selected at least one option to describe their interest, the results are visible in the below table.

Respondent Group	Count	% of Respondents
Resident	196	22.98%
Taxi driver (Hackney Carriage)	193	22.63%
Taxi driver (Private Hire Vehicle)	302	35.40%
Private hire company operator	77	9.03%
Taxi trade organisation	22	2.58%
Business owner or representative (other than taxi industry)	25	2.93%
Charity or community group representative	5	0.59%
Councillor or MP	13	1.52%
Other (please specify)	20	2.34%
Total Number of Respondents	853	100.00%

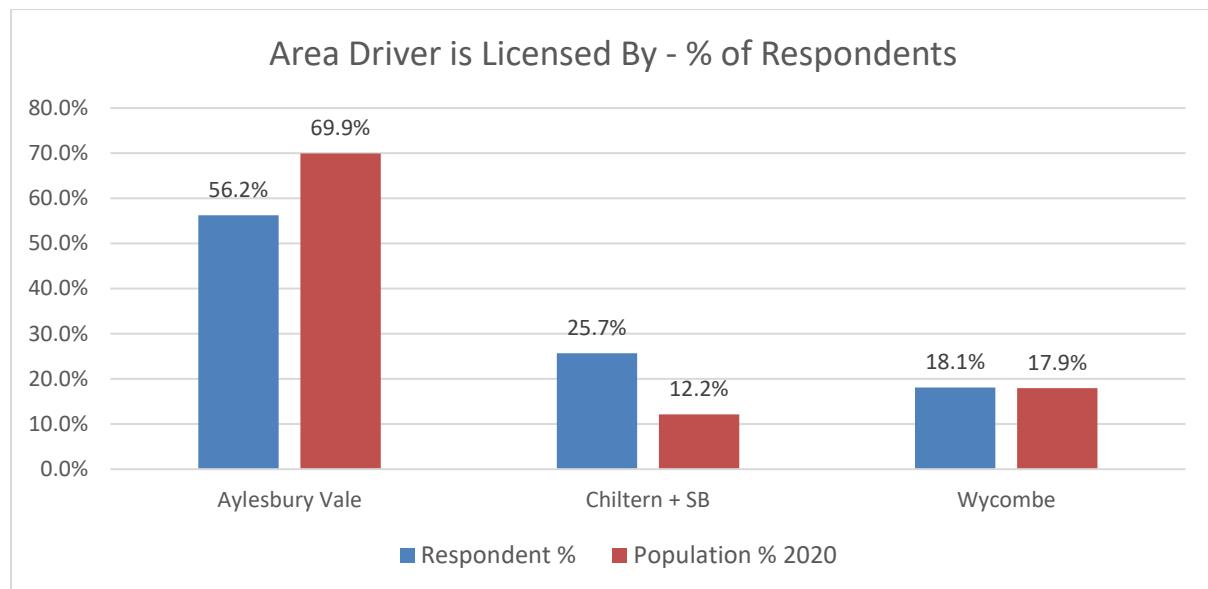
20 respondents selected 'Other (please specify)' and only 15 of which input an open response to do this. This included drivers licensed by other authorities, police officers and family members of taxi drivers. A notable caveat regarding the 'Business owner or representative (other than taxi industry)' group must be outlined. Only 9 of the 25 respondents have not selected another respondent group (including driver). This means most respondents views are not exclusively influenced by the fact they are a Business Owner/Representative outside of the taxi Industry.

Taxi/Minicab Drivers – Area Licensed

Respondents who drive a taxi or minicab were asked to outline which area they are licensed within out of the four areas in Buckinghamshire or if this was not applicable. Respondents can select multiple categories that apply, in total 565 respondents answered this question. The key consideration here is if a certain area is over or under-represented among the respondents otherwise, we might consider the results to bias a specific area. The chart below has taken the percentage breakdown of driver numbers in the Buckinghamshire population (as of December 2020) and compared this to the percentage breakdown of respondents who indicated this as the area they are licensed within.

The Chiltern and South Bucks figures have been combined for this purpose because the population data does not split these two areas. Here it is important to outline an important data quality issue; throughout the survey it was noted 21 responses had copied and pasted their open responses with slightly different closed responses. 19 of these were exclusively from Chiltern and this has raised their representation by 4%, we cannot discount these respondents from the closed response questions but only one of these responses have been considered when analysing the open responses.

The chart below shows an over-representation of Chiltern and South Bucks drivers and an under-representation of Aylesbury Vale drivers. It's important to note that there will be a slight bias for Chiltern + South Bucks Drivers in the results overall.



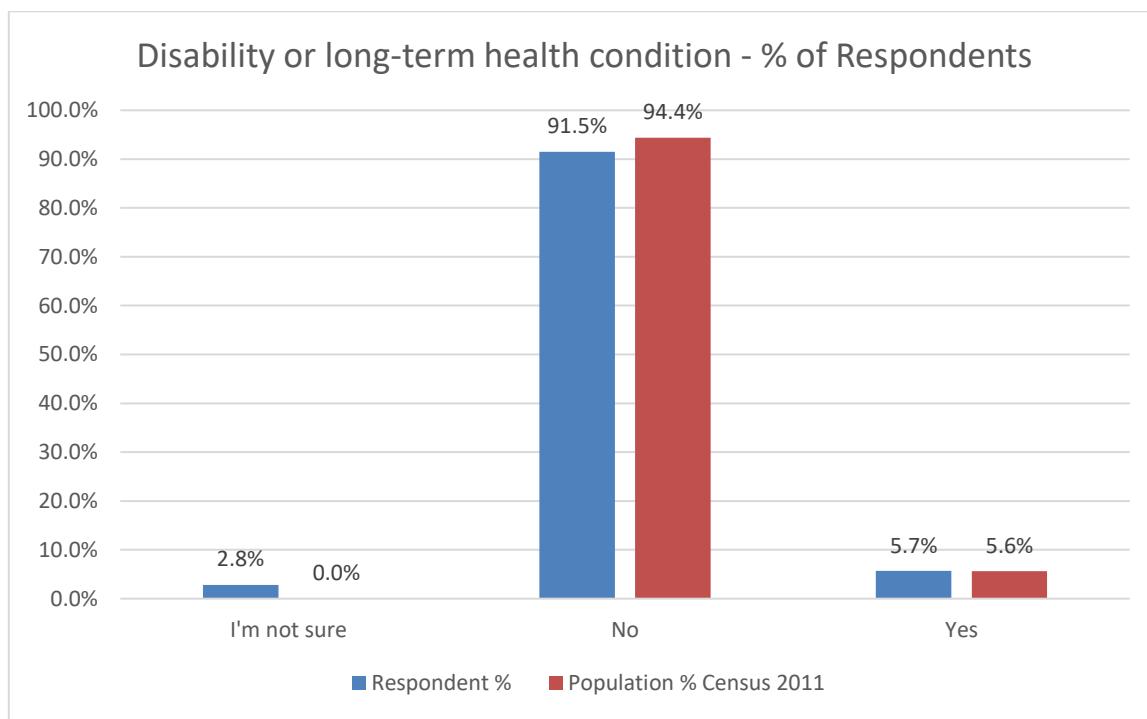
To understand the demographics of the drivers in these areas further, the below table has been constructed. This table indicates that most respondents (who are Drivers) from the Aylesbury Vale area, are Private Hire Drivers. Most respondents from the Chiltern Area are Hackney Carriage drivers and respondents from Wycombe and South Bucks are represented in a fashion which is similar to the overall respondent makeup.

Hackney/Private Hire drivers by area drivers licensed within					
Values	Hackney Carriage Driver	Private Hire Vehicle Driver	Count of all respondents	Hackney Carriage Driver - %	Private Hire Vehicle Driver - %
Aylesbury Vale	69	203	289	23.88%	70.24%
Chiltern	76	41	103	73.79%	39.81%
South Bucks	13	15	29	44.83%	51.72%
Wycombe	36	49	93	38.71%	52.69%
Not applicable	2	9	75	2.67%	12.00%
All Respondents	193	302	853	22.63%	35.40%

Disability or long-term health condition

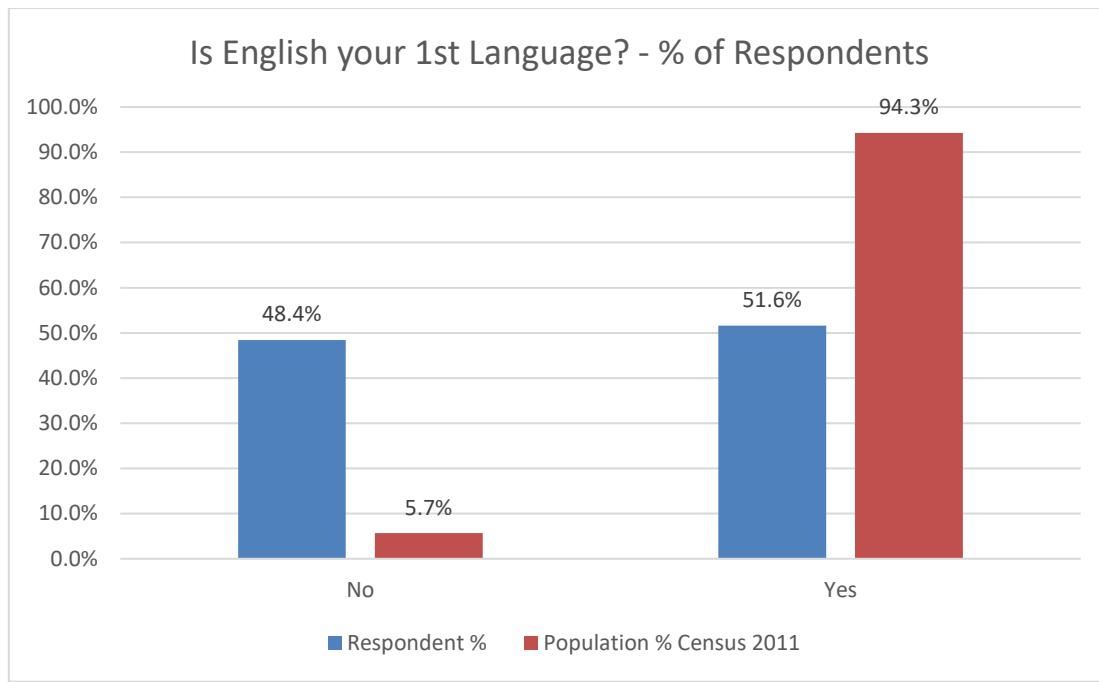
Respondents were asked to indicate whether they consider themselves to have a disability or long-term health condition. 600 respondents input an answer to this question. Once again, the key consideration is whether those who report to have a disability or long-term health condition are over or under-represented in the respondent population as this could bias the results.

The chart below indicates the percentage breakdown of the population using Census 2011 data and compares this to the respondent's percentage breakdown. We can see that those with self-reported disabilities and long-term health conditions are accurately represented in the respondent's make-up.



English 1st Language

Finally, respondents were asked to outline if English is their first language and if not, outline in an open response what their first language is. 605 respondents answered this question with a further 190 responding to the free text part of the question. As with the other demographic questions, the representation of the respondent population needed to be considered. Census 2011 data outlines the percentage of the Buckinghamshire population which has declared their 1st language spoken is English. This has been compared to the respondent percentage makeup in the chart below.



A large disparity is observed, those whose 1st language is not English are over-represented by 43.1% in comparison to the overall Buckinghamshire population. To investigate this further, the below table has been constructed which indicates that respondents who are taxi drivers make up a large proportion (75%) of respondents whose first language is not English. Respondents can be both a resident and a taxi driver so respondents who are exclusively Residents have been reviewed in this table. There is still an over-representation of individuals whose 1st language is not English.

Is English the 1st Language of the respondent?					
Respondent Group	No	Yes	Not Answered	Count of all respondents	% of Respondents - English is 1st Language
Resident	46	123	27	196	62.8%
Taxi driver (Hackney Carriage)	112	78	3	193	40.4%
Taxi driver (Private Hire Vehicle)	177	123	2	302	40.7%
Private hire company operator	26	51	0	77	66.2%
Taxi trade organisation	6	16	0	22	72.7%
Business owner or representative (other than taxi industry)	6	19	0	25	76.0%
Charity or community group representative	2	3		5	60.0%
Councillor or MP	3	9	1	13	69.2%
Other (please specify)	7	11	2	20	55.0%
Residents - with no relation to taxi industry	13	90	25	128	70.3%

190 of the 293 respondents who outlined their 1st language is not English went on to describe their 1st language. Most of these responses (123) indicate Urdu was their first

language. 25 respondents outlined Punjabi as their 1st language which was the other notable language listed. Other languages listed 5-10 times included Bengali, Bulgarian and Pashto.

Understanding the Policy

Question 1 – How easy was the policy to understand?

This is a required question providing a Likert scale response in order to determine how well respondents understood the policy as it has been presented. This starts from 'Very easy' and scales through to 'Very difficult'. All 636 respondents have responded to the question.

Overall summary of responses:

The below table indicates most respondents could understand the policy. 15% of respondents indicate that they found the policy difficult to understand.

How easy was the policy to understand? n=636	
Overall Response	% of Response
Very difficult	5.82%
Quite difficult	9.12%
OK	46.86%
Quite easy	19.03%
Very easy	19.18%
Total Count of Respondents	636

Differences in respondent group

Respondent Type

Respondents have been broken down by respondent group to see if any group has more difficulty understanding the policy. Generally, group differences are minimal as most respondents within each group are indicating they understand the policy. It's of note that Hackney Carriage drivers and Private Hire Company operators indicated they had slightly more difficulty understanding the policy than other groups.

How easy was the policy to understand? n=853 (Respondent Group)						
Respondent Group	Very difficult	Quite difficult	OK	Quite easy	Very easy	Total Count of Respondents
Residents	5.10%	9.69%	48.47%	15.82%	20.92%	196
Taxi driver (Hackney Carriage)	8.81%	14.51%	50.26%	13.47%	12.95%	193
Taxi driver (Private Hire Vehicle)	4.64%	9.93%	45.70%	22.52%	17.22%	302
Private hire company operator	9.09%	11.69%	44.16%	15.58%	19.48%	77

Taxi trade organisation	9.09%	18.18%	31.82%	13.64%	27.27%	22
Business owner or representative (other than taxi industry)	8.00%	4.00%	48.00%	8.00%	32.00%	25
Charity or community group representative	0.00%	20.00%	60.00%	20.00%	0.00%	5
Councillor or MP	7.69%	15.38%	38.46%	0.00%	38.46%	13
Other (please specify)	0.00%	5.00%	55.00%	25.00%	15.00%	20

Taxi/Minicab Driver – Area Licensed By

Respondents have been asked to outline the area they are licensed to drive within (if applicable). The below table indicates that regardless of area most drivers understand the policy. Drivers from Chiltern and Wycombe have more difficulty understanding the policy, this difference is small in comparison to the other areas.

How easy was the policy to understand? n=589 (Area Driver Licensed By)					
Taxi/Minicab Driver – Area Licensed By	Aylesbury Vale	Chiltern	South Bucks	Wycombe	Not applicable
Very difficult	5.54%	7.77%	6.90%	8.60%	4.00%
Quite difficult	9.69%	12.62%	6.90%	10.75%	5.33%
OK	46.71%	59.22%	51.72%	37.63%	34.67%
Quite easy	19.72%	10.68%	17.24%	20.43%	32.00%
Very easy	18.34%	9.71%	17.24%	22.58%	24.00%
Total Count of Respondents	289	103	29	93	75

English is respondent's 1st language

A large proportion of respondents outlined that English is not their 1st language so it's important to ensure that these respondents can still understand the policy. As the table below indicates, most respondents whose 1st language is not English have indicated they understand the policy. These respondents do have more difficulty in understanding the policy than respondents whose 1st language is English.

How easy was the policy to understand? n=636 (English 1st)			
English is respondent's 1st language	No	Yes	Not Answered
Very difficult	7.51%	4.49%	3.23%
Quite difficult	11.95%	6.73%	6.45%
OK	44.03%	45.83%	83.87%
Quite easy	20.82%	19.23%	0.00%
Very easy	15.70%	23.72%	6.45%
Total Count of Respondents	293	312	31

On examining differences between respondents reporting a disability or long-term health condition and those who do not. There are no notable differences in their response.

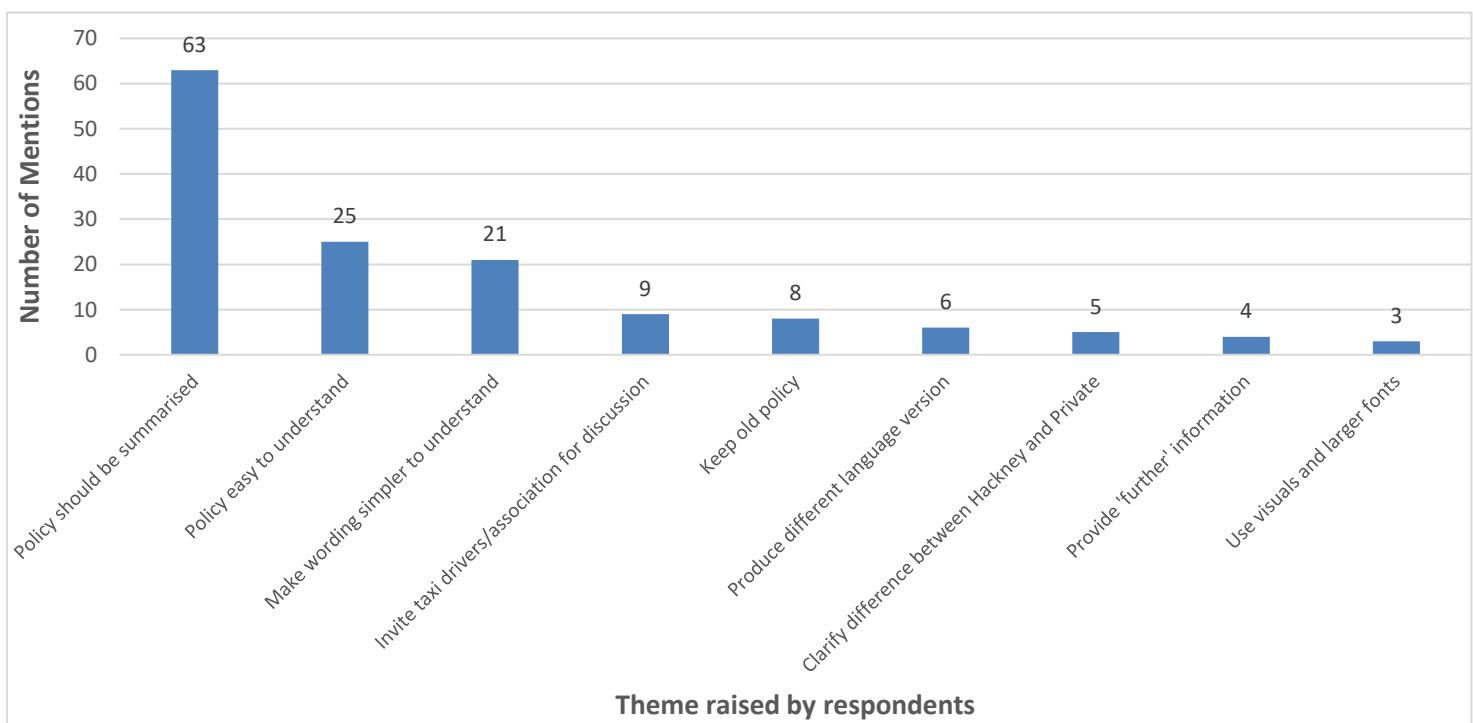
Question 2 - How could we make the Policy easier to understand?

This is an optional question where respondents are given an opportunity to respond with free text. This allows for insight to be obtained to feedback how the Policy can be made easier to understand. 207 respondents have typed a response to this question.

These responses have been analysed and coded to understand what key themes were raised by these 207 respondents.

The below chart indicates the most notable themes raised by respondents are:

- Policy should be summarised, shortened or simplified – 63 mentions
- Policy is easy to understand (thus no improvements are required) – 25 mentions
- Make English/wording of the policy simpler to understand – 21 mentions



Verbatim has been acquired in relation to the most notable themes highlighted in the above chart, this helps contextualise what these themes actual mean.

Policy should be summarised, shortened or simplified

"The policy could be made shorter and more concise, so that it is easier to refer to. I feel that key information gets lost in so much literature."

"Although policy documents must contain large amounts of formal and statutory detail, they should be made shorter and much more concise, thereby making it easier for residents and users to understand. If this is not possible then the inclusion of an Executive Summary would be beneficial so that key information and details of specific changes are summed up and easily highlighted."

Policy is easy to understand

"It's well written and laid out and covers all relevant requirements in a well organised manner."

"It's fairly transparent and easy to understand and follow"

Make English/wording of the policy simpler to understand

"Keep the wording simple so it can be easy to understand."

"We are pleased to see a summary and explanation of the proposed changes and reasons, but in light of the fact that for many within the industry, English is their second language, maybe simplifying it further would be helpful."

Hackney carriage zones

Question 3 – Do you agree or disagree with this proposal?

Having been presented a summary of the zone proposal within the policy respondents are asked to what extent they agree with the proposal with a Likert scale response. This starts from 'Strongly disagree' through to 'Strongly agree' with an option to outline they aren't sure, or they can skip the question. 629 respondents answered this question.

Overall summary of responses

The below table indicates respondents typically disagree with this proposal with a difference of 7.8% in favour of disagreement versus agreement. It's of note that when respondents disagree, they strongly disagree, and the sentiment is strong.

Do you agree or disagree? - Zones n=629	
Overall Response	% of Response
Strongly agree	20.03%
Agree	18.12%
Neither agree nor disagree	11.13%
Disagree	10.49%
Strongly disagree	35.45%
I'm not sure	4.77%
Total Count of Respondents	629

Differences in respondent group

Respondent Type

When examining how different respondent groups have answered there are numerous differences. Residents are split on agreement and disagreement. Private Hire Drivers and Operators agree with the policy with a slight majority of 4-6%. Hackney Carriage drivers and Business owners (non-taxi industry) are in strong disagreement with the policy. Overall when respondents disagree, they are likely to strongly disagree.

Do you agree or disagree? - Zones n=843 (Respondent Group)							
Respondent Group	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	I'm not sure	Total Count of Respondents
Residents	27.98%	15.03%	9.84%	6.74%	35.75%	4.66%	193
Taxi driver (Hackney Carriage)	20.00%	12.63%	3.68%	8.95%	51.58%	3.16%	190
Taxi driver (Private Hire Vehicle)	18.46%	23.49%	14.77%	11.41%	24.16%	7.72%	298
Private hire company operator	15.58%	25.97%	14.29%	7.79%	29.87%	6.49%	77
Taxi trade organisation	18.18%	27.27%	0.00%	18.18%	27.27%	9.09%	22
Business owner or representative (other than taxi industry)	0.00%	24.00%	0.00%	16.00%	56.00%	4.00%	25
Charity or community group representative	0.00%	20.00%	0.00%	0.00%	40.00%	40.00%	5
Councillor or MP	30.77%	15.38%	7.69%	23.08%	15.38%	7.69%	13
Other (please specify)	15.00%	15.00%	40.00%	20.00%	5.00%	5.00%	20

Taxi/Minicab Driver – Area Licensed By

The table below notes some differences in agreement between licencing areas. Aylesbury Vale and South Bucks drivers are in slight agreement with the policy by 3-4%. Chiltern and Wycombe drivers are in strong disagreement with the policy. It's worth recalling that 70.4% of Aylesbury Vale respondents are Private Hire drivers and 73.8% of Chiltern respondents

are Hackney Carriage driver. This could possibly bias the results on this issue because Hackney Carriage drivers are more likely to disagree with the policy.

Do you agree or disagree? - Zones n=582 (Area Driver Licensed By)					
Taxi/Minicab Driver – Area Licensed By	Aylesbury Vale	Chiltern	South Bucks	Wycombe	Not applicable
Strongly agree	16.78%	23.53%	24.14%	14.13%	13.70%
Agree	23.43%	6.86%	24.14%	8.70%	28.77%
Neither agree nor disagree	13.99%	4.90%	3.45%	8.70%	15.07%
Disagree	9.79%	10.78%	3.45%	14.13%	9.59%
Strongly disagree	27.97%	50.98%	41.38%	51.09%	28.77%
I'm not sure	8.04%	2.94%	3.45%	3.26%	4.11%
Total Count of Respondents	286	102	29	92	73

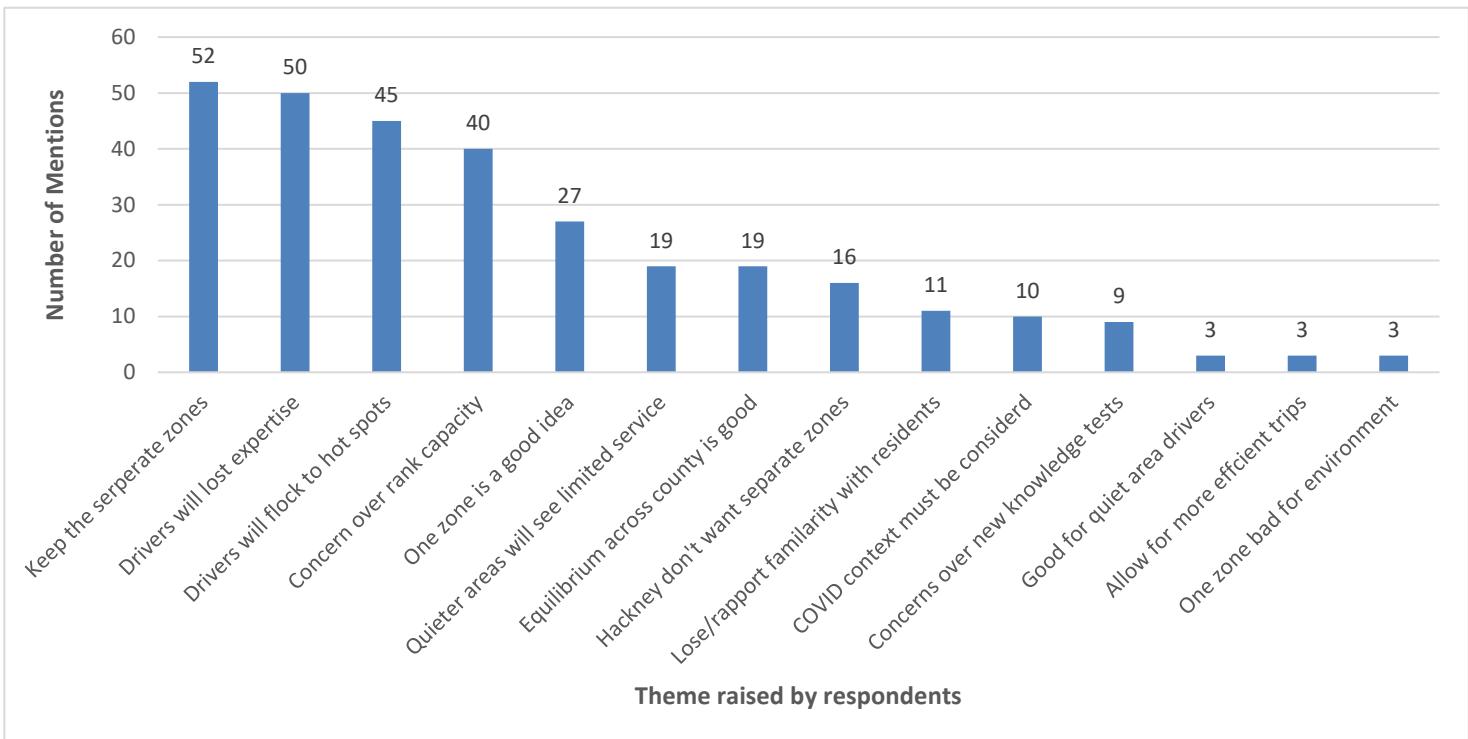
Respondents whose 1st language is English are split between agreement and disagreement but are more likely to agree with the policy than respondents whose 1st language is not English, but the difference is minimal and not of note. On examining differences between respondents reporting a disability or long-term health condition and those who do not. There are no notable differences in their responses.

Question 4 – Do you have any comments you would like to make about hackney carriage zones?

This is an optional question where respondents are given an opportunity to respond with free text. This allows for insight to be obtained to why respondents agree or disagree with the proposal. 277 respondents have typed a response to this question.

The below chart indicates the most notable themes raised by respondents are:

- Drivers will not have expertise of local areas – 50 mentions
- Drivers will flock to hot spots – 45 mentions
- Concern over parking/rank capacity at busy areas– 40 mentions



Verbatim

Drivers will not have expertise of local areas

"I disagree with one zone. Because as a taxi driver if I go to High Wycombe and park in taxi rank, I don't know the area I don't have any knowledge for the area, it will be hard for me to take passengers to their destinations"

"By making it one zone you will have drivers from other areas without local knowledge which will make journey times longer and possibly overpriced and leaving customers out of pocket"

Drivers will flock to hot spots

"South Bucks and Chiltern do not have many taxi ranks but have a lot of hackneys working as private hire and drivers living close to Aylesbury and High Wycombe and drivers would leave those areas and come into the towns of Aylesbury and High Wycombe"

"I know it will attract more cabs into Aylesbury town which is a small market town which already has an oversupply and less demand for Hackney carriage taxis, The ranks cannot cater for the cabs they are already, and also with the coronavirus it has taken all the business away"

Concern over parking/rank capacity at busy areas

"I believe there is already a shortage of rank spaces in areas such as High Wycombe, Beaconsfield and Marlow, with an influx of vehicles from other areas there will be stark shortages of rank spaces."

"By combining the zones as one would mean that most drivers would tend to go to the busiest areas, overfilling the ranks and causing traffic problems whilst leaving others with little or no service especially in the evenings and late at night."

Open Responses – further breakdown

The zone proposal has been highlighted as a key element of the proposal and more importance has been weighted on the insight provided by the questionnaire regarding this element specifically. For question 4, further analysis has been conducted to determine how different groups have responded to the open response question regarding the themes they raised.

When commenting on reasons for disagreement, it's clear that Hackney Drivers and Business Owners (non-taxi industry) will be more likely to raise comments indicating disagreement and want to keep the separate zones. This can be observed in the below table where higher proportions of these groups are making open comments in relation to keeping the zones separated, the 'hot spot' concern and the local area expertise concern. Notably these groups did not raise the rank capacity issue in their open comments to any higher degree than other groups. It's worth noting that of the 'Business Owner' group only 9 of the 25 are not related to the Taxi Industry in some capacity (including as drivers). This would indicate their opinion is not completely orientated as a non-taxi industry business owner.

Do you have any comments you would like to make about hackney carriage zones? - % of Respondents					
Respondent Group	Keep the separate zones	Drivers will flock to hot spots	Concern over parking/rank capacity at busy areas	Drivers will not have expertise of local areas	Count of all Respondents
Resident	6.12%	4.59%	7.65%	8.16%	196
Taxi driver (Hackney Carriage)	16.06%	13.99%	4.66%	13.99%	193
Taxi driver (Private Hire Vehicle)	3.97%	1.66%	3.64%	1.66%	302
Private hire company operator	6.49%	6.49%	6.49%	6.49%	77
Taxi trade organisation	0.00%	9.09%	18.18%	13.64%	22
Business owner or representative (other than taxi industry)	16.00%	16.00%	8.00%	28.00%	25
Charity or community group representative	0.00%	0.00%	20.00%	20.00%	5
Councillor or MP	7.69%	7.69%	7.69%	7.69%	13
Other (please specify)	5.00%	5.00%	5.00%	5.00%	20

The open comments have also been accessed based on the area's taxi/minicab drivers are licensed within. The first table below lists themes raised which would indicate disagreement with the policy. Here its clear drivers licensed in Wycombe are likely to raise comments regarding the 'hot spot' issue and rank capacity, more so than other areas. This indicates these drivers particularly feel rank capacity is already stretched and believe drivers from the other three areas will flock to Wycombe, taking their business. Drivers licensed in Chiltern and South Bucks are slightly more likely to raise the local expertise issue.

Do you have any comments you would like to make about hackney carriage zones?					
Taxi/Minicab Driver – Area Licensed By	Keep the separate zones	Drivers will flock to hot spots	Concern over parking/rank capacity at busy areas	Drivers will not have expertise of local areas	Count of Respondents
Aylesbury Vale	6.23%	4.15%	4.84%	4.50%	289
Chiltern	13.59%	8.74%	6.80%	11.65%	103
South Bucks	13.79%	3.45%	3.45%	10.34%	29
Wycombe	12.90%	16.13%	10.75%	7.53%	93
Not applicable	2.67%	10.67%	6.67%	10.67%	75

The second table which is listed below examines notable themes raised which would indicate agreement with the policy. What's notable here is that drivers from South Bucks are more likely to raise comments citing reasons for agreement with the proposal.

Do you have any comments you would like to make about hackney carriage zones?			
Taxi/Minicab Driver – Area Licensed By	One zone is a good idea	Equilibrium across county is good	Count of Respondents
Aylesbury Vale	4.15%	3.81%	289
Chiltern	3.88%	1.94%	103
South Bucks	13.79%	10.34%	29
Wycombe	4.30%	0.00%	93
Not applicable	5.33%	4.00%	75

Wheelchair access

Question 5 – Do you agree or disagree with this proposal?

Having been presented a summary of the wheelchair proposal within the policy respondents are asked to what extent they agree with the proposal with a Likert scale response. This starts from 'Strongly disagree' through to 'Strongly agree' with an option to outline they aren't sure, or they can skip the question. 633 respondents answered this question.

Overall summary of responses:

The below table indicates overall respondents tend to disagree with this policy, the difference between agreement and disagreement is 6%.

Do you agree or disagree? - Wheelchair n=633	
Overall Response	% of Response
Strongly agree	16.59%
Agree	18.96%
Neither agree nor disagree	18.96%
Disagree	18.17%
Strongly disagree	23.22%
I'm not sure	4.11%
Total Count of Respondents	633

Differences in respondent group

Respondent Type

When examining how different respondent groups have answered numerous differences are observed. Residents are split on agreement and disagreement. Hackney Carriage drivers are the only group in agreement with the policy with a difference of 4%. All other notable groups are in clear disagreement with the policy.

Do you agree or disagree? - Wheelchair n = 849 (Respondent Group)							
Respondent Group	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	I'm not sure	Total Count of Respondents
Residents	20.51%	18.97%	20.00%	13.33%	24.10%	3.08%	195
Taxi driver (Hackney Carriage)	19.79%	22.92%	15.10%	15.63%	22.40%	4.17%	192
Taxi driver (Private Hire Vehicle)	15.33%	16.33%	19.33%	21.67%	23.00%	4.33%	300
Private hire company operator	14.29%	19.48%	23.38%	11.69%	27.27%	3.90%	77
Taxi trade organisation	9.09%	13.64%	22.73%	13.64%	36.36%	4.55%	22
Business owner or representative (other than taxi industry)	8.00%	8.00%	20.00%	28.00%	32.00%	4.00%	25
Charity or community group representative	0.00%	0.00%	100.00%	0.00%	0.00%	0.00%	5
Councillor or MP	30.77%	7.69%	30.77%	15.38%	15.38%	0.00%	13
Other (please specify)	20.00%	30.00%	20.00%	15.00%	10.00%	5.00%	20

Taxi/Minicab Driver – Area Licensed By

When examining different areas, drivers from Aylesbury Vale and Wycombe are in clear disagreement with the policy. Drivers licensed in Chiltern and South Bucks are more split between agreement and disagreement.

Do you agree or disagree? - Wheelchair n=587 (Area Driver Licensed By)					
Taxi/Minicab Driver – Area Licensed By	Aylesbury Vale	Chiltern	South Bucks	Wycombe	Not applicable
Strongly agree	14.24%	25.24%	17.24%	11.96%	24.00%
Agree	20.49%	16.50%	17.24%	18.48%	21.33%
Neither agree nor disagree	17.01%	12.62%	24.14%	18.48%	21.33%
Disagree	18.75%	18.45%	17.24%	19.57%	16.00%
Strongly disagree	23.26%	20.39%	20.69%	29.35%	17.33%
I'm not sure	6.25%	6.80%	3.45%	2.17%	0.00%
Total Count of Respondents	288	103	29	92	75

Respondent is disabled or has long term health condition

Respondents who are disabled or have a long-term health condition indicated in the below table that they are very likely to agree with the policy. It's of note that a high proportion (29.4%) have indicated they neither agree nor disagree. Those who are not disabled or have a LTHC are likely to disagree with the proposal.

Do you agree or disagree? - Wheelchair n=633 (Disability/LTHC)				
Respondent is Disabled or has Long Term Health Condition	I'm not sure	No	Yes	Not Answered
Strongly agree	12.50%	16.64%	17.65%	16.67%
Agree	6.25%	17.92%	26.47%	33.33%
Neither agree nor disagree	25.00%	17.92%	29.41%	22.22%
Disagree	18.75%	18.65%	11.76%	16.67%
Strongly disagree	12.50%	25.41%	5.88%	11.11%
I'm not sure	25.00%	3.47%	8.82%	0.00%
Total Count of Respondents	16	547	34	36

English is respondent's 1st language

The below table indicates that respondents whose 1st language is English are more likely to agree with the policy versus those whose 1st language is not English.

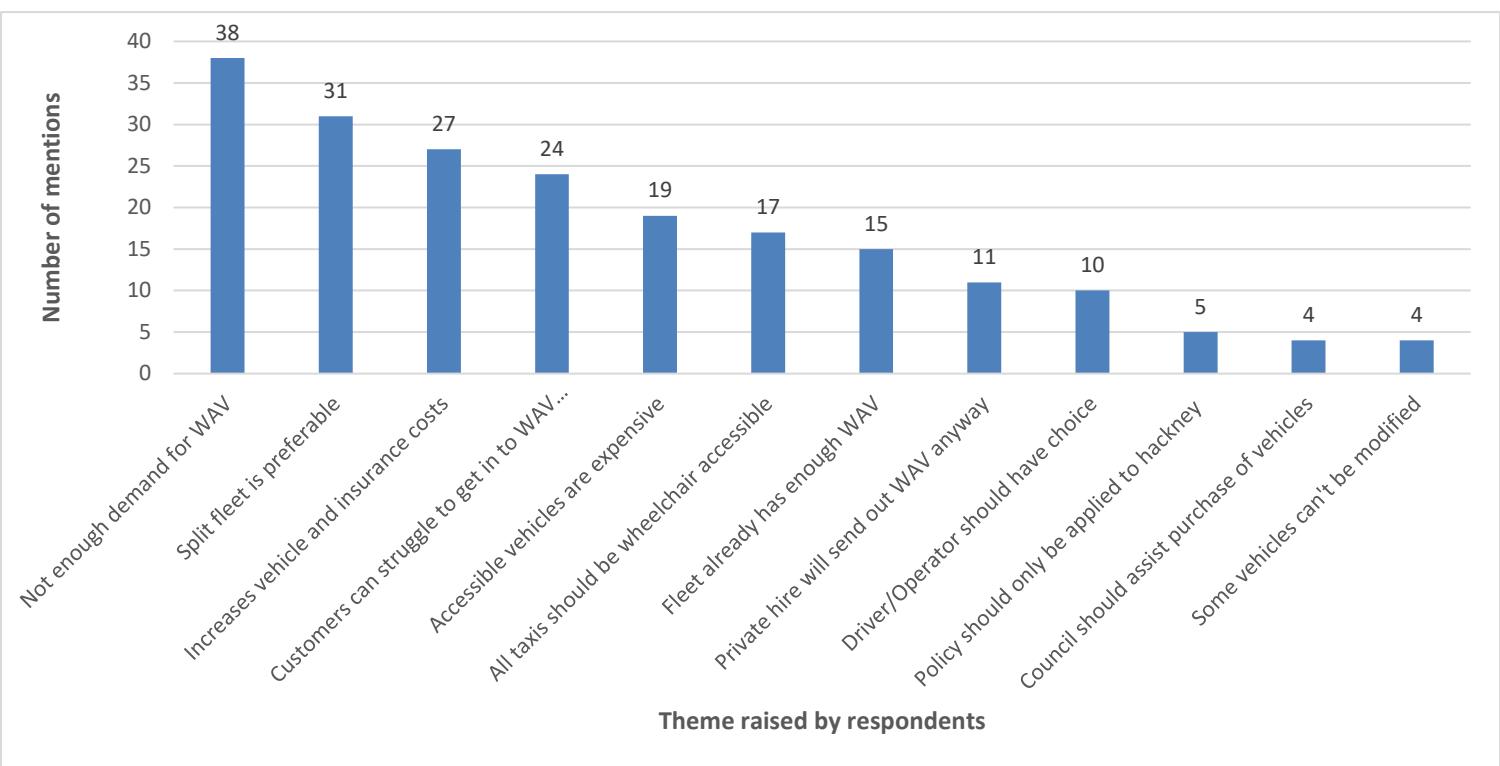
Do you agree or disagree? - Wheelchair n=633 (English 1st)			
English is respondent's 1st language	No	Yes	Not Answered
Strongly agree	11.68%	21.86%	9.68%
Agree	19.59%	16.08%	41.94%
Neither agree nor disagree	18.90%	18.65%	22.58%
Disagree	20.96%	16.08%	12.90%
Strongly disagree	22.68%	24.76%	12.90%
I'm not sure	6.19%	2.57%	0.00%
Total Count of Respondents	291	311	31

Question 6 – Do you have any comment you would like to make about wheelchair access?

This is an optional question where respondents are given an opportunity to respond with free text. This allows for insight to be obtained to why respondents agree or disagree with the proposal. 204 respondents have typed a response to this question.

The below chart indicates the most notable themes raised by respondents are:

- Not enough demand for wheelchair accessible vehicles – 38 mentions
- Split fleet is preferable (mix of wheelchair access and non) – 31 mentions
- Increases vehicle costs dramatically – 27 mentions
- Customers do not like 'larger' cars and can struggle to get in – 24 mentions



Verbatim

Not enough demand for wheelchair accessible vehicles

"At the moment there is not the demand for more disabled vehicles. If demand is getting met it should stay as it is"

"Taxis need to cater for all types of passengers, but wheelchair users are not the highest number of passengers. We don't need all taxis to be wheelchair accessible."

Split fleet is preferable (mix of wheelchair access and non)

"We feel that a mix fleet is the only suitable way of providing a good service for all different individuals, as there is a limited requirement on the rank for wheelchair accessible vehicles, these are more appropriate in a private hire setting where they can be called as and when required."

"The cost between a disabled and non-disabled vehicle is significant and with the impact of COVID the trade is dead and will be more the foreseeable future. I feel a percentage of the total fleet being WAV is more than sufficient to user demand"

Increases vehicle costs dramatically

"Modifications for wheelchair access to vehicles add a high cost to the Operator/Owner."

While having wheelchair accessible vehicles is vitally important. Having to make all new vehicles wheelchair accessible is not practical. The cost of the vehicles is very expensive compared to other vehicles”

Customers do not like 'larger' cars and can struggle to get in

“I prefer the normal cars as more comfortable so many times call a taxi and these big vans turn up and sometimes, they are high and difficult getting in and out”

Vehicle age

Question 7 – Do you agree or disagree with this proposal?

Having been presented a summary of the Vehicle Age proposal within the policy respondents are asked to what extent they agree with the proposal with a Likert scale response. This starts from ‘Strongly disagree’ through to ‘Strongly agree’ with an option to outline they aren’t sure, or they can skip the question. 634 respondents answered this question.

Overall summary of responses

The below table indicates a clear majority of respondents (65.3%) disagree with this aspect of the policy.

Do you agree or disagree? - Vehicle Age n=634	
Overall Response	% of Response
Strongly agree	10.57%
Agree	14.20%
Neither agree nor disagree	8.20%
Disagree	15.62%
Strongly disagree	49.68%
I'm not sure	1.74%
Total Count of Respondents	634

Differences in respondent group

Respondent Type

On examining the information in the below table, it’s clear that all groups disagree with the policy with no real notable differences between the groups.

Do you agree or disagree? - Vehicle Age n = 851 (Respondent Group)							
Respondent Group	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	I'm not sure	Total Count of Respondents
Residents	14.43%	10.82%	11.34%	11.34%	48.97%	3.09%	194
Taxi driver (Hackney Carriage)	8.29%	12.95%	5.70%	17.10%	54.92%	1.04%	193
Taxi driver (Private Hire Vehicle)	7.62%	17.55%	4.64%	18.87%	50.33%	0.99%	302
Private hire company operator	9.09%	23.38%	7.79%	15.58%	42.86%	1.30%	77
Taxi trade organisation	0.00%	18.18%	4.55%	22.73%	54.55%	0.00%	22
Business owner or representative (other than taxi industry)	4.00%	12.00%	4.00%	20.00%	52.00%	8.00%	25
Charity or community group representative	0.00%	20.00%	20.00%	20.00%	40.00%	0.00%	5
Councillor or MP	15.38%	15.38%	15.38%	7.69%	38.46%	7.69%	13
Other (please specify)	0.00%	30.00%	10.00%	15.00%	45.00%	0.00%	20

Taxi/Minicab Driver – Area Licensed By

The below table indicates regardless of area a driver is licensed within they will disagree with the proposal. A notable insight is that drivers licensed in Wycombe have the least extend of disagreement among the four areas.

Do you agree or disagree? - Vehicle Age n=588 (Area Driver Licensed By)					
Taxi/Minicab Driver – Area Licensed By	Aylesbury Vale	Chiltern	South Bucks	Wycombe	Not applicable
Strongly agree	7.27%	7.77%	3.45%	13.98%	16.22%
Agree	14.53%	6.80%	31.03%	20.43%	18.92%
Neither agree nor disagree	6.92%	0.97%	3.45%	13.98%	12.16%
Disagree	17.99%	13.59%	27.59%	11.83%	12.16%
Strongly disagree	50.52%	68.93%	31.03%	36.56%	40.54%
I'm not sure	2.77%	1.94%	3.45%	3.23%	0.00%
Total Count of Respondents	289	103	29	93	74

Respondent is disabled or has long term health condition

Despite overall disagreement and across most groups, the table below raises a notable insight that respondents who are Disabled or have a LTHC are much more likely to agree with the proposal. The difference between agreement and disagreement is 21%.

Do you agree or disagree? - Vehicle Age n=634 (Disability/LTHC)				
Respondent is Disabled or has Long Term Health Condition	I'm not sure	No	Yes	Not Answered
Strongly agree	23.53%	9.49%	20.59%	11.43%
Agree	5.88%	14.60%	26.47%	0.00%
Neither agree nor disagree	5.88%	8.03%	14.71%	5.71%
Disagree	23.53%	16.42%	5.88%	8.57%
Strongly disagree	41.18%	50.18%	20.59%	74.29%
I'm not sure	0.00%	1.28%	11.76%	0.00%
Total Count of Respondents	17	548	34	35

English is respondent's 1st language

The below table indicates that respondents whose 1st language is English are more likely to agree with the proposal than those whose 1st language is not English.

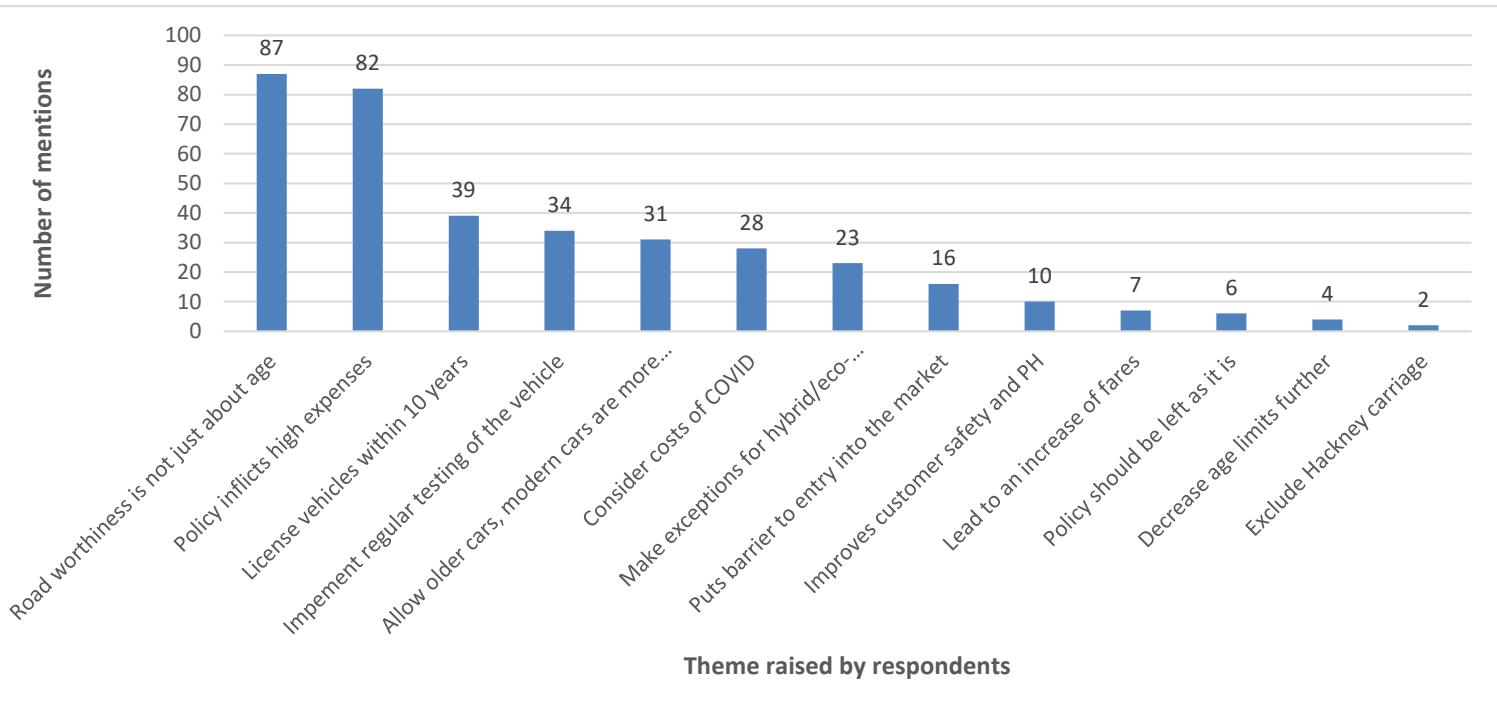
Do you agree or disagree? - Vehicle Age n=634 (English 1st)			
English is respondent's 1st language	No	Yes	Not Answered
Strongly agree	7.85%	13.18%	10.00%
Agree	11.60%	18.01%	0.00%
Neither agree nor disagree	5.46%	10.93%	6.67%
Disagree	21.50%	11.58%	0.00%
Strongly disagree	52.56%	43.73%	83.33%
I'm not sure	1.02%	2.57%	0.00%
Total Count of Respondents	293	311	30

Question 8 – Do you have any comments you would like to make about vehicle age limit?

This is an optional question where respondents are given an opportunity to respond with free text. This allows for insight to be obtained to why respondents agree or disagree with the proposal. 280 respondents have typed a response to this question.

The below chart indicates the most notable themes raised by respondents are:

- Road worthiness is not just about age– 87 mentions
- Policy will inflict high expenses, not feasible to meet– 82 mentions
- Vehicles within 10-year range should be able to be licensed– 27 mentions



Verbatim

Road worthiness is not just about age

"Regular testing should still take place on the licenced vehicles to ensure road worthiness. A car of 3 years old may still fail a MOT due to the way it has been driven and mileage undertaken"

"It is more important that the vehicles be properly maintained. Age as such does not really matter."

Policy will inflict high expenses, not feasible to meet

"Nobody can afford to buy less than 5 years old vehicles. Due to COVID-19 and financial reasons it's very difficult to buy vehicles less than 5 years old."

"It's very expensive to buy a vehicle which is under five years old and there isn't much work at this time it will affect majority of people in trade and they will not be able to work because they will not have buying power especially in this pandemic. If a vehicle pass fitness test it's age should not matter"

Vehicles within 10-year range should be able to be newly licensed

"10 year rule should exist only. If the car is in good condition it should only be licenced up to 10 years max."

"Cars that are over 5 years old are perfectly capable of being a licensed first time Taxi. The standard of cars made say in the last 10 years is extremely high."

Vehicle emissions

Question 9 – Do you agree or disagree with this proposal?

Having been presented a summary of the Vehicle Emissions proposal within the policy respondents are asked to what extent they agree with the proposal with a Likert scale response. This starts from ‘Strongly disagree’ through to ‘Strongly agree’ with an option to outline they aren’t sure, or they can skip the question. 632 respondents answered this question.

Overall summary of responses

The below table indicates that overall, respondents disagreed with this proposal by 8.9% more than they agreed with the proposal.

Do you agree or disagree? - Vehicle Emissions n=632	
Overall Response	% of Response
Strongly agree	12.34%
Agree	22.15%
Neither agree nor disagree	16.30%
Disagree	15.66%
Strongly disagree	27.69%
I'm not sure	5.85%
Total Count of Respondents	632

Differences in respondent group

Respondent Type

The below table indicates that most groups generally disagree with the proposal in line with the overall breakdown. The only notable insights are that Hackney Carriage drivers are even more likely to disagree with the proposal and among the 13 Councillors/MPs that responded, they are inclined to agree with the proposal.

Do you agree or disagree? - Vehicle Emissions n = 846 (Respondent Group)							
Respondent Group	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	I'm not sure	Total Count of Respondents
Residents	17.71%	16.67%	14.58%	15.63%	29.17%	6.25%	192
Taxi driver (Hackney Carriage)	7.29%	17.19%	18.23%	19.27%	32.29%	5.73%	192
Taxi driver (Private Hire Vehicle)	10.63%	28.24%	14.62%	16.61%	26.25%	3.65%	301
Private hire company operator	13.16%	25.00%	15.79%	15.79%	27.63%	2.63%	76
Taxi trade organisation	9.09%	36.36%	4.55%	18.18%	31.82%	0.00%	22

Business owner or representative (other than taxi industry)	16.00%	24.00%	8.00%	24.00%	20.00%	8.00%	25
Charity or community group representative	0.00%	40.00%	20.00%	40.00%	0.00%	0.00%	5
Councillor or MP	38.46%	7.69%	15.38%	15.38%	15.38%	7.69%	13
Other (please specify)	0.00%	35.00%	30.00%	10.00%	25.00%	0.00%	20

Taxi/Minicab Driver – Area Licensed By

The table below indicates large differences between the four licensing areas. Drivers from Chiltern are most likely to disagree with the policy (17 of these respondents appear to be copied answers and also please note the high proportion of Hackney Carriage driver respondents from Chiltern). Aylesbury Vale are also likely to disagree but to a lesser extent. South Bucks and Wycombe are both likely to agree with the proposal, particularly South Bucks.

Do you agree or disagree? - Vehicle Emissions n=586 (Area Driver Licensed By)					
Taxi/Minicab Driver – Area Licensed By	Aylesbury Vale	Chiltern	South Bucks	Wycombe	Not applicable
Strongly agree	9.00%	7.77%	6.90%	11.96%	32.88%
Agree	24.22%	11.65%	41.38%	28.26%	26.03%
Neither agree nor disagree	14.53%	13.59%	13.79%	20.65%	17.81%
Disagree	18.34%	19.42%	6.90%	8.70%	12.33%
Strongly disagree	26.30%	43.69%	20.69%	22.83%	6.85%
I'm not sure	7.61%	3.88%	10.34%	7.61%	4.11%
Total Count of Respondents	289	103	29	92	73

Respondent is disabled or has long term health condition

The below table highlights a notable insight. Respondents who are disabled or have a LTHC are more likely to agree with the policy. Only 14.7% of these respondents disagree with the policy.

Do you agree or disagree? - Vehicle Emissions n=632 (Disability/LTHC)				
Respondent is Disabled or has Long Term Health Condition	I'm not sure	No	Yes	Not Answered
Strongly agree	23.53%	12.09%	17.65%	5.71%
Agree	17.65%	22.16%	38.24%	8.57%
Neither agree nor disagree	5.88%	17.77%	8.82%	5.71%
Disagree	29.41%	16.48%	5.88%	5.71%
Strongly disagree	11.76%	26.37%	8.82%	74.29%
I'm not sure	11.76%	5.13%	20.59%	0.00%
Total Count of Respondents	17	546	34	35

English is respondent's 1st language

Respondents whose 1st language is English are split on agreement and disagreement of this policy. This means they are also more likely to agree with this policy than respondent whose 1st language is not English.

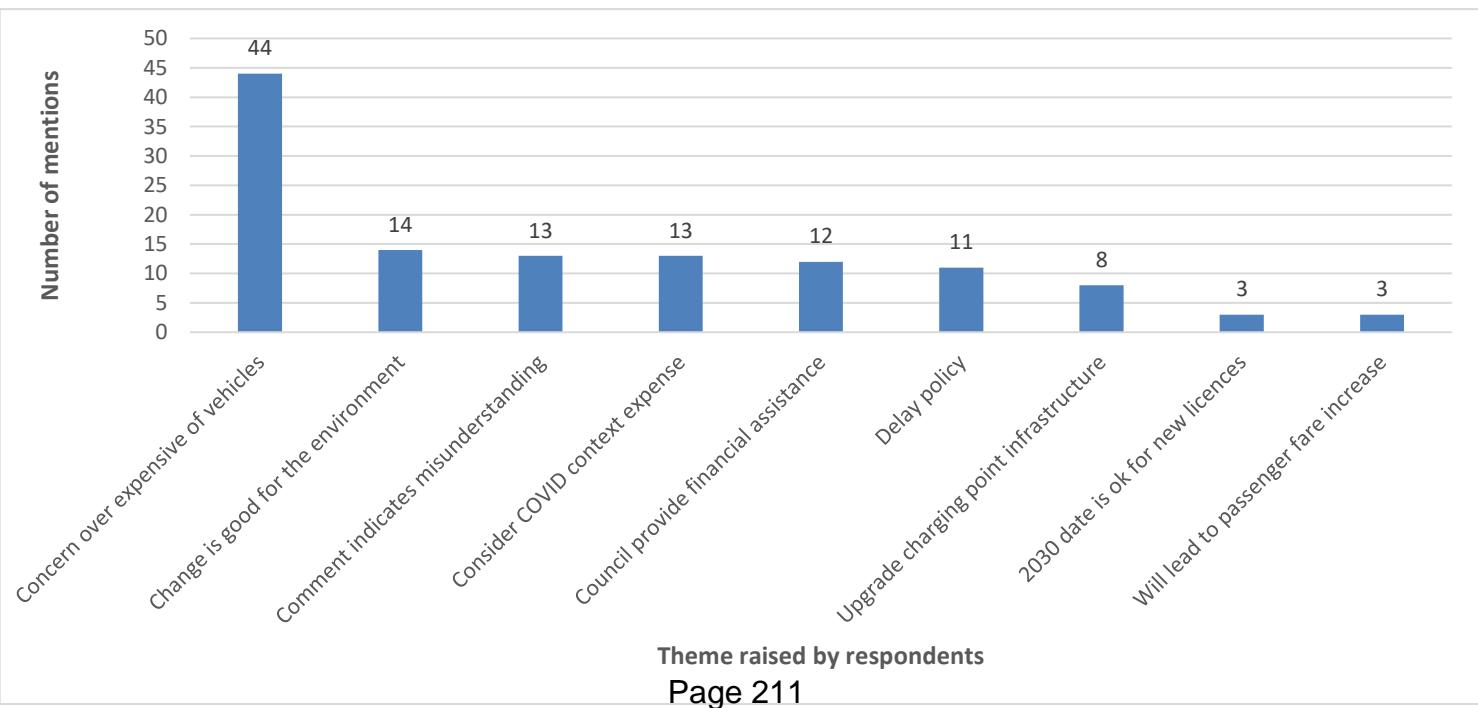
Do you agree or disagree? - Vehicle Emissions n=632 (English 1st)			
English is respondent's 1st language	No	Yes	Not Answered
Strongly agree	7.88%	17.42%	3.33%
Agree	23.63%	22.26%	6.67%
Neither agree nor disagree	17.81%	15.48%	10.00%
Disagree	19.52%	13.23%	3.33%
Strongly disagree	25.34%	25.16%	76.67%
I'm not sure	5.82%	6.45%	0.00%
Total Count of Respondents	292	310	30

Question 10 – Do you have any comments you would like to make about vehicle emissions?

This is an optional question where respondents are given an opportunity to respond with free text. This allows for insight to be obtained to why respondents agree or disagree with the proposal. 186 respondents have typed a response to this question.

The below chart indicates the most notable themes raised by respondents are:

- Concern over expensive of low emission vehicles –44 mentions
- Change is good for the environment – 14 mentions
- Comment indicates misunderstanding of policy – 13 mentions



Verbatim

Concern over expensive of low emission vehicles

"This policy will mean huge financial burden on drivers when buying a vehicle within this pandemic. Income is already low for drivers and to buy a new vehicle that's meets euro 5 standard is unfair currently. Proposal should be delayed until 2023 to give some time for drivers to adjust."

"These vehicles are far too expensive, and the current climate should be taken into consideration."

Change is good for the environment

"It is important to reduce the level of vehicle emissions to zero as soon as possible."

Comment indicates misunderstanding of policy

New licences after 2030 is okay but vehicles previously licensed should be allowed to continue until the period of 5 years is reached" – Respondent misunderstands that previously licensed vehicles will be allowed to continue.

"Current cars should be able to run their term. Fully electrical cars are expensive and not available" – Indicates respondent believes previously licensed vehicles won't be allowed to continue and electric cars will be required soon, rather than 2030.

CCTV

Question 11 – Do you agree or disagree with this proposal?

Having been presented a summary of the CCTV proposal within the policy respondents are asked to what extent they agree with the proposal with a Likert scale response. This starts from 'Strongly disagree' through to 'Strongly agree' with an option to outline they aren't sure, or they can skip the question. 634 respondents answered this question.

Overall summary of responses

The below table indicates that overall, respondents agreed with this proposal by 14.4% more than they disagreed with the proposal.

Do you agree or disagree? - CCTV n=634	
Overall Response	% of Response
Strongly agree	23.82%
Agree	24.61%
Neither agree nor disagree	14.51%
Disagree	11.36%
Strongly disagree	22.71%
I'm not sure	3.00%
Total Count of Respondents	634

Differences in respondent group

Respondent Type

On examining the below table it's concluded that most groups agree with the proposal. The notable insight comes from two groups, Hackney Carriage drivers and Private Hire Company Operators who seem to be split on the decision with equal amounts of agreement and disagreement.

Do you agree or disagree? - CCTV n = 851 (Respondent Group)							
Respondent Group	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	I'm not sure	Total Count of Respondents
Residents	28.21%	22.05%	13.85%	11.28%	21.54%	3.08%	195
Taxi driver (Hackney Carriage)	18.75%	20.83%	16.15%	14.06%	26.56%	3.65%	192
Taxi driver (Private Hire Vehicle)	25.17%	25.83%	14.57%	12.25%	19.54%	2.65%	302
Private hire company operator	19.48%	23.38%	12.99%	16.88%	25.97%	1.30%	77
Taxi trade organisation	18.18%	45.45%	9.09%	4.55%	22.73%	0.00%	22
Business owner or representative (other than taxi industry)	16.00%	28.00%	20.00%	12.00%	20.00%	4.00%	25
Charity or community group representative	0.00%	80.00%	0.00%	20.00%	0.00%	0.00%	5
Councillor or MP	30.77%	23.08%	15.38%	15.38%	0.00%	15.38%	13
Other (please specify)	20.00%	35.00%	5.00%	5.00%	35.00%	0.00%	20

Taxi/Minicab Driver – Area Licensed By

The below table outlines some notable differences in agreement with the policy between drivers licensed in different areas. Aylesbury Vale and South Bucks drivers agree with the policy. Drivers licensed in Wycombe are split on the decision with equal amounts of agreement and disagreement. Chiltern drivers disagree with the policy (16 of these respondents appear to be copied answers).

Do you agree or disagree? - CCTV n=588 (Area Driver Licensed By)					
Taxi/Minicab Driver – Area Licensed By	Aylesbury Vale	Chiltern	South Bucks	Wycombe	Not applicable
Strongly agree	27.34%	10.78%	24.14%	25.81%	29.33%
Agree	26.30%	23.53%	17.24%	15.05%	28.00%
Neither agree nor disagree	15.22%	11.76%	31.03%	17.20%	8.00%
Disagree	10.73%	10.78%	10.34%	13.98%	14.67%
Strongly disagree	15.22%	40.20%	13.79%	26.88%	18.67%
I'm not sure	5.19%	2.94%	3.45%	1.08%	1.33%
Total Count of Respondents	289	102	29	93	75

Respondent is disabled or has long term health condition

If a respondent has outlined that they have a Disability or LTHC they are more likely to agree with the proposal by 23.1%. Very few of these respondents disagreed with the proposal (5.9%).

Do you agree or disagree? - CCTV n=634 (Disability/LTHC)				
Respondent is Disabled or has Long Term Health Condition	I'm not sure	No	Yes	Not Answered
Strongly agree	35.29%	21.17%	26.47%	57.14%
Agree	35.29%	23.36%	41.18%	22.86%
Neither agree nor disagree	11.76%	14.78%	20.59%	5.71%
Disagree	5.88%	12.41%	2.94%	5.71%
Strongly disagree	5.88%	25.36%	2.94%	8.57%
I'm not sure	5.88%	2.92%	5.88%	0.00%
Total Count of Respondents	17	548	34	35

English is respondent's 1st language

Respondents whose 1st language is not English are more likely to agree with the proposal by (5.7%).

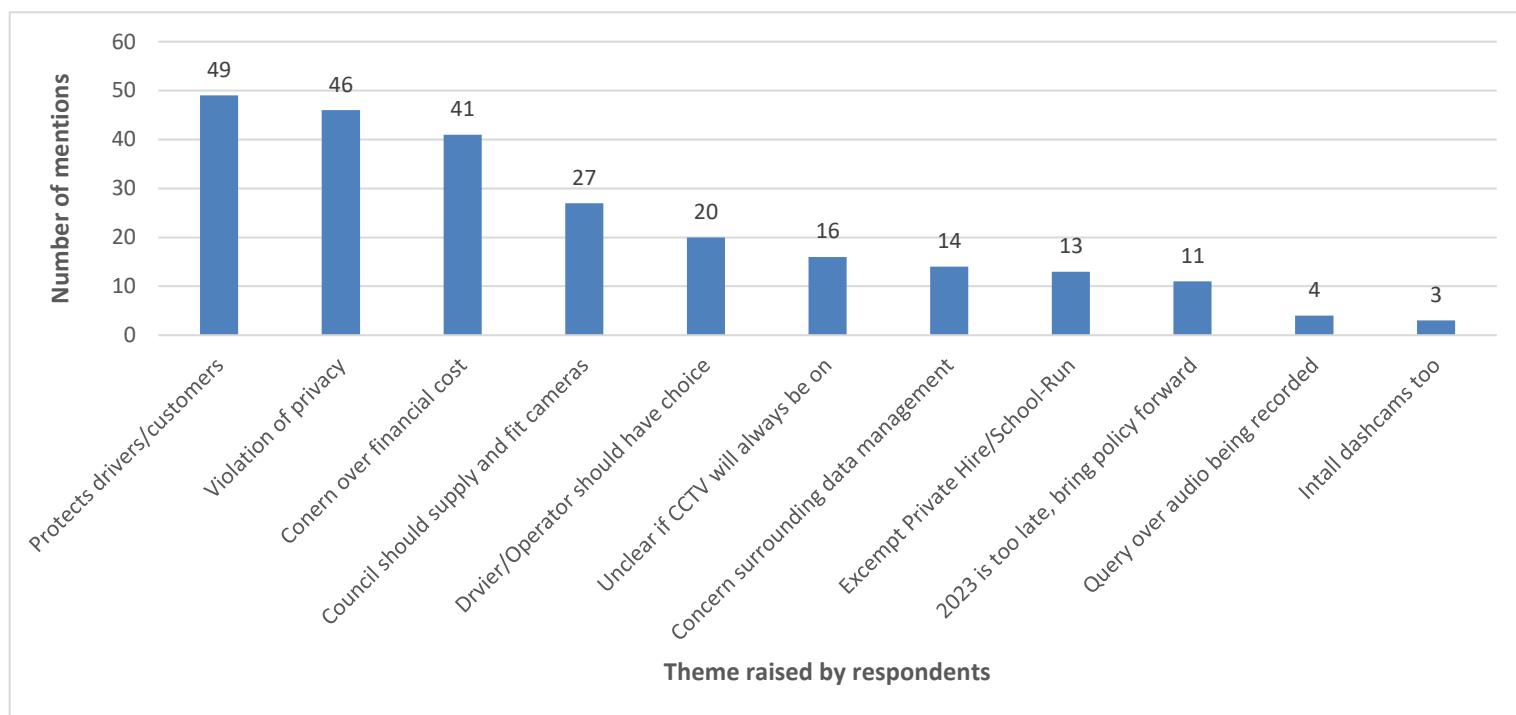
Do you agree or disagree? - CCTV n=634 (English 1st)			
English is respondent's 1st language	No	Yes	Not Answered
Strongly agree	19.86%	24.04%	60.00%
Agree	29.79%	19.87%	23.33%
Neither agree nor disagree	15.07%	15.06%	3.33%
Disagree	11.30%	12.18%	3.33%
Strongly disagree	20.21%	26.28%	10.00%
I'm not sure	3.77%	2.56%	0.00%
Total Count of Respondents	292	312	30

Question 12 – Do you have any comments you would like to make about CCTV in vehicles?

This is an optional question where respondents are given an opportunity to respond with free text. This allows for insight to be obtained to why respondents agree or disagree with the proposal. 237 respondents have typed a response to this question.

The below chart indicates the most notable themes raised by respondents are:

- Protects drivers and customers - improving safety – 49 mentions
- Violation of privacy – 46 mentions
- Concern over financial cost – 41 mentions



Verbatim

Protects drivers and customers - improving safety

"Taxi drivers are open target, this will safeguard the driver and passenger"

"This would benefit the driver especially in an enquiry and also when faced with missed fare."

Violation of privacy

"This proposal invades the privacy of drivers and genuine customers alike, especially drivers as they spend the majority of their time in the cabs."

"It will really compromise driver's privacy as no one wants to be watched and monitored all the time even when they are not working"

Concern over financial cost

"CCTV equipment is expensive to buy and install, if the licensing authorities feel it should be a compulsory requirement they should supply and fit CCTV and not add to the additional cost that will burden the drivers."

"Who will pay for this? If it is the taxi owner or operator, then yet another cost will be added which must impact fares."

English Language Test

Question 13 – Do you agree or disagree with this proposal?

Having been presented a summary of the English Language Test proposal within the policy respondents are asked to what extent they agree with the proposal with a Likert scale response. This starts from 'Strongly disagree' through to 'Strongly agree' with an option to outline they aren't sure, or they can skip the question. 635 respondents answered this question.

Overall summary of responses

The below table indicates that overall respondents disagree with this proposal. 8.5% more respondents outlined they disagreed over agreed.

Do you agree or disagree? - Language Test n=635	
Overall Response	% of Response
Strongly agree	23.78%
Agree	17.32%
Neither agree nor disagree	8.03%
Disagree	10.71%
Strongly disagree	38.90%
I'm not sure	1.26%
Total Count of Respondents	635

Differences in respondent group

Respondent Type

The below table indicates that group differences were minimal. Residents that agree are more likely to strongly agree showing strong sentiment in their view. Taxi trade organisations and Business owners/representative (non-taxi industry) were the only groups who were more likely to agree than disagree with the proposal.

Do you agree or disagree? - Language Test n = 852 (Respondent Group)							
Respondent Group	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	I'm not sure	Total Count of Respondents
Residents	29.23%	12.82%	7.69%	6.67%	42.56%	1.03%	195
Taxi driver (Hackney Carriage)	19.17%	19.69%	6.74%	16.06%	36.27%	2.07%	193
Taxi driver (Private Hire Vehicle)	21.52%	16.56%	7.28%	9.27%	44.37%	0.99%	302
Private hire company operator	20.78%	18.18%	10.39%	12.99%	36.36%	1.30%	77
Taxi trade organisation	13.64%	36.36%	4.55%	18.18%	27.27%	0.00%	22
Business owner or representative (other than taxi industry)	36.00%	24.00%	4.00%	12.00%	24.00%	0.00%	25
Charity or community group representative	20.00%	0.00%	20.00%	40.00%	20.00%	0.00%	5
Councillor or MP	38.46%	15.38%	15.38%	15.38%	15.38%	0.00%	13
Other (please specify)	20.00%	35.00%	5.00%	10.00%	30.00%	0.00%	20

Taxi/Minicab Driver – Area Licensed By

When observing how drivers licensed in different areas responded it's clear Aylesbury Vale and Chiltern (18 Chiltern respondents appear to be copied answers) disagree with the proposal. Wycombe are more split on the decision while South Bucks drivers agree with the proposal.

Do you agree or disagree? - Language Test n=589 (Area Driver Licensed By)					
Taxi/Minicab Driver – Area Licensed By	Aylesbury Vale	Chiltern	South Bucks	Wycombe	Not applicable
Strongly agree	20.42%	14.56%	41.38%	26.88%	41.33%
Agree	13.15%	23.30%	31.03%	17.20%	20.00%
Neither agree nor disagree	6.92%	8.74%	3.45%	8.60%	8.00%
Disagree	11.07%	12.62%	3.45%	11.83%	14.67%
Strongly disagree	46.37%	37.86%	17.24%	34.41%	16.00%
I'm not sure	2.08%	2.91%	3.45%	1.08%	0.00%
Total Count of Respondents	289	103	29	93	75

Respondent is disabled or has long term health condition

Respondents who have outlined they are disabled or have a LTHC are more likely to agree with the proposal while respondents who are not disabled or have a LTHC are more likely to disagree.

Do you agree or disagree? - Language Test n=635 (Disability/LTHC)				
Respondent is Disabled or has Long Term Health Condition	I'm not sure	No	Yes	Not Answered
Strongly agree	29.41%	22.77%	55.88%	5.71%
Agree	17.65%	17.49%	20.59%	11.43%
Neither agree nor disagree	5.88%	8.38%	2.94%	8.57%
Disagree	17.65%	10.93%	8.82%	5.71%
Strongly disagree	23.53%	39.53%	5.88%	68.57%
I'm not sure	5.88%	0.91%	5.88%	0.00%
Total Count of Respondents	17	549	34	35

English is respondent's 1st language

Respondents whose 1st language is English are more likely to agree with the proposal while respondents whose 1st language is not English are more likely to disagree.

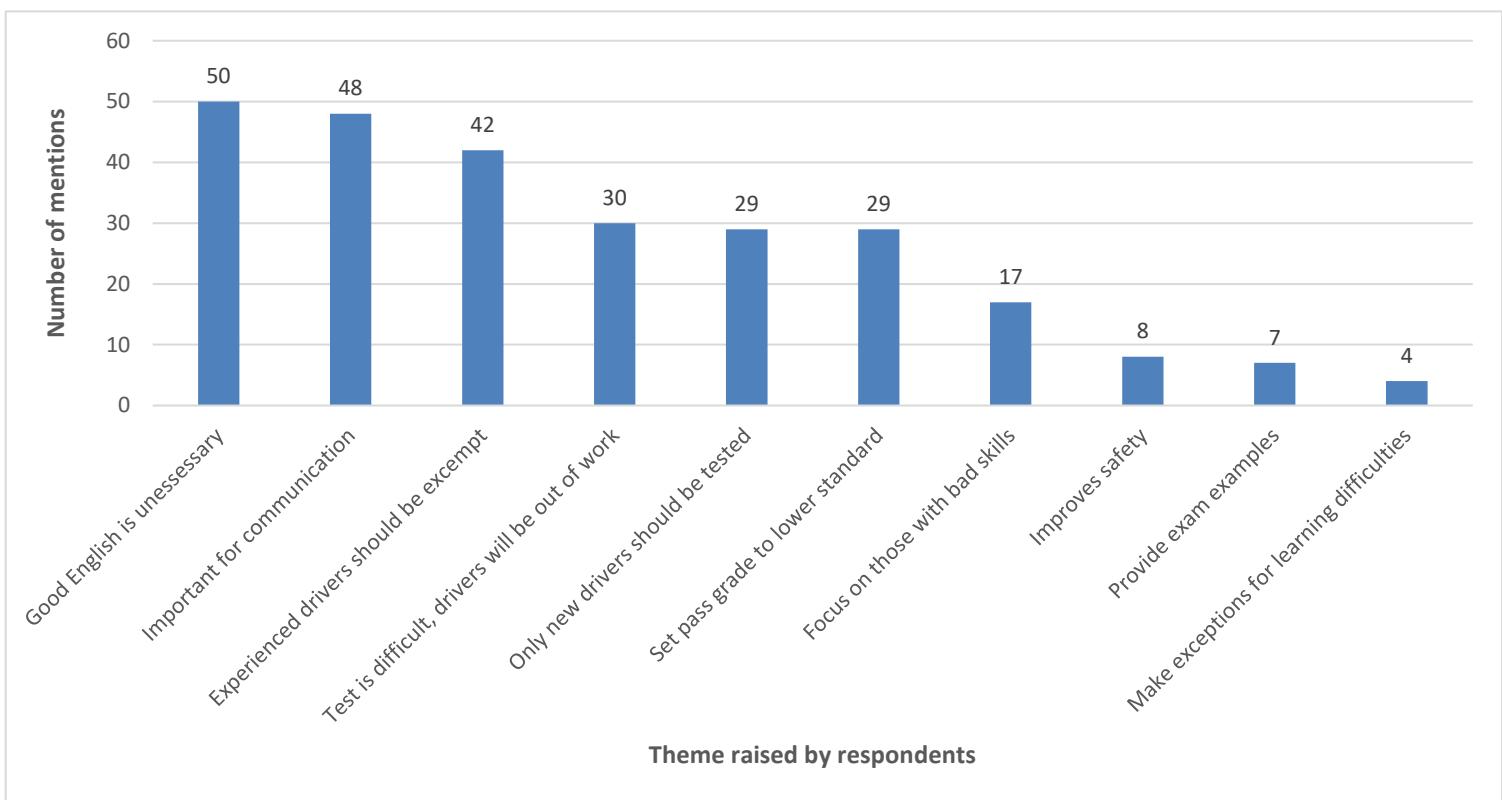
Do you agree or disagree? - Language Test n=635 (English 1st)			
English is respondent's 1st language	No	Yes	Not Answered
Strongly agree	15.02%	33.97%	3.33%
Agree	18.77%	16.67%	10.00%
Neither agree nor disagree	8.87%	7.69%	3.33%
Disagree	13.65%	8.65%	3.33%
Strongly disagree	41.98%	32.05%	80.00%
I'm not sure	1.71%	0.96%	0.00%
Total Count of Respondents	293	312	30

Question 14 – Do you have any comments you would like to make about English Language testing?

This is an optional question where respondents are given an opportunity to respond with free text. This allows for insight to be obtained to why respondents agree or disagree with the proposal. 253 respondents have typed a response to this question.

The below chart indicates the most notable themes raised by respondents are:

- English is not an important factor in completing the job - communication requirements are limited – 50 mentions
- Important for drivers and passengers to be able to communicate – 48 mentions
- Experienced drivers should be exempt from testing – 42 mentions



Verbatim

English is not an important factor in completing the job - communication requirements are limited

"English is not an important factor when undertaking the job. All drivers are able to communicate well enough to do the job."

"There are many people that can and have been providing excellent services without doing the test."

Important for drivers and passengers to be able to communicate

"The ability to communicate in English is a vital requirement for our industry on the basis of the very nature of the role, transporting predominantly English-speaking people."

"Passengers must feel confident that they can express their wishes confidently and that they will be understood. There could be a potential safety issue if a customer falls unwell etc."

Experienced drivers should be exempt from testing

"I feel that the test is not required at least for existing drivers who have managed to successfully drive their taxis for a number of years with passengers and have been able to communicate with no problems or complaints."

"It would work for new applicants however it would be unfair for the existing drivers as they have been in the business for decades and have done really well, which shows they are suitable for the job"

Safeguarding training

Question 15 – Do you agree or disagree with this proposal?

Having been presented a summary of the Safeguarding proposal within the policy respondents are asked to what extent they agree with the proposal with a Likert scale response. This starts from 'Strongly disagree' through to 'Strongly agree' with an option to outline they aren't sure, or they can skip the question. 634 respondents answered this question.

Overall summary of responses

The below table outlines that most respondents agree with this proposal.

Do you agree or disagree? - Safeguarding n=634	
Overall Response	% of Response
Strongly agree	30.28%
Agree	35.17%
Neither agree nor disagree	13.25%
Disagree	8.20%
Strongly disagree	11.04%
I'm not sure	2.05%
Total Count of Respondents	634

Differences in respondent group

Respondent Type

When broken down into respondent types it's observed that respondents from all notable groups are likely to agree with the proposal. Councillor's or MP's could be an exception with split between agreement and disagreement but it's important to note the low sample size.

Do you agree or disagree? - Safeguarding n = 850 (Respondent Group)							
Respondent Group	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	I'm not sure	Total Count of Respondents
Residents	35.38%	32.31%	14.36%	5.64%	10.26%	2.05%	195
Taxi driver (Hackney Carriage)	28.50%	34.72%	11.40%	12.95%	9.33%	3.11%	193
Taxi driver (Private Hire Vehicle)	28.90%	37.87%	13.29%	6.31%	11.63%	1.99%	301
Private hire company operator	34.21%	34.21%	14.47%	2.63%	11.84%	2.63%	76
Taxi trade organisation	13.64%	36.36%	18.18%	4.55%	22.73%	4.55%	22
Business owner or representative (other than taxi industry)	44.00%	24.00%	8.00%	8.00%	12.00%	4.00%	25
Charity or community group representative	20.00%	20.00%	20.00%	0.00%	20.00%	20.00%	5
Councillor or MP	30.77%	7.69%	7.69%	15.38%	23.08%	15.38%	13
Other (please specify)	5.00%	65.00%	10.00%	0.00%	20.00%	0.00%	20

Taxi/Minicab Driver – Area Licensed By

The below table indicates regardless of the area a driver is licensed within, they will likely agree with the proposal and there are no notable differences between groups.

Do you agree or disagree? - Safeguarding n=588 (Area Driver Licensed By)					
Taxi/Minicab Driver – Area Licensed By	Aylesbury Vale	Chiltern	South Bucks	Wycombe	Not applicable
Strongly agree	27.34%	32.04%	31.03%	32.61%	42.67%
Agree	37.02%	25.24%	37.93%	36.96%	32.00%
Neither agree nor disagree	10.73%	16.50%	13.79%	14.13%	14.67%
Disagree	8.65%	14.56%	10.34%	7.61%	1.33%
Strongly disagree	13.49%	6.80%	3.45%	7.61%	9.33%
I'm not sure	2.77%	4.85%	3.45%	1.09%	0.00%
Total Count of Respondents	289	103	29	92	75

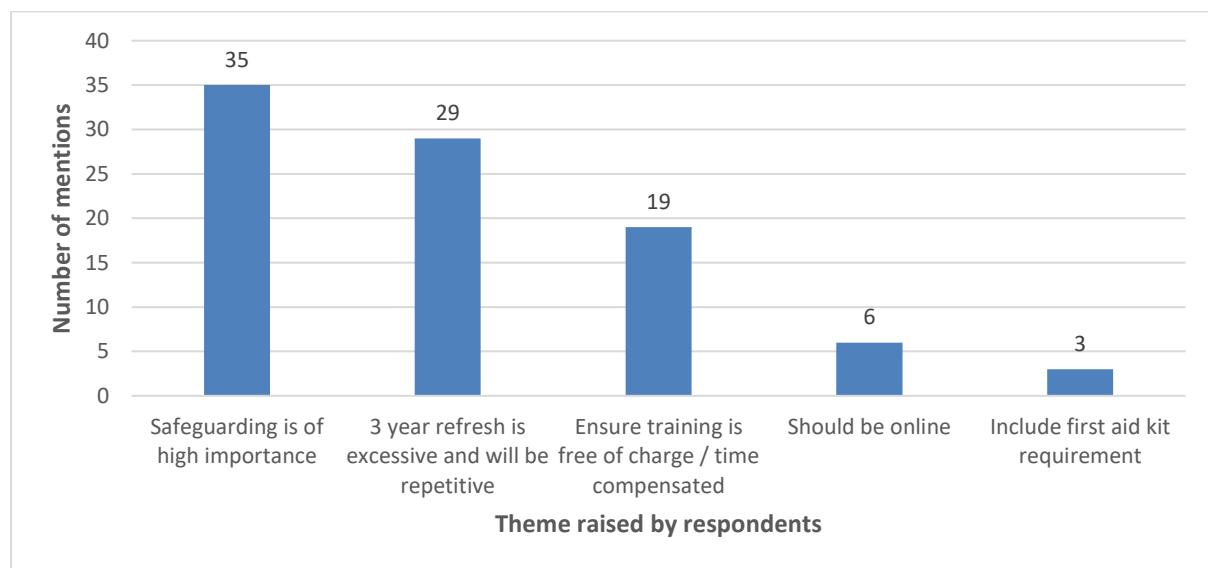
On examining differences between respondents reporting a disability or long-term health condition versus those who do not and respondents whose 1st language is English versus those whose 1st language is not English, there are no notable differences in their response.

Question 16 – Do you have any comments you would like to make about safeguarding training?

This is an optional question where respondents are given an opportunity to respond with free text. This allows for insight to be obtained to why respondents agree or disagree with the proposal. 162 respondents have typed a response to this question.

The below chart indicates the most notable themes raised by respondents are:

- Safeguarding is of high importance – 35 mentions
- 3-year refresh is excessive and will be repetitive – 29 mentions
- Ensure training is free of charge / time compensated – 19 mentions



Verbatim

Safeguarding is of high importance

"Safeguarding covers a wide range of situations and people and the public need to understand that they are safe within the vehicle especially if they have a vulnerability that is either obvious or invisible."

"Safeguarding is of paramount importance, and the Council should provide relevant training and refresher training but in a timely and cost-effective way."

3-year refresh is excessive and will be repetitive

"Agree with safeguarding training before being licensed, but not sure why refresher training is prescribed every 3 years. It should be as and when necessary."

"Unless the material is updated to introduce new information every time the refresher course is attended, I feel it would not be beneficial to the attendee and the resources by the council"

Ensure training is free of charge / time compensated

"It should be online and free to be able to be completed at a convenient time"

"So long as it doesn't cost the drivers, I have no problem with it"

Drug Testing

Question 17 – Do you agree or disagree with this proposal?

Having been presented a summary of the Drug Testing proposal within the policy respondents are asked to what extent they agree with the proposal with a Likert scale response. This starts from 'Strongly disagree' through to 'Strongly agree' with an option to outline they aren't sure, or they can skip the question. 633 respondents answered this question.

Overall summary of responses

The below table outlines that most respondents agree with this proposal.

Do you agree or disagree? - Drug Test n=633	
Overall Response	% of Response
Strongly agree	49.61%
Agree	27.96%
Neither agree nor disagree	10.58%
Disagree	3.00%
Strongly disagree	7.42%
I'm not sure	1.42%
Total Count of Respondents	633

Differences in respondent group

Respondent Type

The below table clearly indicates that all groups agree with the proposal with little difference between each group.

Do you agree or disagree? - Drug Test n = 850 (Respondent Group)

Respondent Group	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	I'm not sure	Total Count of Respondents
Residents	51.55%	24.23%	10.82%	3.61%	7.73%	2.06%	194
Taxi driver (Hackney Carriage)	47.92%	30.73%	8.85%	3.65%	6.25%	2.60%	192
Taxi driver (Private Hire Vehicle)	49.01%	28.15%	9.27%	3.31%	8.61%	1.66%	302
Private hire company operator	49.35%	23.38%	11.69%	3.90%	7.79%	3.90%	77
Taxi trade organisation	31.82%	36.36%	9.09%	0.00%	13.64%	9.09%	22
Business owner or representative (other than taxi industry)	56.00%	28.00%	4.00%	0.00%	8.00%	4.00%	25
Charity or community group representative	60.00%	20.00%	0.00%	0.00%	0.00%	20.00%	5
Councillor or MP	69.23%	15.38%	7.69%	0.00%	0.00%	7.69%	13
Other (please specify)	25.00%	45.00%	20.00%	0.00%	5.00%	5.00%	20

Taxi/Minicab Driver – Area Licensed By

The below table clearly indicates that drivers licensed within all areas agree with the proposal with little difference in agreement between each area.

Do you agree or disagree? - Drug Test n=587 (Area Driver Licensed By)					
Taxi/Minicab Driver – Area Licensed By	Aylesbury Vale	Chiltern	South Bucks	Wycombe	Not applicable
Strongly agree	43.94%	43.69%	62.07%	59.78%	64.86%
Agree	28.37%	33.98%	24.14%	26.09%	21.62%
Neither agree nor disagree	11.07%	13.59%	10.34%	8.70%	5.41%
Disagree	3.81%	0.97%	0.00%	1.09%	2.70%
Strongly disagree	10.38%	4.85%	0.00%	3.26%	5.41%
I'm not sure	2.42%	2.91%	3.45%	1.09%	0.00%
Total Count of Respondents	289	103	29	92	74

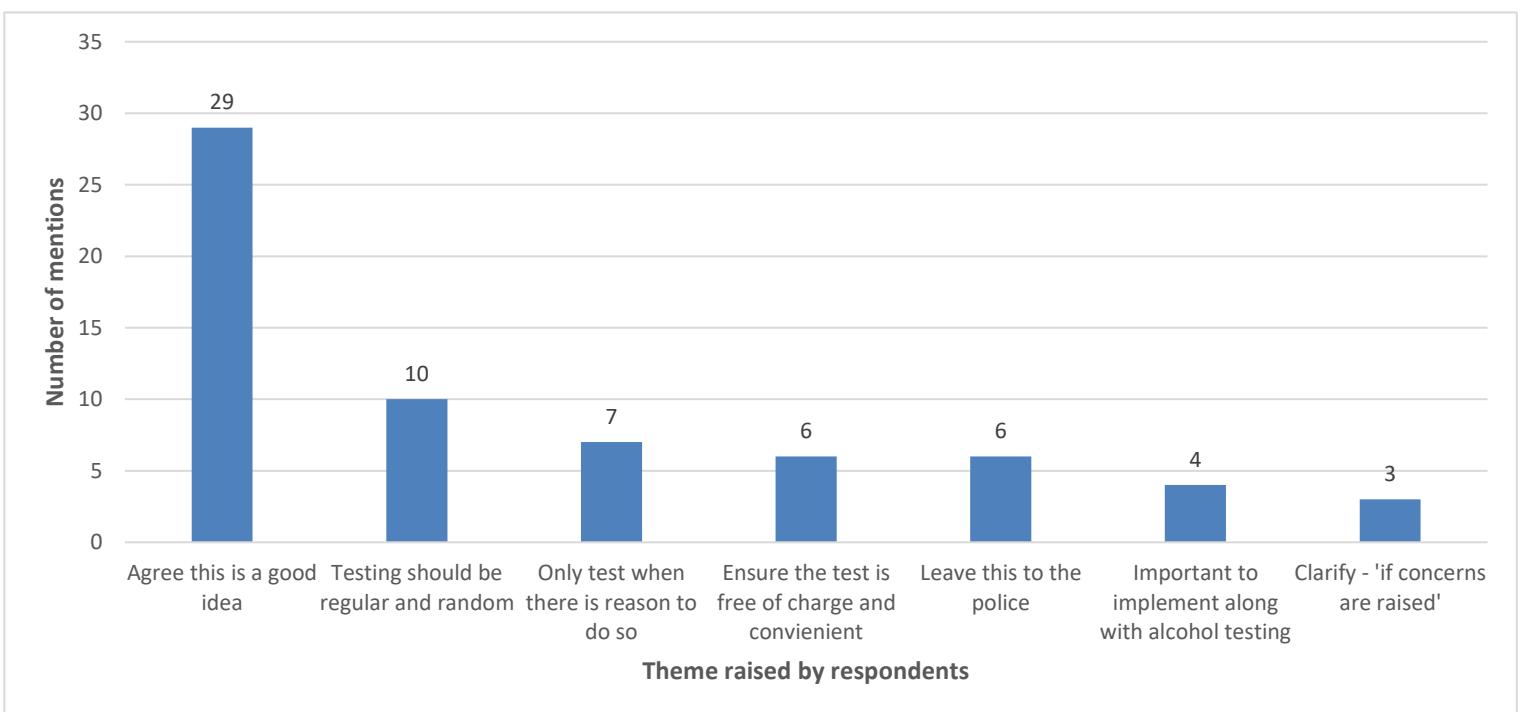
On examining differences between respondents reporting a disability or long-term health condition versus those who do not and respondents whose 1st language is English versus those whose 1st language is not English, there are no notable differences in their response.

Question 18 – Do you have any comments you would like to make about drug testing taxi drivers?

This is an optional question where respondents are given an opportunity to respond with free text. This allows for insight to be obtained to why respondents agree or disagree with the proposal. 116 respondents have typed a response to this question.

The below chart indicates the most notable themes raised by respondents are:

- Agree this is a good idea – 29 mentions
- Testing should be regular and random – 10 mentions
- Only test when there is reason to do so – 7 mentions



Verbatim

Agree this is a good idea based on safety

"Drugs affect the way the body and mind react. This could therefore affect the way they drive and as part of that in the way they react to a set of situations that could put the passenger in danger"

Testing should be regular and random

"Good idea in principle but maybe random drug test would be better"

"This should be on a regular basis and with no notification on the spot testing"

Only test when there is reason to do so

"Testing should only be done when there is a genuine concern."

"We commend your approach of "where there are concerns", we have seen in some other regions the suggestion of random drug testing, which is offensive and intrusive"

Any other comments

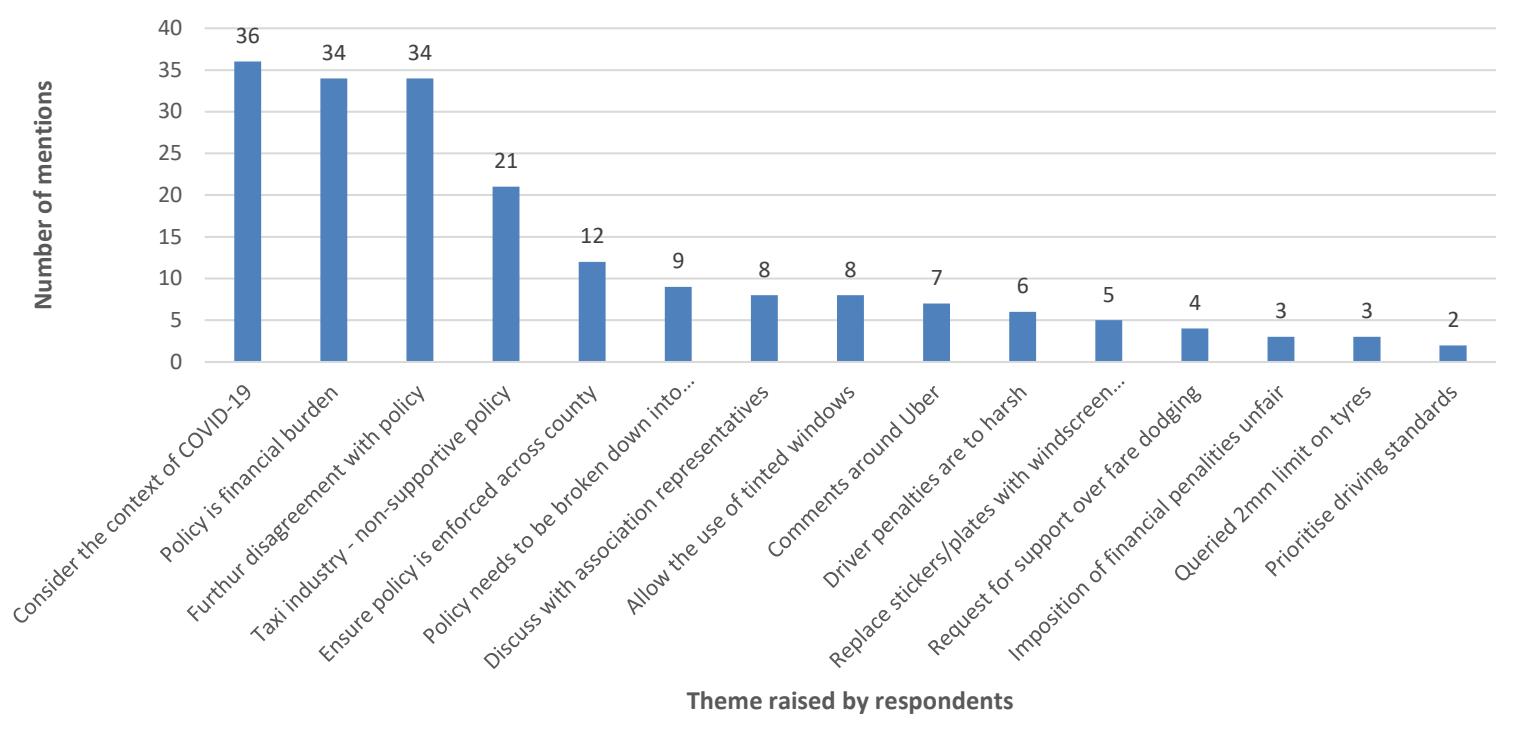
Question 19 – Do you have any other comments about the Taxi Licensing Policy?

This is the final question where respondents are given an opportunity to share any further thoughts and opinions about the policy proposal with a free text response. The purpose of this question is to capture any insight which would be out of context to previous questions but relevant to the policy proposal. 273 respondents have typed a response to this question.

The below chart indicates the most notable themes raised by respondents are:

- Policy needs to be discussed/extended in the context of COVID-19 – 36 mentions
- Policy overall will put financial burden on drivers/operators random – 34 mentions
- Policy does not seem to be fair to taxi driver/operators - non-supportive policy – 21 mentions

The ‘Further disagreement with policy’ theme captures notions which had already been discussed in previous questions. 34 respondents were re-iterating this reason for disagreement but were not providing further insight.



Verbatim

Policy needs to be discussed/extended in the context of COVID-19

"There must be an open discussion meeting after this COVID-19 restrictions involving all the concerned representatives including council, operators, drivers etc before the policy need to be finalised."

"Any changes should not be considered or implemented until after COVID-19 and there is some sense of normality. We do not know the true extent of the damage COVID-19 has had on our trade and until we do it would be unfair for any changes to be made."

Policy overall will put financial burden on drivers/operators random

"I think that before new policy is introduced the trade needs a grace period for the financial recovery of maybe a year as most drivers won't have had much of an income in the last 12 months"

"Council should seek advice to make the policy which is cheap to follow for the drivers. Some changes proposed are nothing more than a sheer expense on the drivers"

"Five year old wheelchair accessible vehicles side access (WAV) costs approximately £20,000 and to only get license for further five years only makes no economic sense for the buyer"

Policy does not seem to be fair to taxi driver/operators - non-supportive policy

"The policy seems very one sided, you have not taken into consideration the drivers or the impact on the trade, you are not about safeguarding the trade but merely adopting policies to close the door on current and new drivers. Its most frustrating that in already challenging times you have added the burden off additional costs on us, varying from CCTV to newer vehicles."

"There are too many changes that are making it difficult for the drivers. We feel that rather than getting support to improve and bring more work in you are trying to force us out of the trade."

Appendices

Appendix 1 – Petition from Wycombe Hackney Carriage Drivers (41 signatures)

Hello,

Please find set out below a petition of the Hackney Carriage drivers who are working in this most difficult time to express their valid concerns and/or objections regarding the proposed changes from current operating zones into becoming a zone free authority.

1. With a single zone Hackney Carriages will focus on the most profitable areas only and therefore the service will be reduced, which could lead to an inconsistent service across the county.
2. It is more environmentally friendly if Hackney Carriages are working and travelling only within a localised area and that are well known to the Hackney Carriage operators and drivers.
3. There is not enough rank space in any of the current zones, which is causing a lot of problems within the Hackney Carriage trade. One can only imagine what could, and probably would, happen at times if we had just the single operating zone as proposed.
4. Probably the most important issue to consider is that the Hackney Carriage operators and drivers have little or no knowledge of other zones thus putting the Hackney Carriage operators and drivers in both a very difficult and precarious situation with them not being aware of the destinations required, more importantly having to rely on using their personal mapping GPS, possibly on their mobile phones. Also puts the Hackney Carriage operators and drivers at risk as they do not know the area into which they are going and any precautions they would need to take.
5. This could mean the Hackney Carriage drivers getting abuse from the customers because of their not knowing where they are going because of not knowing the zones; increased mileage on their meter; making clients miss their appointments i.e courts, hospitals, doctors etc., through a lack off or by not knowing the zone as well as the areas they were previously working in and have worked in for some considerable time. The proposals put forward for the Hackney Carriage trade are very different to private hire operators as they are pre-booked and could possibly lead to the demise of the Hackney Carriage trade itself.

Hackney Carriage Trade Representative:

M. Isaq

This page is intentionally left blank

Licensed Private Hire Car Association

56 Austins Mead, Bovingdon, Hemel Hempstead, Herts. HP3 0LH
Tel: 01442 833464 Tel Chair: 07956 329288
Web: WWW.LPHCA.CO.UK E-mail: steve@lphca.co.uk



Appendix 4

Ms Lindsey Vallis
Transition Head of Licensing, Cemeteries & Crematoria Services
Communities Directorate Buckinghamshire Council
The Gateway, Gatehouse Road
Aylesbury
Buckinghamshire HP19 8FF

BY EMAIL

4th January 2021

Dear Ms Vallis,

Consultation on Draft Hackney Carriage & Private Hire Licensing Policy (10th November 2020)

I am writing formally as our response to Buckinghamshire Councils' ("BC") consultation on its proposed '*Hackney Carriage & Private Hire Licensing Policy*'.

The Licensed Private Hire Car Association ("LPHCA") are national private hire trade representatives, who submit this response, as an interested party and key stakeholder, on behalf of affected members and others. A non-exhaustive list of those members and others, who collectively support this submission, has been included for convenience at the end of our submission.

In addition to the submission, I would kindly ask that the LPHCA correspondence to BC of 2nd December 2020 and 11th December 2020 be entered alongside this response. You will be aware that these include references to the '**Consultation Principles 2018**'¹ which I wish to add as a reminder of the principle need for **transparency, accountability, proportionality and consistency in regulatory activities**².

We wholly appreciate the very difficult balance authorities must strike between **statutory duties to prevent crime or disorder**³ and **promote economic, social and environmental wellbeing of its area**⁴. The LPHCA supports these endeavours and is likewise committed to the overriding consideration of ensuring public safety.

In terms of constructive and not critical feedback, we are grateful for the extra 2 weeks added to make the process an 8-week consultation, but we retain our concerns about the duration, timing and regulatory impact, given the pandemic, lock-down and high-tiered status of Buckinghamshire and the Taxi and Private Hire trade. Indeed, during the consultation period itself, BC declared on 30th December 2020⁵ a "**major incident**" over the damaging effects of the virus in the county. The unprecedented pressure being exerted on Buckinghamshire businesses, and communities, must not be under-estimated, or disregarded, at this time.

Broadly the consultation and associated documentation was well set out and informative, but a number of key policy proposals like **Tinted Window** and **DVLA Penalty Points** were not covered in the online consultation response form, hence our written reply.

Our primary concerns are based on some of the proposals being **over-regulatory** and in some cases **unnecessary**, particularly at the current time.

I wish to, once again, sincerely thank BC for its assistance and, with a view to achieving **workable solutions**, welcome continued dialogue in the future. To that end, as a key trade body, we wish to seek direct dialogue with you once the consultation has been evaluated, prior to recommendations being put to the licensing committee for consideration.

Yours sincerely,



¹ 'Consultation Principles 2018'. Cabinet Office, 19th March 2018.

² Section 21 Legislative & Regulatory Reform Act 2006.

³ Section 17 Crime & Disorder Act 1998.

⁴ Section 2 Local Government Act 2000.

⁵ 'COVID-19: Buckinghamshire declares 'Major Incident' over virus cases', Buckinghamshire Council, 30th December 2020 (as found at <https://www.buckinghamshire.gov.uk/news/buckinghamshire-declares-major-incident-virus-cases/>).

Licensed Private Hire Car Association

56 Austins Mead, Bovingdon, Hemel Hempstead, Herts. HP3 0LH
Tel: 01442 833464 Tel Chair: 07956 329288
Web: WWW.LPHCA.CO.UK E-mail: steve@lphca.co.uk

Steve Wright MBE – Chair LPHCA



(1) CCTV (Proposals 4.3(5) / Appendix 8)

The LPHCA **totally opposes** CCTV being a *mandatory* requirement for private hire vehicles. In substantiating this position, the LPHCA offers the below comments:

(a) Practical Implication/s

- (i) **The proposal imposes an ill-timed, given the pandemic, unlimited financial burden which is estimated to be upwards of £608 per vehicle for installation alone ('Impact Assessment' (DfT00399), DfT, 4th February 2019).**
- (ii) **The proposal imposes additional regulatory obligations on licence-holders regarding data control and the Information Commissioners Office ("ICO") (as found at 'Notification To the Information Commissioners Office', Appendix 8)**
- (iii) **The proposal is onerous on the driver to make decisions on the activation and / or use of the recording equipment (as found at 'Activation of the Camera', Appendix 8).**
- (iv) **The proposal does not appear to contain contingency plans for vehicle replacement (etc) (as found at Appendix 8).**

(b) Legal Consideration/s

- (i) **The proposal fails to broadly establish it is "*reasonably necessary*" (within the meaning of section 48(2) Local Government (Miscellaneous Provisions) Act 1976).**
- (ii) **The proposal, in mandating, exceeds the Department for Transport ("DfT") recommendation (at para. 7.7-7.13, 'Statutory Taxi & Private Hire Vehicle Standards', DfT, 2020).**
- (iii) **The proposal does not appear to have been directly considered by the ICO or Surveillance Camera Commissioner ("SCC") (pursuant to, amongst others, *Southampton City Council v The Information Commissioner EA/2012/0171*).**
- (iv) **The proposal does not appear to have been subject to a Data Protection Impact Assessment ("DPIA") (pursuant to section 64 Data Protection Act 2018 and 'Blog: Continuous CCTV in Taxis – Where Do Councils Stand?', ICO August 2018).**
- (v) **The proposal does not appear to have considered Competition & Markets Authority ("CMA") guidance on licensing conditions which "...may restrict or distort competition, potentially resulting in...higher fares or...lower quality of service..." (as recommended in 'Guidance on the Impact of Taxi & Private Hire Licensing on Competition & Consumer Welfare', CMA, June 2017).**
- (vi) **The proposal does not appear to have been subject to a Competition Impact Assessment ("CIA") (as recommended in 'Regulation of Taxis & Private Hire Vehicles: Understanding the Impact on Competition', CMA, April 2017).**
- (vii) **The proposal does not account for the right to privacy of potential public personalities, and vulnerable passengers, who may request, or require, a higher level of discretion (within the meaning of Schedule 1, Article 8, Human Rights Act 1998).**
- (viii) **The proposal has, in respect of private hire vehicles, only been adopted by 4% of licensing authorities in England ('Taxi & Private Hire Vehicle Statistics, England: 2020', DfT, 16th December 2020).**
- (ix) **The proposal ignores DfT advice to "...support local economies and to limit any long-term impacts on the sector..." during these "...challenging times..." (Taxi & PHV Licensing – Supporting The Sector...', Stephen Fidler, DfT, 10th September 2020).**

Licensed Private Hire Car Association

56 Austins Mead, Bovingdon, Hemel Hempstead, Herts. HP3 0LH
Tel: 01442 833464 Tel Chair: 07956 329288
Web: WWW.LPHCA.CO.UK E-mail: steve@lphca.co.uk



The incorporation of a CCTV licence condition remains a difficult and controversial matter. **We totally oppose mandatory CCTV and, in the alternative, submit use of CCTV should continue to be a subjective decision for each private hire vehicle owner or driver.**

(2) English Language Test/s (Proposal 3.7)

The LPHCA has **concern** as to the final criteria for the assessment, the cost and strategic timing of implementing such a requirement.

In substantiating this position, the LPHCA offers the following comments:

(a) Practical Implication/s

- (i) **The proposal imposes an ill-timed, given the pandemic, fee burden** (as found at Proposal 3.7).
- (ii) **The proposal does not appear to specify the exact parameters, or qualification, requirement** (as found at Proposal 3.7 and at Proposal 6, '*Taxi & Private Hire Licensing Policy – Summary of Key Draft Policy Proposals*', BC, 10th November 2020).
- (iii) **The proposal does not identify acceptable alternative qualifications which may already be held** (as found at Proposal 3.7).
- (iv) **The proposal may prevent, or otherwise stall, the licensing of new drivers which could lead to "...shortages of supply..."** (*Taxi & PHV Licensing – Supporting The Sector...*', Stephen Fidler, DfT, 10th September 2020).

(b) Legal Consideration/s

- (i) **The proposal, subject to clarification, is unclear on whether it is the least onerous test for the intended purpose** (*R (Uber London Limited & Others) v Transport for London [2017] EWHC 435 (Admin)*).
- (ii) **The proposal does not appear to have considered CMA guidance on licensing conditions which "...may restrict or distort competition, potentially resulting in...higher fares or...lower quality of service..."** (as recommended in '*Guidance on the Impact of Taxi & Private Hire Licensing on Competition & Consumer Welfare*', CMA, June 2017).
- (iii) **The proposal does not appear to have been subject to a CIA** (as recommended in '*Regulation of Taxis & Private Hire Vehicles: Understanding the Impact on Competition*', CMA, April 2017).
- (iv) **The proposal may act as a bar for individuals to enter the trade and constitute a socio-economic disadvantage** (*section 1 Equality Act 2010*).
- (v) **The proposal, it is noted, is a public function subject to the public sector equality duty** (*section 149 Equality Act 2010*).
- (vi) **The proposal ignores DfT advice to "...support local economies and to limit any long-term impacts on the sector..." during these "...challenging times..."** (*Taxi & PHV Licensing – Supporting The Sector...*', Stephen Fidler, DfT, 10th September 2020).

The incorporation of an English Language Requirement, it is acknowledged, is an appropriate and necessary measure.

We are concerned, and maintain, that the test should be appropriate, inexpensive and scheduled appropriately given the current pandemic impact on drivers. **Moving forward, and insofar as possible,**

Licensed Private Hire Car Association

56 Austins Mead, Bovingdon, Hemel Hempstead, Herts. HP3 0LH
Tel: 01442 833464 Tel Chair: 07956 329288
Web: WWW.LPHCA.CO.UK E-mail: steve@lphca.co.uk



we ask that BC mirror the useful base parameters proposed within the recent Greater Manchester consultation⁶.

We have a great deal of experience in the delivery of appropriate English tests and would be pleased to have further dialogue with BC on this area.

(3) Age of Vehicle Restriction (Proposal 4.6)

The LPHCA believes that arbitrary age policy is ineffective and is not the best way to establish a vehicle's safety and suitability. In substantiating this position, the LPHCA offers the below comments:

(a) Practical Implication/s

- (v) **The proposal imposes an ill-timed, given the pandemic, substantial costs burden** (as found at Proposal 4.6 and Proposal 3, '*Taxi & Private Hire Licensing Policy – Summary of Key Draft Policy Proposals*', BC, 10th November 2020).
- (i) **The proposal may prevent, or otherwise stall, the licensing of vehicles which could lead to "...shortages of supply..."** (*Taxi & PHV Licensing – Supporting The Sector...*', Stephen Fidler, DfT, 10th September 2020).

(b) Legal Consideration/s

- (i) **The proposal ignores DfT best practice which suggests it may be "...arbitrary and in appropriate..."** (at para. 32, '*Taxi & Private Hire Vehicle Licensing: Best Practice Guidance*', DfT, March 2010).
- (ii) **The proposal does not appear to have considered the DfT best practice alternative of "...greater frequency of testing..."** (at para. 32, '*Taxi & Private Hire Vehicle Licensing: Best Practice Guidance*', DfT, March 2010).
- (iii) **The proposal, subject to clarification on intended application, could be interpreted as a fettering of discretion** (Para. 8.110, '*Button on Taxis: Licensing Law & Practice*', J.Button, 4th Edition, Bloomsbury, 2017).
- (iv) **The proposal does not appear to have considered CMA guidance on licensing conditions which "...may restrict or distort competition, potentially resulting in...higher fares or...lower quality of service..."** (as recommended in '*Guidance on the Impact of Taxi & Private Hire Licensing on Competition & Consumer Welfare*', CMA, June 2017).
- (v) **The proposal does not appear to have been subject to a CIA** (as recommended in '*Regulation of Taxis & Private Hire Vehicles: Understanding the Impact on Competition*', CMA, April 2017).
- (vi) **The proposal may act as a bar for individuals to enter the trade and constitute a socio-economic disadvantage** (*section 1 Equality Act 2010*).
- (vii) **The proposal ignores DfT advice to "...support local economies and to limit any long-term impacts on the sector..." during these "...challenging times..."** (*Taxi & PHV Licensing – Supporting The Sector...*', Stephen Fidler, DfT, 10th September 2020).

A vehicle's age cannot determine its condition, nor its air quality credentials, nor its safety. Furthermore, age policy necessitates exceptions and exemptions for a variety of good reasons.

⁶ Page 10, '*Greater Manchester Taxi & Private Hire Minimum Licensing Standards Consultation*', Greater Manchester, 8th October 2020 (as found at www.gmtaxistandards.com/wp-content/uploads/2020/10/GM-Minimum-Licensing-Standards-consultation-document-online-1.pdf).

Licensed Private Hire Car Association

56 Austins Mead, Bovingdon, Hemel Hempstead, Herts. HP3 0LH
Tel: 01442 833464 Tel Chair: 07956 329288
Web: WWW.LPHCA.CO.UK E-mail: steve@lphca.co.uk



These include vehicle cost, vehicle function - like Special Educational Needs and Disabilities (SEND) and environmental credentials, its structure and in some cases important and expensive conversion criteria.

We would welcome future dialogue with BC on this subject in due course.

(4) DVLA Penalty Points (Proposals 3.5 / Appendix 4)

The LPHCA **totally opposes** an automatic refusal requirement for drivers with "...7 or more penalty points on their DVLA licence..."⁷. In substantiating this position, the LPHCA offers the below comments:

(a) Practical Implication/s

- (i) The proposal imposes an ill-timed, given the pandemic, unreasonable burden (as found at Appendix 4).
- (ii) The proposal will unfairly penalise individuals who receive penalty points, and can continue to drive by law, but lose the ability to work (as found at Appendix 4 (and note Point (4)(b)(ii) below)).
- (iii) The proposal means 49% of current driving offence endorsements, whether minor or not, could result in loss of a licence for a single incident ('Penalty Points (Endorsements)' as found at www.gov.uk/policy-points-endorsements).
- (iv) The proposal may prevent, or otherwise stall, the licensing of new drivers which could lead to "...shortages of supply..." (*Taxi & PHV Licensing – Supporting The Sector...*, Stephen Fidler, DfT, 10th September 2020)

(b) Legal Consideration/s

- (i) The proposal, in specifying a points limit, exceeds DfT recommendations (at page 36, 'Motoring Convictions', 'Statutory Taxi & Private Hire Vehicle Standards', DfT, 2020).
- (ii) The proposal is substantively less than the statutory automatic disqualification threshold of 12 points (*section 35 Road Traffic Offenders Act 1988*).
- (iii) The proposal may act as a bar for individuals to enter the trade and constitute a socio-economic disadvantage (*section 1 Equality Act 2010*).
- (iv) The proposal does not appear to have considered CMA guidance on licensing conditions which "...may restrict or distort competition, potentially resulting in...higher fares or...lower quality of service..." (as recommended in '*Guidance on the Impact of Taxi & Private Hire Licensing on Competition & Consumer Welfare*', CMA, June 2017).
- (v) The proposal does not appear to have been subject to a CIA (as recommended in '*Regulation of Taxis & Private Hire Vehicles: Understanding the Impact on Competition*', CMA, April 2017).
- (vi) The proposal, subject to clarification on intended application, could be interpreted as a fettering of discretion (*R (Singh) v Cardiff City Council [2012] EWHC 1852 (Admin)* and *Reigate & Banstead Borough Council v Pawlowski [2017] EWHC 1764 (Admin)*).
- (vii) The proposal ignores DfT advice to "...support local economies and to limit any long-term impacts on the sector..." during these "...challenging times..." (*Taxi & PHV Licensing – Supporting The Sector...*, Stephen Fidler, DfT, 10th September 2020).

The Law of the land already sets out what fines and punishments are appropriate for both major and minor traffic offences, based on reason and circumstances.

⁷ See page 77, 'Other Motoring Offences', 'Criminal Records & Unacceptable Behaviour Policy', Appendix 4.

Licensed Private Hire Car Association

56 Austins Mead, Bovingdon, Hemel Hempstead, Herts. HP3 0LH
Tel: 01442 833464 Tel Chair: 07956 329288
Web: WWW.LPHCA.CO.UK E-mail: steve@lphca.co.uk



The LPHCA and many others believe it should not be for licensing authorities to terminate or refuse a driver's taxi or PHV licence when we have a long-standing legal 'points based' system in place for driving transgressions. A survey response⁸ found that 89.3% of responders said 'No' to the question 'Do you think Taxi and PHV drivers should face stricter rules on motoring offence penalty points than other professional drivers and regular motorists.'

We would like to have dialogue with BC on this proposal.

(5) Tinted Windows (Proposal 4.3(12))

The LPHCA **totally opposes** restrictions on use of tinted window glass on licensed vehicles. In substantiating this position, the LPHCA offers the below comments:

(a) Practical Implication/s

- (i) **The proposal imposes an ill-timed, given the pandemic, unreasonable and unlimited costs burden of £600 to £4,000 ('Absurdity of Tinted Window Replacement...', Private Hire News, Issue 92, Winter 2020 / 21 (as found at**
- (ii) **The proposal requires removal of manufacturer specified glass which may result in a reduction of the vehicles retail value ('Absurdity of Tinted Window Replacement...', Private Hire News, Issue 92, Winter 2020 / 21(as found at**
- (iii) **The proposal negates the environmental benefits of retaining tinted glass (including, for example, heating / cooling vehicles) ('Absurdity of Tinted Window Replacement...', Private Hire News, Issue 92, Winter 2020 / 21(as found at**
- (iv) **The proposal, in the absence of contrary evidence, is not supported by a correlation with crime prevention (at para. 3.4, 'Consideration of The Use of Darkened Glass in Respect of Licensed Vehicles', Cardiff City Council, 3rd July 2018 (as found at**

(b) Legal Consideration/s

- (i) **The proposal is not a DfT recommended national standard ('Statutory Taxi & Private Hire Vehicle Standards', DfT, 2020).**
- (ii) **The proposal ignores DfT best practice warnings of "...large costs..." and "...inconvenience..." (at para. 30, 'Taxi & Private Hire Vehicle Licensing: Best Practice Guidance', DfT, March 2010).**
- (iii) **The proposal may prevent, or otherwise stall, the licensing of vehicles which could lead to "...shortages of supply..." (Taxi & PHV Licensing – Supporting The Sector..., Stephen Fidler, DfT, 10th September 2020).**
- (iv) **The proposal does not appear to have considered CMA guidance on licensing conditions which "...may restrict or distort competition, potentially resulting in...higher fares or...lower quality of service..." (as recommended in 'Guidance on the Impact of Taxi & Private Hire Licensing on Competition & Consumer Welfare', CMA, June 2017).**
- (v) **The proposal does not appear to have been subject to a CIA (as recommended in 'Regulation of Taxis & Private Hire Vehicles: Understanding the Impact on Competition', CMA, April 2017).**
- (vi) **The proposal does not account for the right to privacy of potential public personalities, and vulnerable passengers, who may request, or require, a higher**

⁸ <https://privatehirenews.co.uk/magazines/summer-2020/html/index.html?page=21&origin=reader>

Licensed Private Hire Car Association

56 Austins Mead, Bovingdon, Hemel Hempstead, Herts. HP3 0LH
Tel: 01442 833464 Tel Chair: 07956 329288
Web: WWW.LPHCA.CO.UK E-mail: steve@lphca.co.uk



level of discretion (within the meaning of *Schedule 1, Article 8, Human Rights Act 1998*).

- (vii) **The proposal ignores DfT advice to “...support local economies and to limit any long-term impacts on the sector...” during these “...challenging times...”** (*Taxi & PHV Licensing – Supporting The Sector...*, Stephen Fidler, DfT, 10th September 2020).

Any restriction on tinted windows in our view is unnecessary, unjustified and over-regulatory. It also decreases rather than improves privacy, safety and security. **We urge BC to withdraw, this proposal and, in the alternative, utilise the standard requirements prescribed by national regulations⁹.**

LIST OF SUPPORTING LPHCA MEMBERS / BCC OPERATORS

001 Royal Cabs
24x7 Buckinghamshire Limited
24x7 Northants Ltd
Abba Cars High Wycombe Ltd
ABC Taxis
Ace Taxi South Ltd
AD Taxis
Aj Cars Aylesbury Ltd
Arrow Partnership Ltd
Bounds Taxis
Budget Cars
Budget Cars Ltd
Cabs4U
Country Cars
Crown Cabs Travel Ltd
Express Taxis and Minibuses
Express Travel UK Ltd
Falcon Taxis
Five Two's Taxis
Gilberts of Chesham
Greyhound Chauffeur Services Ltd
Greyline Chauffeurs
Jet Taxis LTD
Motts Travel
Neales Taxis Ltd
R and S Travel Limited

⁹ Regulation 32 Road Vehicles (Construction & Use) Regulations 1986.

Licensed Private Hire Car Association

56 Austins Mead, Bovingdon, Hemel Hempstead, Herts. HP3 0LH
Tel: 01442 833464 Tel Chair: 07956 329288
Web: WWW.LPHCA.CO.UK E-mail: steve@lphca.co.uk



Rainbow Cars

Royal Cars

Swan Rider

Tiger Taxis

Transport 4 U

TWK Ltd

UK Cars (High Wycombe) Ltd



Taxi Licensing in Buckinghamshire - Public Survey: Summary report

This report was created on Monday 28 September 2020 at 08:48 and includes 583 responses.

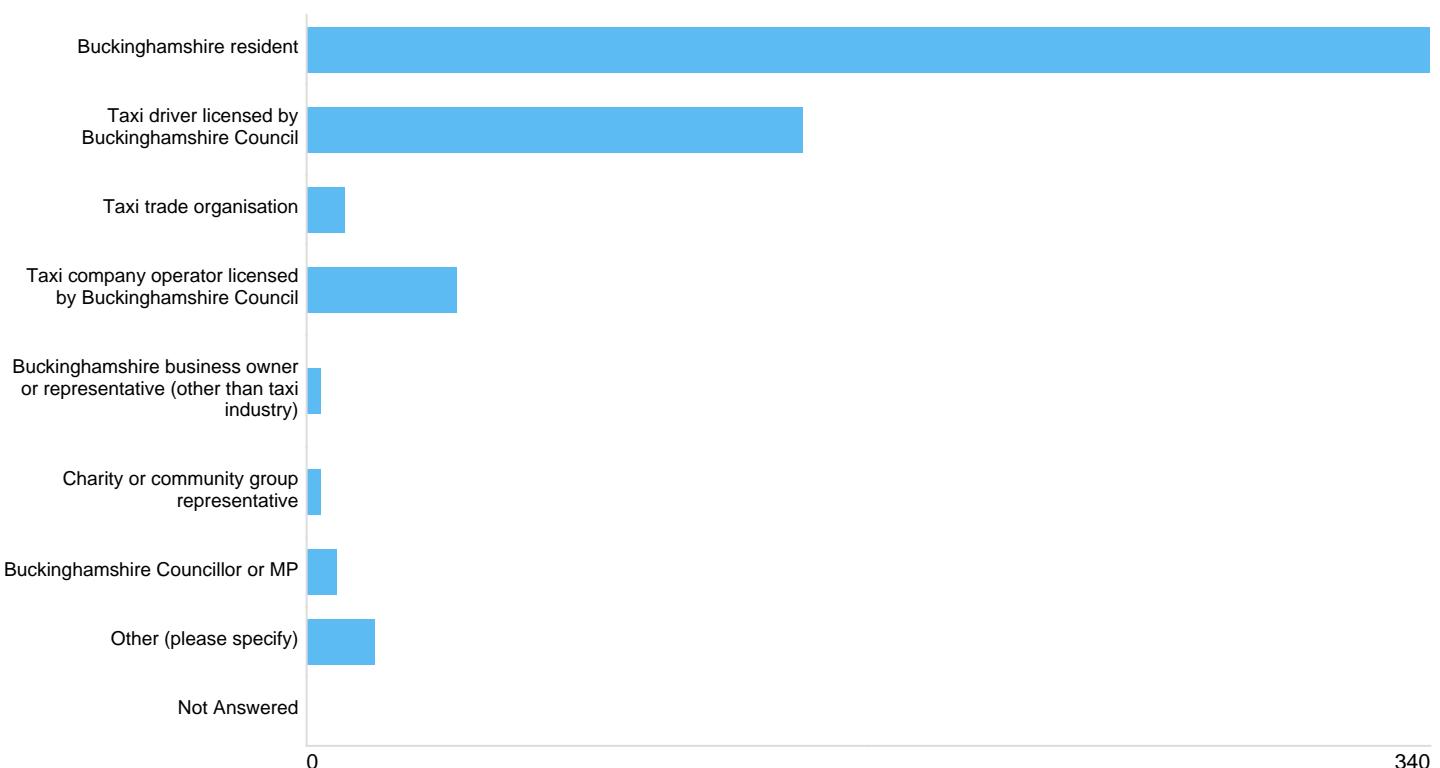
The consultation ran from 07/09/2020 to 27/09/2020.

Contents

Question 1: Which of the following best describes your main interest in taxi licensing	2
Status	2
Other	2
Question 2: Which area do you live in?	2
Live	2
Question 3: Do you consider yourself to have a disability or long-term health condition?	3
Disability	3
Question 4: What area do you represent?	3
Area	3
Question 5: What is the name of your charity or community organisation?	3
Organisation name	3
Question 6: Do you drive a Hackney Carriage or a Private Hire Vehicle?	3
Taxi type	3
Question 7: Which areas are you licensed by? Please select all that apply.	4
Licensed area	4
Question 8: Thinking about taxi vehicles, how important are each of the following points to you?	4
Vehicles - Vehicles are safe and roadworthy	4
Vehicles - Vehicles have their compliance tests at a Council-run garage rather than a private garage	5
Vehicles - Vehicles older than 6 years are tested more often	5
Vehicles - Vehicles are environmentally-friendly	6
Vehicles - The Council provide incentives for electric vehicles	6
Vehicles - Vehicles are wheelchair- accessible	7
Vehicles - There's a clear view into vehicles through all windows	7
Vehicles - Vehicles have CCTV installed	8
Vehicles - Vehicle interiors are clean, tidy and presentable	8
Vehicles - Vehicle exteriors are in good condition	9
Vehicles - Vehicles can be clearly identified as 'taxis'	9
Question 9: Do you have any other comments about taxi vehicles?	9
Comments behicles	9
Question 10: Thinking about taxi drivers, how important are each of the following points to you?	10
Drivers - Taxi drivers know the local area without relying on SatNav systems	10
Drivers - Taxi drivers receive regular safeguarding training	10
Drivers - Taxi drivers receive regular disability awareness training	11
Drivers - Taxi drivers can understand and speak clearly in English	11
Drivers - Taxi drivers can read basic English	12
Drivers - Taxi drivers receive regular medical checks	12
Drivers - Older taxi drivers receive medical checks more often	13
Drivers - The Council undertakes drug and alcohol tests on drivers where appropriate	13
Question 11: Do you have any other comments about taxi drivers?	13
Comments drivers	13
Question 12: Do you use taxi ranks?	14
Taxi rank use	14
Question 13: If there are any locations where you would use a taxi rank that doesn't have one at the moment, please provide details.	14
Taxi rank locations	14
Question 14: Do you think we should keep these separate taxi operating zones?	14
Zones	14
Question 15: Please explain why you gave that last answer.	14
Zone answer reasons	14
Question 16: Do you have any other comments about taxi licensing or how taxis operate in Buckinghamshire?	14
Additional comments	14

Question 1: Which of the following best describes your main interest in taxi licensing

Status



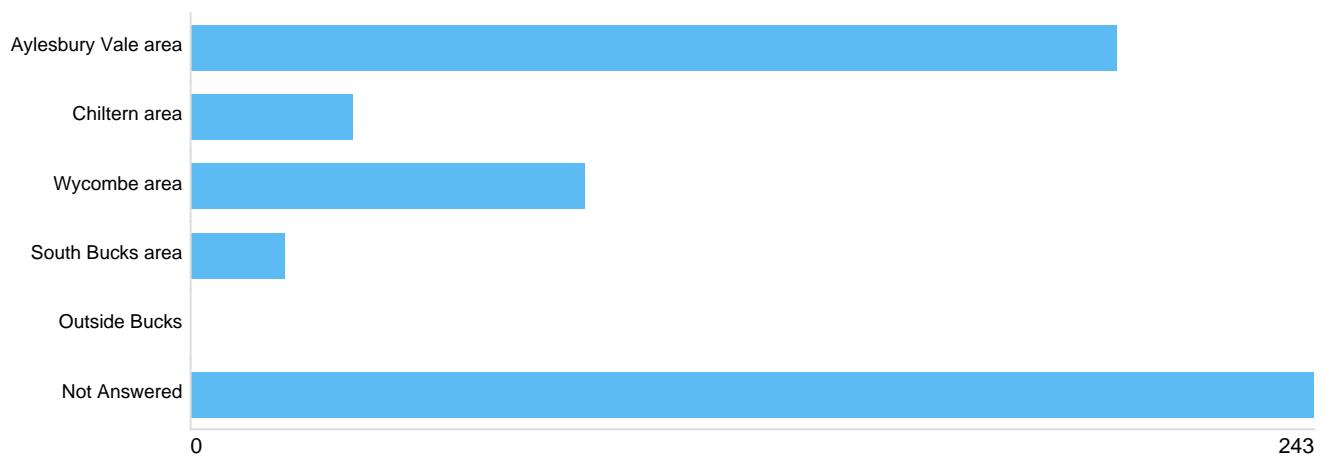
Option	Total	Percent
Buckinghamshire resident	340	58.32%
Taxi driver licensed by Buckinghamshire Council	150	25.73%
Taxi trade organisation	11	1.89%
Taxi company operator licensed by Buckinghamshire Council	45	7.72%
Buckinghamshire business owner or representative (other than taxi industry)	4	0.69%
Charity or community group representative	4	0.69%
Buckinghamshire Councillor or MP	9	1.54%
Other (please specify)	20	3.43%
Not Answered	0	0.00%

Other

There were 23 responses to this part of the question.

Question 2: Which area do you live in?

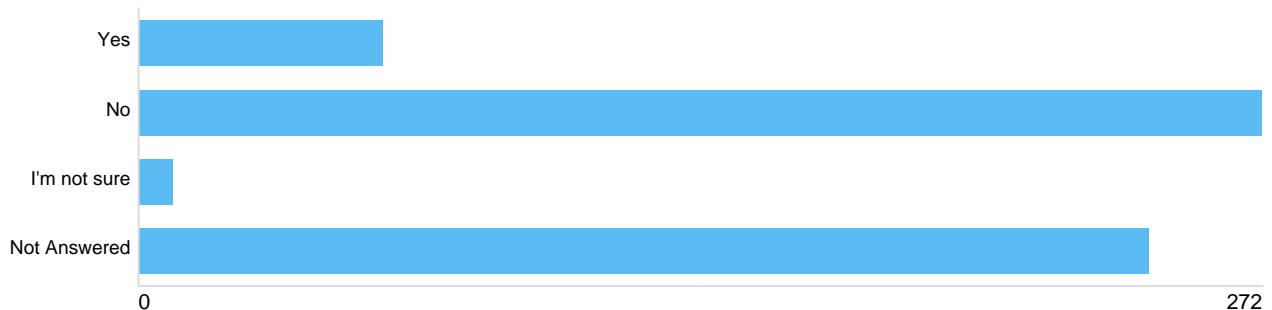
Live



Option	Total	Percent
Aylesbury Vale area	200	34.31%
Chiltern area	35	6.00%
Wycombe area	85	14.58%
South Bucks area	20	3.43%
Outside Bucks	0	0.00%
Not Answered	243	41.68%

Question 3: Do you consider yourself to have a disability or long-term health condition?

Disability



Option	Total	Percent
Yes	59	10.12%
No	272	46.66%
I'm not sure	8	1.37%
Not Answered	244	41.85%

Question 4: What area do you represent?

Area

There were 9 responses to this part of the question.

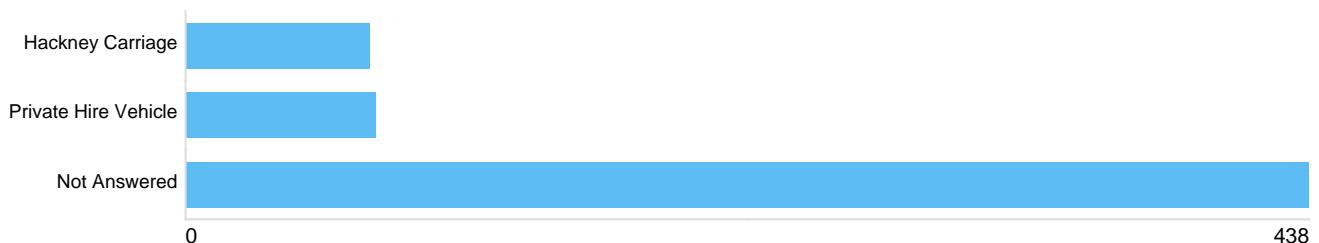
Question 5: What is the name of your charity or community organisation?

Organisation name

There were 4 responses to this part of the question.

Question 6: Do you drive a Hackney Carriage or a Private Hire Vehicle?

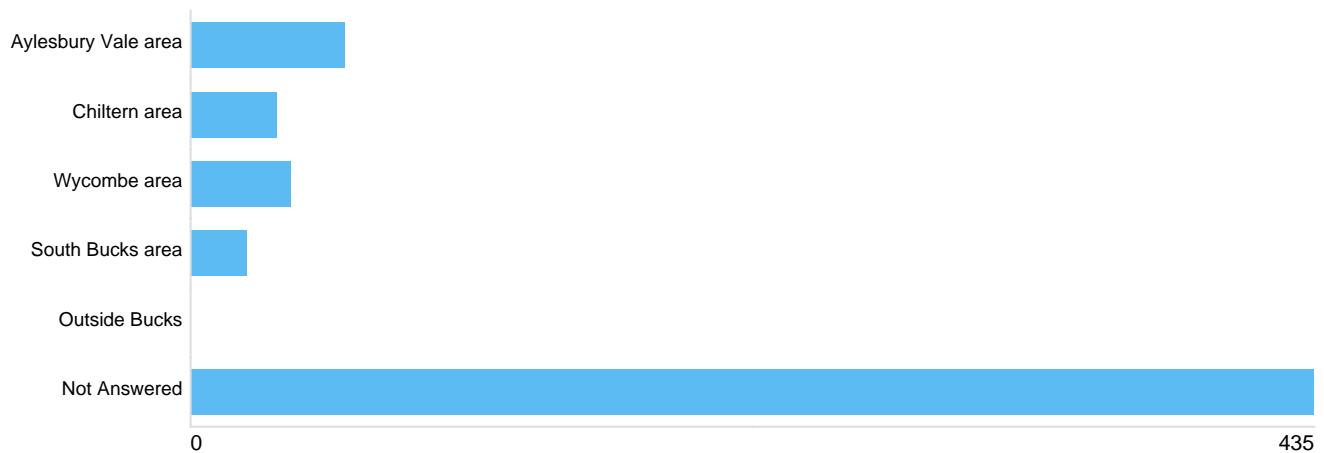
Taxi type



Option	Total	Percent
Hackney Carriage	71	12.18%
Private Hire Vehicle	74	12.69%
Not Answered	438	75.13%

Question 7: Which areas are you licensed by? Please select all that apply.

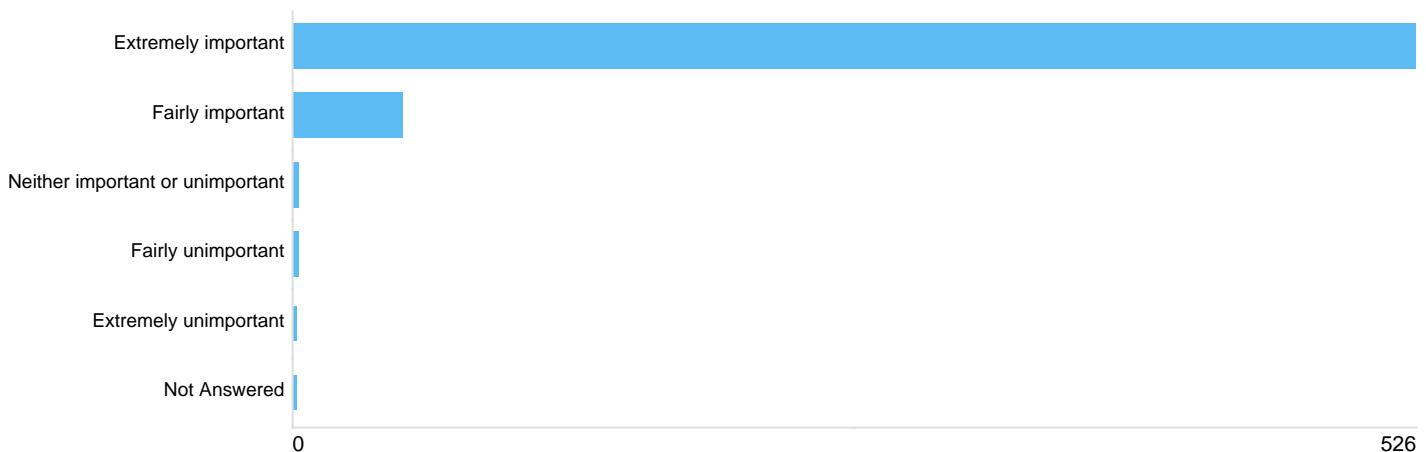
Licensed area



Option	Total	Percent
Aylesbury Vale area	59	10.12%
Chiltern area	33	5.66%
Wycombe area	38	6.52%
South Bucks area	21	3.60%
Outside Bucks	0	0.00%
Not Answered	435	74.61%

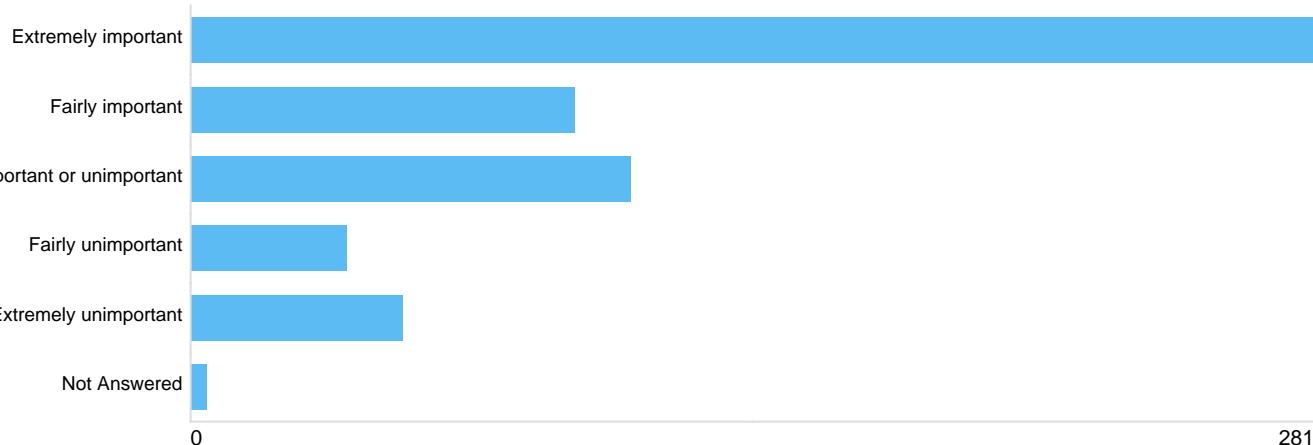
Question 8: Thinking about taxi vehicles, how important are each of the following points to you?

Vehicles - Vehicles are safe and roadworthy



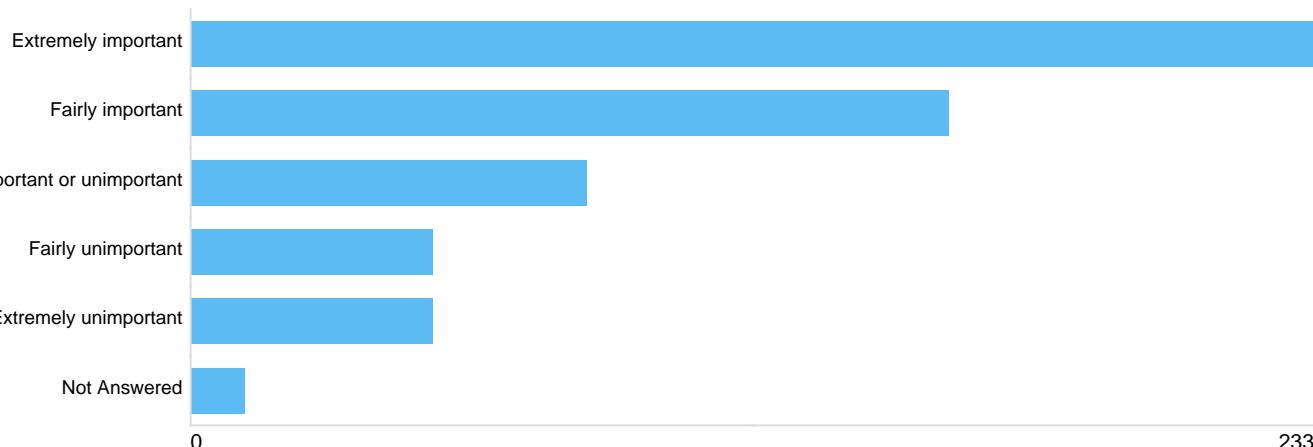
Option	Total	Percent
Extremely important	526	90.22%
Fairly important	51	8.75%
Neither important or unimportant	2	0.34%
Fairly unimportant	2	0.34%
Extremely unimportant	1	0.17%
Not Answered	1	0.17%

Vehicles - Vehicles have their compliance tests at a Council-run garage rather than a private garage



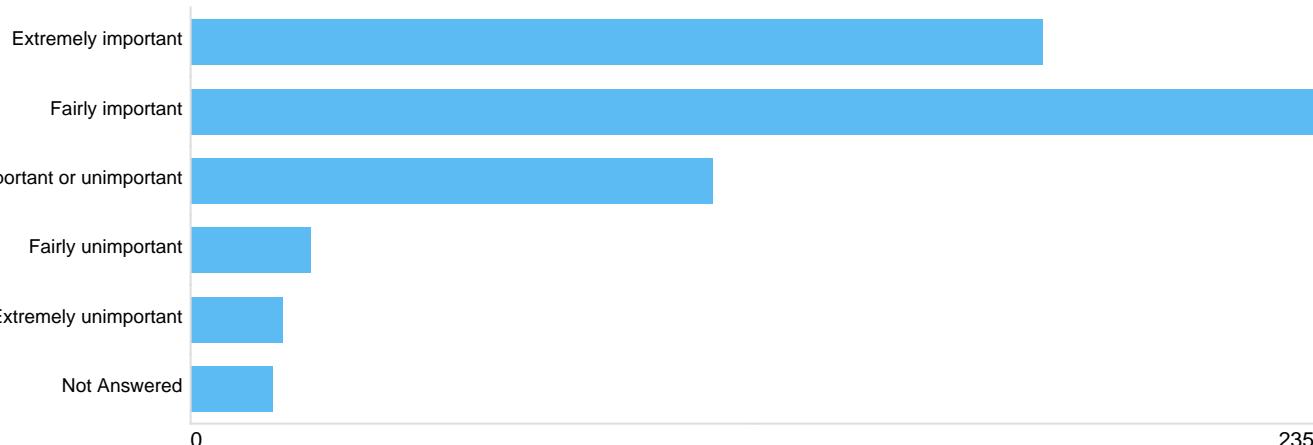
Option	Total	Percent
Extremely important	281	48.20%
Fairly important	96	16.47%
Neither important or unimportant	110	18.87%
Fairly unimportant	39	6.69%
Extremely unimportant	53	9.09%
Not Answered	4	0.69%

Vehicles - Vehicles older than 6 years are tested more often



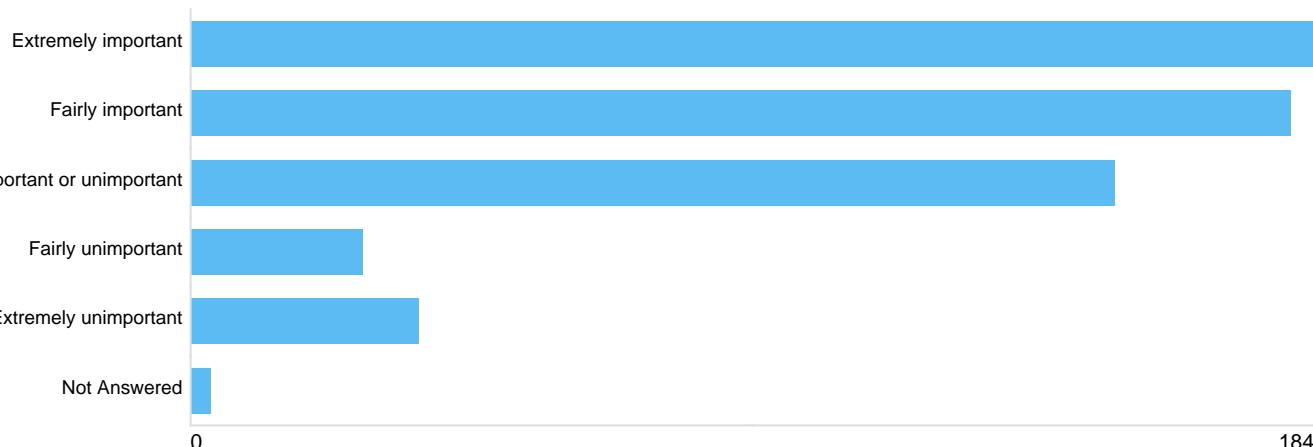
Option	Total	Percent
Extremely important	233	39.97%
Fairly important	157	26.93%
Neither important or unimportant	82	14.07%
Fairly unimportant	50	8.58%
Extremely unimportant	50	8.58%
Not Answered	11	1.89%

Vehicles - Vehicles are environmentally-friendly



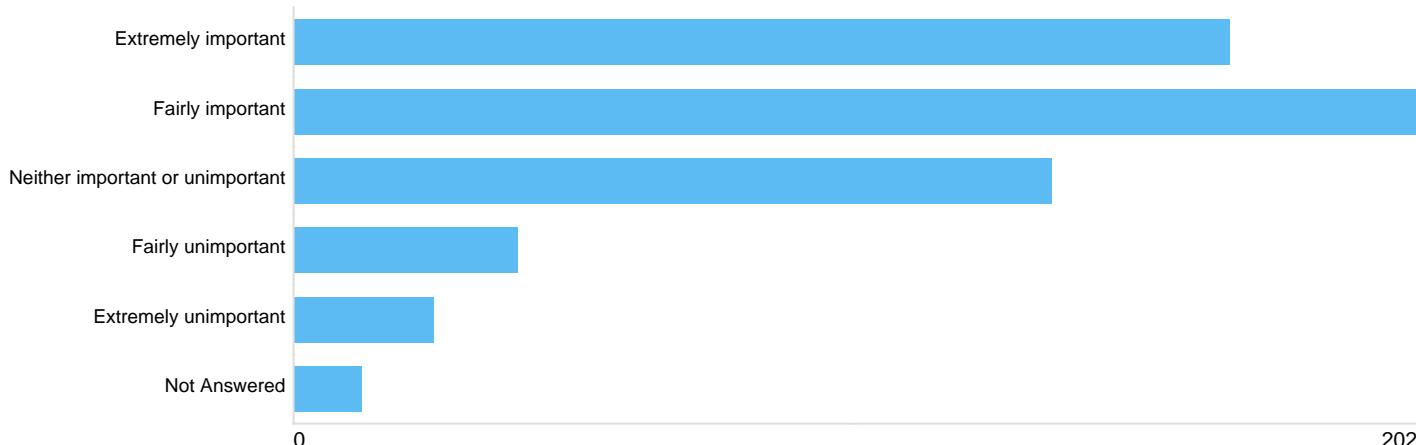
Option	Total	Percent
Extremely important	178	30.53%
Fairly important	235	40.31%
Neither important or unimportant	109	18.70%
Fairly unimportant	25	4.29%
Extremely unimportant	19	3.26%
Not Answered	17	2.92%

Vehicles - The Council provide incentives for electric vehicles



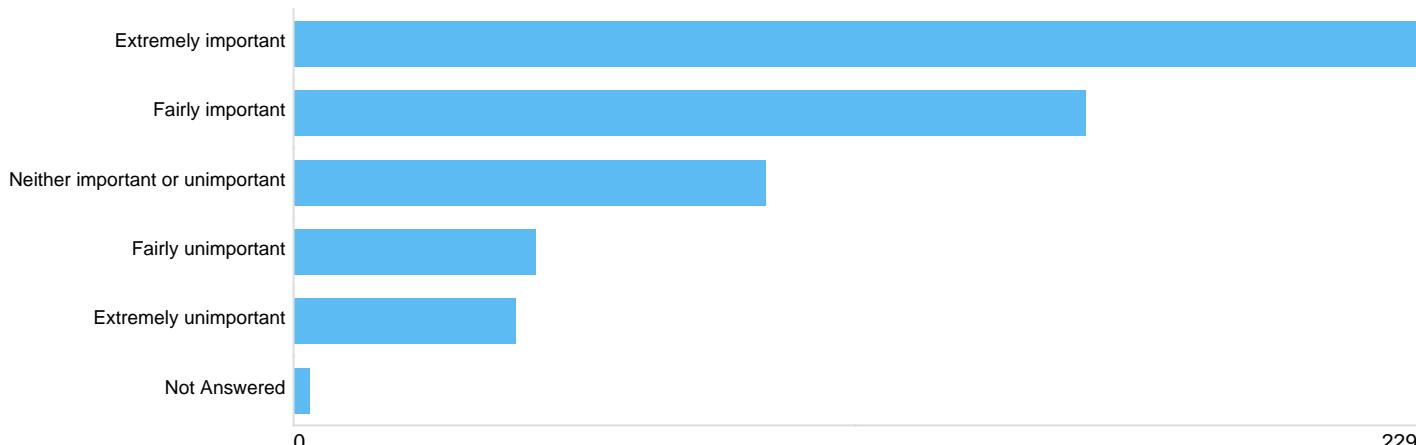
Option	Total	Percent
Extremely important	184	31.56%
Fairly important	180	30.87%
Neither important or unimportant	151	25.90%
Fairly unimportant	28	4.80%
Extremely unimportant	37	6.35%
Not Answered	3	0.51%

Vehicles - Vehicles are wheelchair- accessible



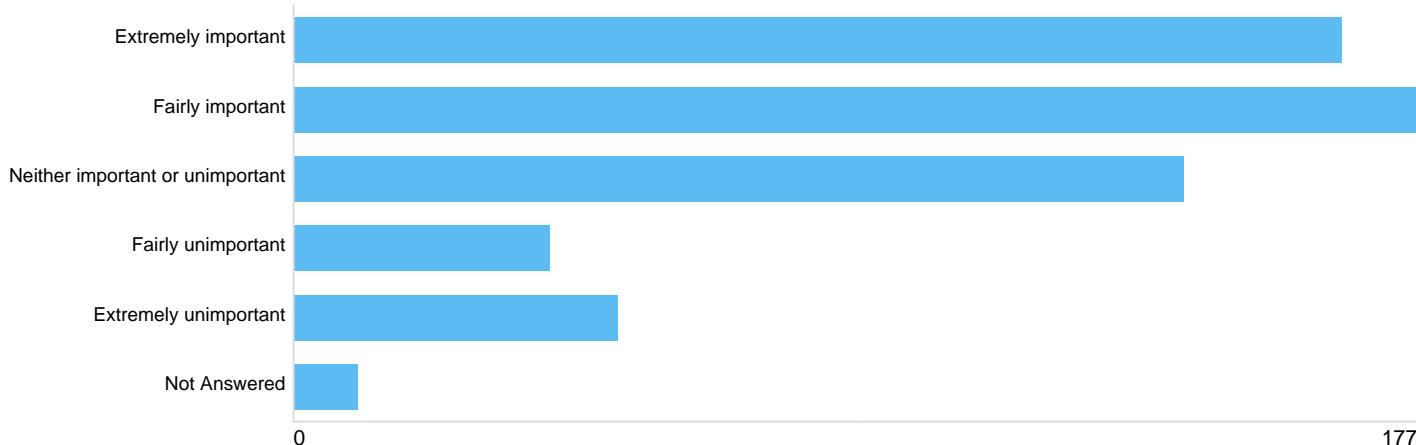
Option	Total	Percent
Extremely important	168	28.82%
Fairly important	202	34.65%
Neither important or unimportant	136	23.33%
Fairly unimportant	40	6.86%
Extremely unimportant	25	4.29%
Not Answered	12	2.06%

Vehicles - There's a clear view into vehicles through all windows



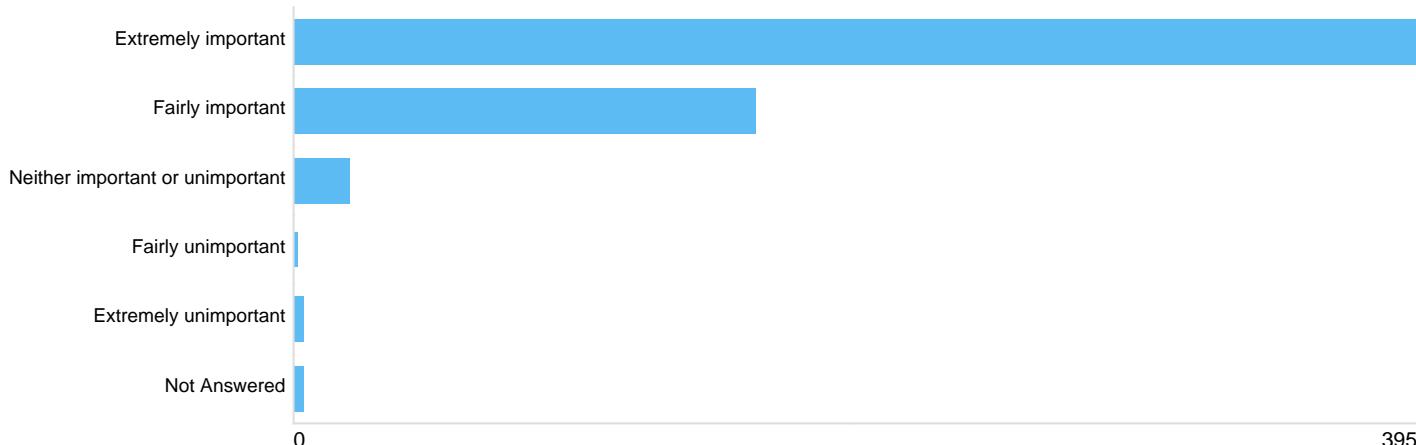
Option	Total	Percent
Extremely important	229	39.28%
Fairly important	161	27.62%
Neither important or unimportant	96	16.47%
Fairly unimportant	49	8.40%
Extremely unimportant	45	7.72%
Not Answered	3	0.51%

Vehicles - Vehicles have CCTV installed



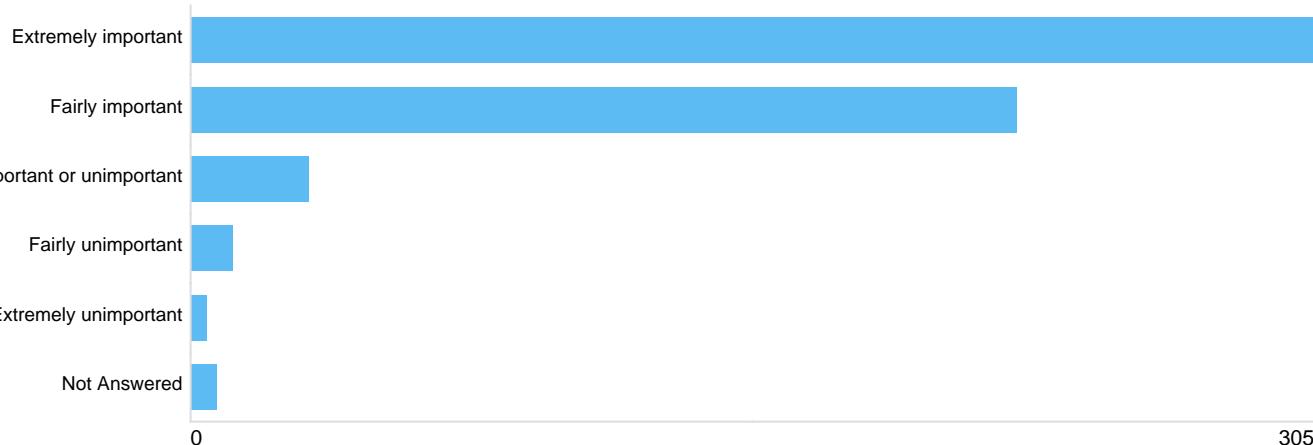
Option	Total	Percent
Extremely important	165	28.30%
Fairly important	177	30.36%
Neither important or unimportant	140	24.01%
Fairly unimportant	40	6.86%
Extremely unimportant	51	8.75%
Not Answered	10	1.72%

Vehicles - Vehicle interiors are clean, tidy and presentable



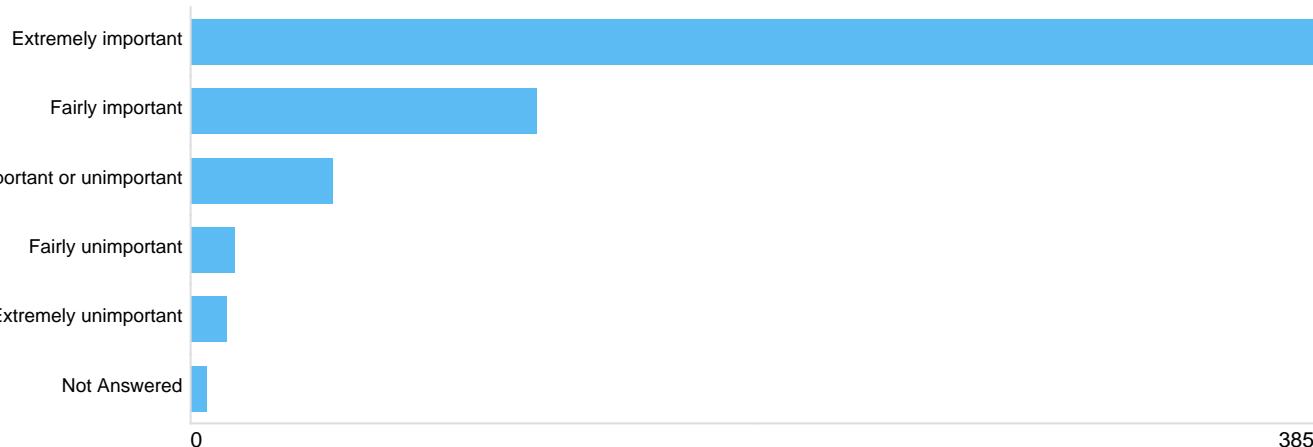
Option	Total	Percent
Extremely important	395	67.75%
Fairly important	162	27.79%
Neither important or unimportant	19	3.26%
Fairly unimportant	1	0.17%
Extremely unimportant	3	0.51%
Not Answered	3	0.51%

Vehicles - Vehicle exteriors are in good condition



Option	Total	Percent
Extremely important	305	52.32%
Fairly important	224	38.42%
Neither important or unimportant	32	5.49%
Fairly unimportant	11	1.89%
Extremely unimportant	4	0.69%
Not Answered	7	1.20%

Vehicles - Vehicles can be clearly identified as 'taxis'



Option	Total	Percent
Extremely important	385	66.04%
Fairly important	118	20.24%
Neither important or unimportant	48	8.23%
Fairly unimportant	15	2.57%
Extremely unimportant	12	2.06%
Not Answered	5	0.86%

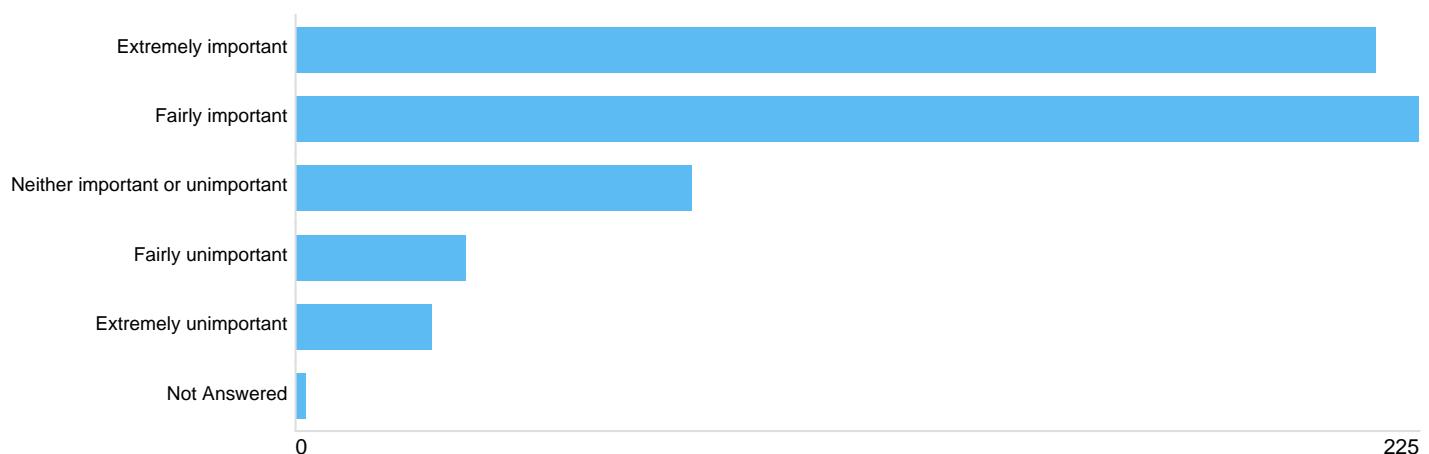
Question 9: Do you have any other comments about taxi vehicles?

Comments vehicles

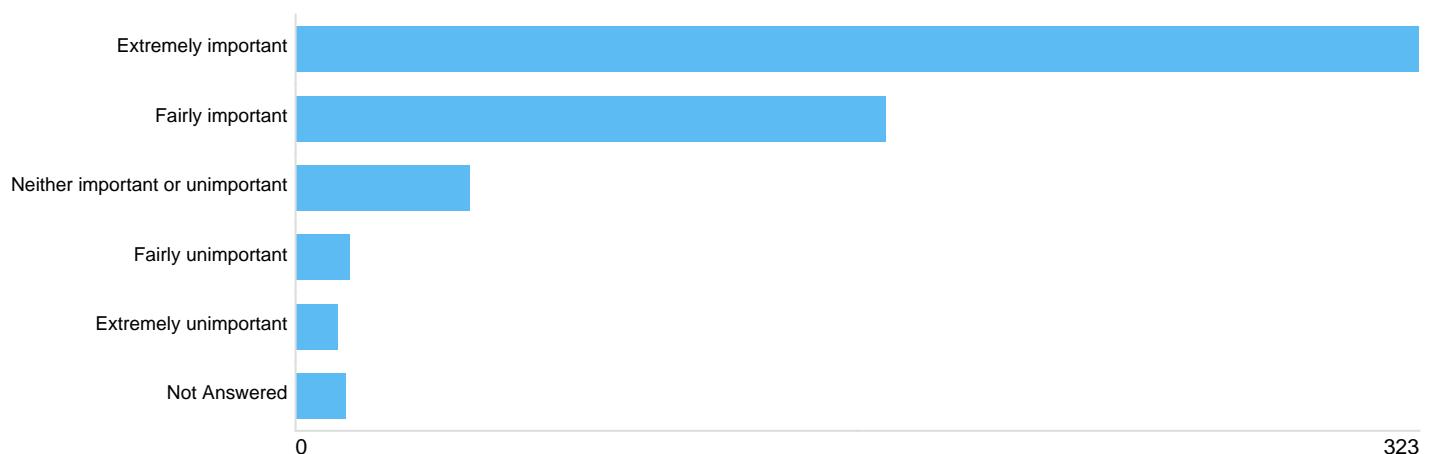
There were 230 responses to this part of the question.

Question 10: Thinking about taxi drivers, how important are each of the following points to you?

Drivers - Taxi drivers know the local area without relying on SatNav systems

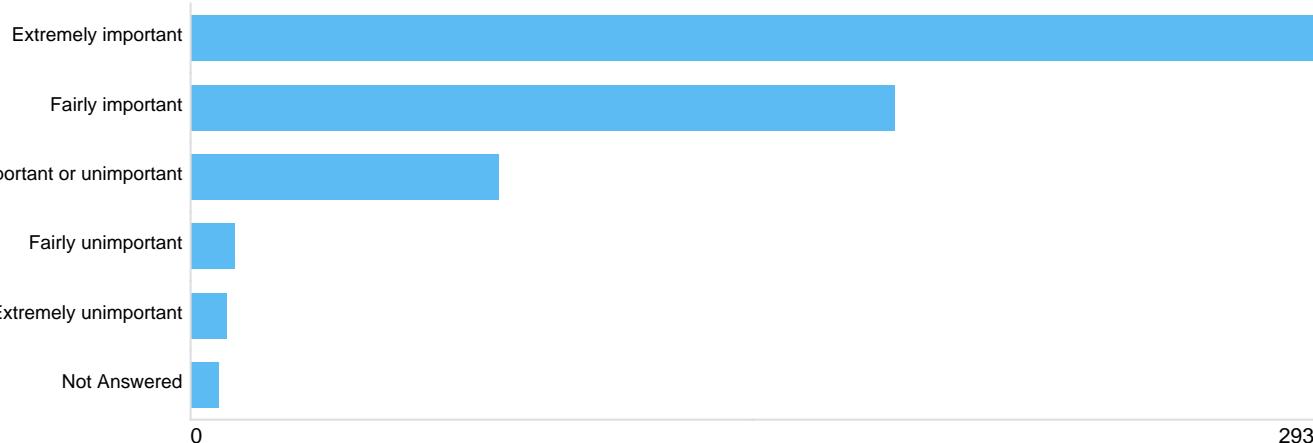


Drivers - Taxi drivers receive regular safeguarding training



Option	Total	Percent
Extremely important	323	55.40%
Fairly important	169	28.99%
Neither important or unimportant	50	8.58%
Fairly unimportant	15	2.57%
Extremely unimportant	12	2.06%
Not Answered	14	2.40%

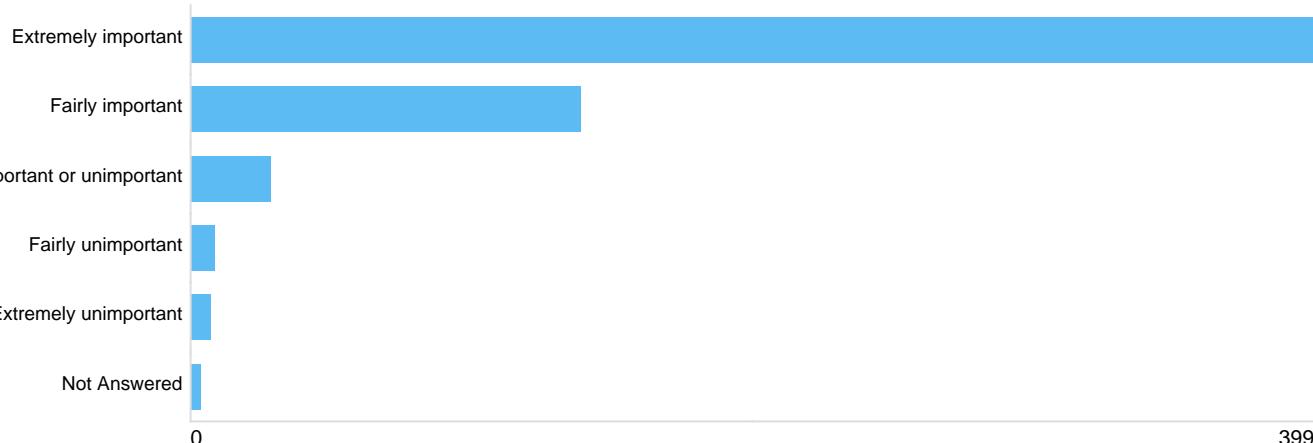
Drivers - Taxi drivers receive regular disability awareness training



293

Option	Total	Percent
Extremely important	293	50.26%
Fairly important	183	31.39%
Neither important or unimportant	80	13.72%
Fairly unimportant	11	1.89%
Extremely unimportant	9	1.54%
Not Answered	7	1.20%

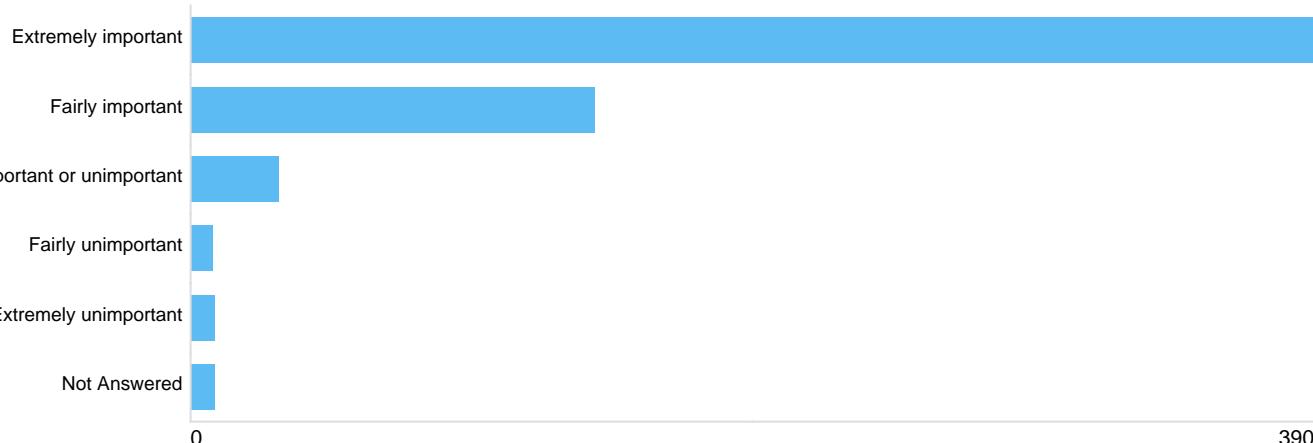
Drivers - Taxi drivers can understand and speak clearly in English



399

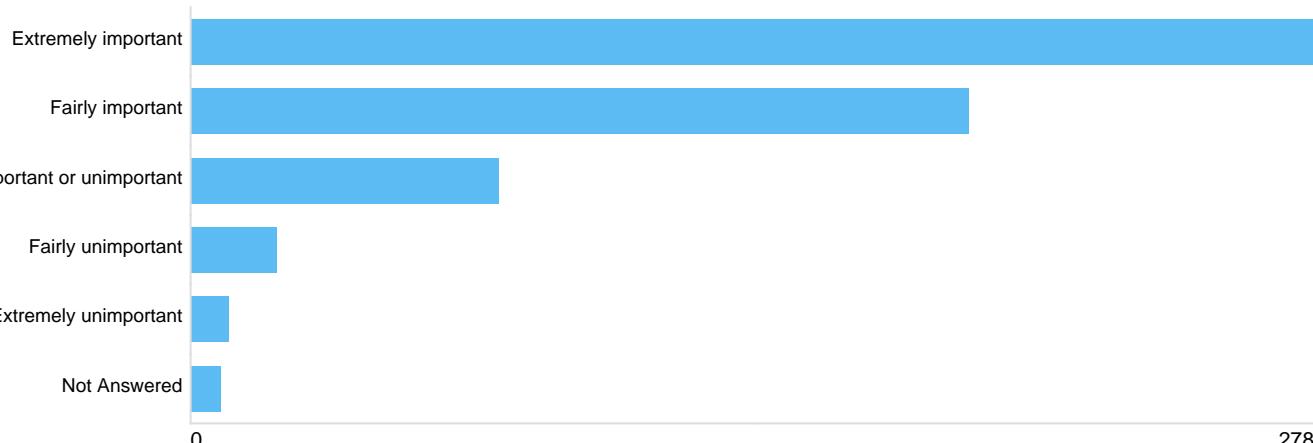
Option	Total	Percent
Extremely important	399	68.44%
Fairly important	138	23.67%
Neither important or unimportant	28	4.80%
Fairly unimportant	8	1.37%
Extremely unimportant	7	1.20%
Not Answered	3	0.51%

Drivers - Taxi drivers can read basic English



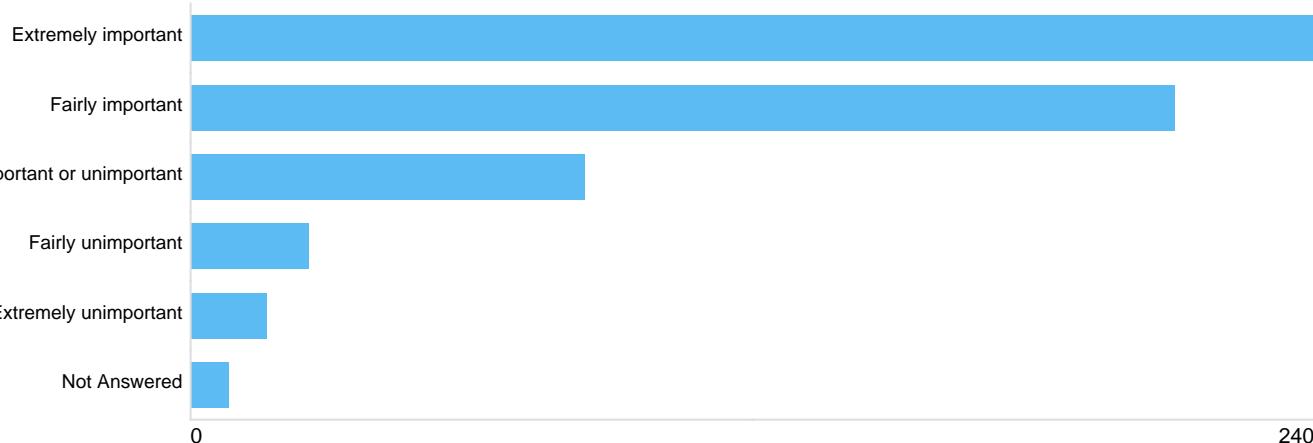
Option	Total	Percent
Extremely important	390	66.90%
Fairly important	140	24.01%
Neither important or unimportant	30	5.15%
Fairly unimportant	7	1.20%
Extremely unimportant	8	1.37%
Not Answered	8	1.37%

Drivers - Taxi drivers receive regular medical checks



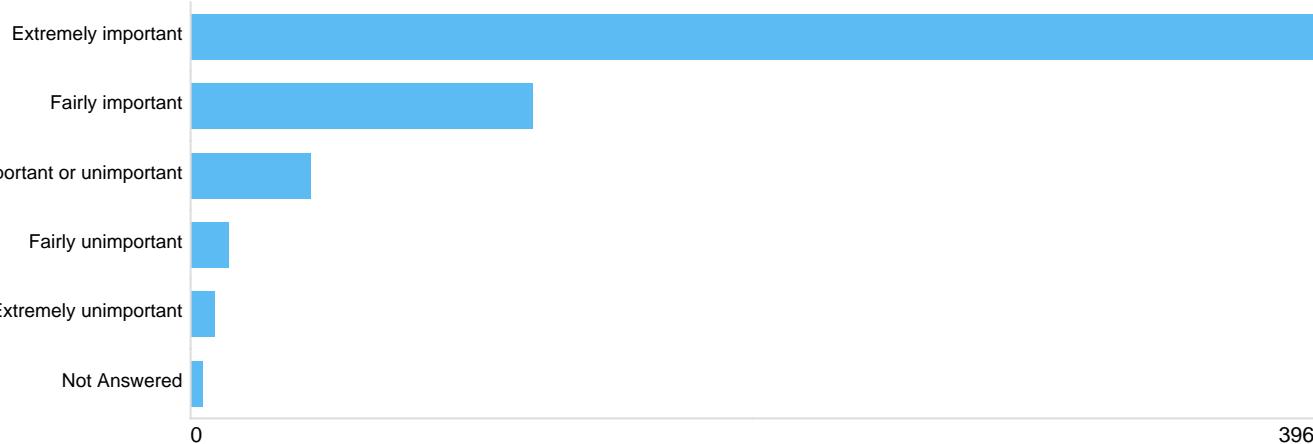
Option	Total	Percent
Extremely important	278	47.68%
Fairly important	192	32.93%
Neither important or unimportant	76	13.04%
Fairly unimportant	21	3.60%
Extremely unimportant	9	1.54%
Not Answered	7	1.20%

Drivers - Older taxi drivers receive medical checks more often



Option	Total	Percent
Extremely important	240	41.17%
Fairly important	210	36.02%
Neither important or unimportant	84	14.41%
Fairly unimportant	25	4.29%
Extremely unimportant	16	2.74%
Not Answered	8	1.37%

Drivers - The Council undertakes drug and alcohol tests on drivers where appropriate



Option	Total	Percent
Extremely important	396	67.92%
Fairly important	120	20.58%
Neither important or unimportant	42	7.20%
Fairly unimportant	13	2.23%
Extremely unimportant	8	1.37%
Not Answered	4	0.69%

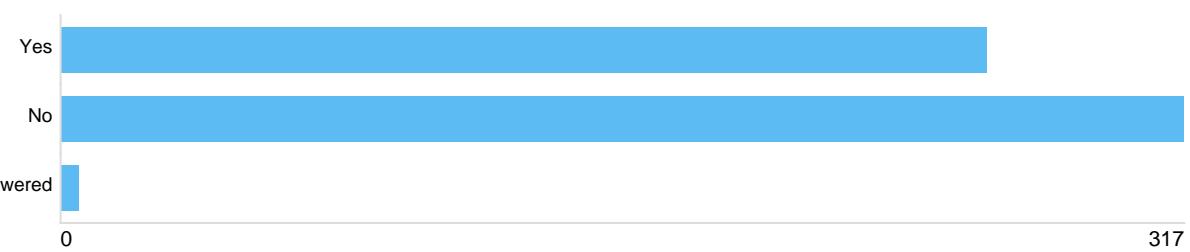
Question 11: Do you have any other comments about taxi drivers?

Comments drivers

There were 178 responses to this part of the question.

Question 12: Do you use taxi ranks?

Taxi rank use



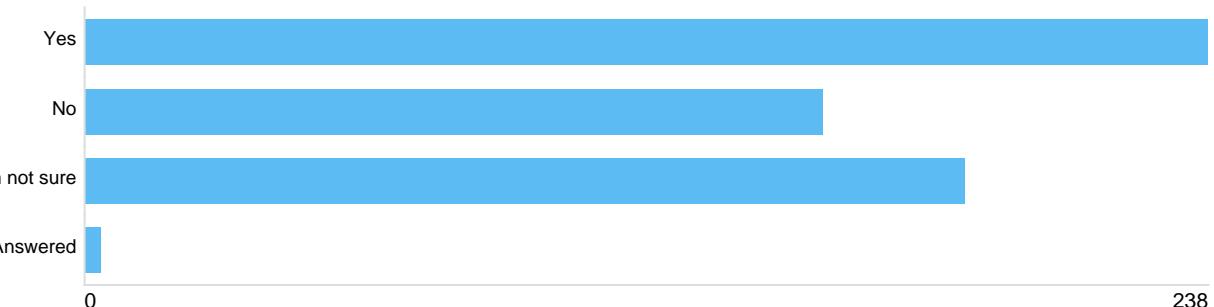
Question 13: If there are any locations where you would use a taxi rank that doesn't have one at the moment, please provide details.

Taxi rank locations

There were 119 responses to this part of the question.

Question 14: Do you think we should keep these separate taxi operating zones?

Zones



Question 15: Please explain why you gave that last answer.

Zone answer reasons

There were 351 responses to this part of the question.

Question 16: Do you have any other comments about taxi licensing or how taxis operate in Buckinghamshire?

Additional comments

There were 243 responses to this part of the question.

Page number	Amended Wording	Change	Reason
4, 5, 14, 20, 23	From the <u>date of the implementation of this policy 1st April 2021</u>	Removal of reference to 1 st April 2021 implementation date throughout policy	Likely change in implementation date of policy
5	We will keep this policy under review at least every five years in line with the Statutory Taxi and Private Hire Vehicle Standards to ensure that it remains up-to-date. We may make minor amendments to this policy, with the agreement of the Chairman of the Licensing Committee, Cabinet Member for Regulatory Services and the Head of Service, as set out in the <u>Council's constitution</u> .	Inclusion of Cabinet Member in decision making for minor amendments	Deemed appropriate
7	Driving licence Full UK driving licence issued by DVLA, Northern Ireland driving licence, EEA driving licence or exchangeable driving licence as defined in section 108 of the Road Traffic Act 1988 <u>or as amended by any subsequent legislation.</u>	Addition of alternative legislative provisions	Likely changes in law due to Brexit
10	4. Provide your original DVLA driving licence. You must have held a full DVLA or EU licence <u>(or equivalent requirement after 01 January 2021)</u> for at least 3 years (see 3.2 below).		
9	1. For those not holding a <u>UK or EU</u> passport, evidence will need to be provided of the applicant's continued right to work in the United Kingdom, which will include a relevant visa or letter from the appropriate Embassy / Authority.	Changes in right to work in the UK	Changes in law due to Brexit

10	You will need to apply for an Enhanced Disclosure and Barring Service (DBS) Certificate (including checks on the adult and children barred lists) and register with the DBS Update Service. If you have already subscribed to the service you will have to provide a copy of your most recent Disclosure Certificate. Details on how to apply for a new Certificate will be sent to you once we have received your application.	Removal of final sentence	No longer relevant due to changes in application processes
12	Before you can drive a wheelchair accessible vehicle (WAV) you will also need have to have successfully passed a Council approved course specifically designed for this type of vehicle in addition to undertaking the mandatory disability awareness training pass an additional practical test for this type of vehicle with the driving test provider. This can either be taken at the same time as your practical driving test or separately.	Amended working in relation to training and testing for WAV's	Considered more appropriate further to discussion with Client Services
14	Existing drivers who have not previously taken this assessment will be required to take and pass it. From 1st April 2021 ^{12 months after the date of the implementation of this policy} , if you have not passed the assessment criteria the Council is unlikely to renew your licence until you have done so.	Amendment to timescale within which existing drivers must pass English language test.	Likely change to policy implementation date
18	(b) Proprietors of vehicles which have been modified from an original type approval specification must additionally provide proof of type conformity by way of successful completion of a voluntary Individual Vehicle Approval (IVA) test to M1 standards at a Driver and Vehicle Standards Agency (DVSA) Vehicle and Operator Services Agency (VOSA) testing station, following completion of the modification and with any additional equipment (e.g. wheelchair access/restraints) in	Updated government department name	VOSA no longer exists

	place. In such cases, the original vehicle, prior to modification, must be of M1 EWVTA Approval.		
18	<p>1. it has four road wheels and a suitable means of repair if one or more of the tyres fail;</p> <p>• from 1st April 2023, it has an approved and functioning CCTV system fitted which complies with the Council's CCTV Policy for Licensed Vehicles (at Appendix (8);</p> <p>2. the number plates comply with any relevant DVLA regulations;</p>	Removal of reference to mandated CCTV	Policy change further to consultation
19, 53	A minimum of 75% light must be transmitted through the front windscreen, 70% light is transmitted through any front passenger windows and a minimum of 60% light through all other glass <u>(with the exception of rear quarter lights)</u> . Approved executive vehicles are exempted from this requirement.	Exclusion of rear quarter lights for tint policy	Policy change further to consultation
20	Any application for a new hackney carriage vehicle licence (not covered by grandfather rights referred to above) will only be considered if the vehicle is wheelchair accessible and meets the <u>following</u> requirements below and <u>those set out in the Wheelchair Accessible Vehicles Specification document which is available here</u> :	Inclusion of reference to WAV specification	To be produced further to consultation with the trade
20	Any vehicle, before it can be considered to be licensed as a Wheelchair Accessible Vehicle, must have either European Community Whole Vehicle Type Approval (ECWVTA) <u>(or UK equivalent after 01 January 2021)</u> , or Individual Vehicle Type Approval.	Inclusion of possible alternative legislation	Likely changes due to Brexit

20	Any driver of a licensed wheelchair accessible vehicle must have successfully passed a <u>Council</u> approved <u>coursetest</u> specifically designed for this type of vehicle in addition to undertaking the mandatory disability awareness training. Any existing licensed drivers who drive wheelchair accessible vehicles and who have not taken this <u>coursetest</u> will be required to provide a <u>coursetest pass</u> certificate within <u>182</u> months of the date that this policy comes into force.	Amended requirements in relation to WAV training	Policy change further to consultation and discussion with Client Transport
20	In line with the Council's emissions policy, vehicles which produce ultra-low <u>(ULEV)</u> or zero emissions will also be licensed until they are fifteen years old. A <u>ULEV is currently defined as having less than 75 grams of CO₂ per kilometre (g/km) from the tail pipe.</u>	Inclusion of definition of Ultra Low Emission Vehicles	Clarity
23	The European Union has introduced stricter limits on pollutant emissions from light road vehicles, particularly for emissions of nitrogen oxides and particulates. In order to limit pollution caused by road vehicles, this Regulation introduces common requirements for emissions from motor vehicles and their specific replacement parts (Euro 5 and Euro 6 standards <u>or UK equivalent after 01 January 2021</u>).	Inclusion of possible alternative legislation	Likely changes due to Brexit
24	In order to encourage a greater uptake of ultra-low emission (ULEV) and electric vehicles within the taxi trade, however, zero emissions vehicles will be licensed for a period of up to 15 years of age as opposed to the standard period of up to 10 years of age referred to above. <u>A ULEV is currently defined as having less than 75 grams of CO₂ per kilometre (g/km) from the tail pipe.</u>	Inclusion of definition of Ultra Low Emission Vehicles	Clarity

23 /24	<p>Vehicles first registered since January 2011 must meet or exceed Euro 5 emission standards. From the implementation of this policy, licences will not be renewed in respect of any licensed vehicle that was first registered more than 10 years prior to the date of renewal. This applies to the renewal of licences only. All such vehicles will therefore meet Euro 5 standards.</p> <p><u>This requirement does not apply to any existing licensed vehicles which are subject to "grandfather rights" in relation to the vehicle age policy.</u></p> <p>In order to encourage a greater uptake of ultra-low emission (ULEV) and electric vehicles within the taxi trade, however, zero emissions vehicles will be licensed for a period of up to 15 years of age as opposed to the standard period of up to 10 years of age referred to above. A ULEV is currently defined as having less than 75 grams of CO₂ per kilometre (g/km) from the tail pipe.</p>	<p>Inclusion of "grandfather rights" for existing vehicles in relation to the emissions policy</p>	Clarification
40	<ul style="list-style-type: none"> • not drink, eat or play audio equipment in the vehicle without the permission of the passenger(s); • use a mobile telephone at any time whilst driving or in control of a licensed vehicle, <u>unless it is being used as a satellite navigation system and the use complies with all road traffic legislation and Highway Code requirements..</u> • not cause an obstruction on the highway or any pavement 	<p>Inclusion of reference to Sat Nav systems in private hire driver conditions</p>	Clarification further to consultation

	or block any entrance;		
47	<ul style="list-style-type: none"> • not drink, eat or play audio equipment in the vehicle without the permission of the passenger(s); • use a mobile telephone at any time whilst driving or in control of a licensed vehicle, <u>unless it is being used as a satellite navigation system and the use complies with all road traffic legislation and Highway Code requirements..</u> • not cause an obstruction on the highway or any pavement or block any entrance; 	Inclusion of reference to Sat Nav systems in hackney carriage drivers code of conduct	Clarification further to consultation
53	<ul style="list-style-type: none"> • Any protective screen within the vehicle must have been installed in line with the Council's guidelines and be approved by the Licensing Section or an authorised garage prior to use. • <u>The vehicle odometer must not be altered in any way or replaced without the prior written consent of the licensing authority</u> • The glass in the vehicle must not be replaced with glass that is different from the glass fitted when the vehicle was inspected by an approved testing station. Self-adhesive material (tinted or clear) must not be fixed to any part of the glass. 	Addition to hackney carriage and private hire vehicle licence conditions	Further to consultation

91	<p>(iii) Formal warning – written notice where a breach of licence conditions and/or byelaw has been identified and which will be retained on file.</p> <p>(iv) Final warning – written notice where a breach of licence conditions and/or byelaw has been identified and further breach of which is likely to result in suspension or revocation of the licence.</p> <p><u>(v) Imposition of penalty points under the Council's Penalty Points Policy (see Appendix 5).</u></p>	<p>Removal of reference to byelaws</p> <p>Reference to Penalty Points Policy</p>	<p>No longer relevant</p> <p>Clarification</p>	
94	<p>The council recognises that Electronic Surveillance Technology (which includes CCTV) can help provide a safer environment for the benefit of both the driver and passenger.</p> <p>The Council does not currently require CCTV to be installed in licensed vehicles but, if you decide to install CCTV in your licensed vehicle, please let us know as we will keep a record of all vehicles with CCTV and ask that you provide details of the system you intend to install. The council does not specify conditions, recommend any particular system or contribute to the cost of the system.</p> <p>If you install CCTV into your vehicle, you must register with the Information Commissioners Office (ICO) as a “data controller”. There is a fee to pay to register with the ICO. Anybody registered with the ICO as a data controller must ensure that they are aware of their responsibilities under data protection legislation, including the General Data Protection Regulation (GDPR). The legislation means that you, as a data controller, must have a record of any data</p>	<p>Removal of CCTV conditions and replaced with guidance</p>	<p>Policy change further to consultation</p>	

<p>processing activities, a specific purpose for collecting and processing data and adequate signage. Anyone, including passengers and other drivers, who is captured by your CCTV becomes a “data subject” and any identifiable imagery is considered to be personal data. The CCTV signage in your vehicle acts as informed consent from your passenger that they agree to their personal data being collected, so you must ensure your signage reflects this. The Surveillance Camera Commissioner (SCC) is an excellent source of information for those considering installing CCTV and their free resources include best practice, signage and general guidance, as well as tools and templates. Before you install CCTV you should visit both the SCC and ICO websites.</p> <p>GDPR acknowledges that CCTV in taxis is important for securing driver and passenger safety and looks to ensure that the data collected is dealt with in an appropriate way. It is important that you understand that you are responsible for any personal data you collect or process. If you do not have good data protection practices in place you may liable to a substantial fine.</p> <p>For further information contact the Surveillance Camera Commissioner <u>https://www.gov.uk/government/organisations/surveillance-camera-commissioner</u>, the Information Commissioner’s Office <u>https://ico.org.uk/</u>, your CCTV supplier or seek your own legal advice.</p>		
--	--	--



Equality Impact Assessment (EqIA) Screening Template

EqIA – Full Equality Impact Assessment

Step 1: Introduction

Policy or Service to be assessed: Taxi and Private Hire Licensing Policy

Service and lead officer: Licensing Service, Lindsey Vallis, Transition Head of Licensing, Cemeteries & Crematoria

Officers involved in the EqIA: Simon Gallacher, Principal Licensing Officer, Aylesbury area, Caroline Steven, Licensing Team Leader, Wycombe and Chiltern and South Bucks area.

What are you impact assessing?

- Existing
- New/proposed
- Changing/Update revision

Other, please list:

-
-

Step 2: Scoping – what are you assessing?

What is the title of your service/strategy/policy/project?

Buckinghamshire Council Taxi and Private Hire Licensing Policy

What is the aim of your service/strategy/policy/project?

The Council's taxi and private hire licensing policy is an important document that demonstrates the Council's commitment to securing public safety, provides clarity for applicants and licence holders, assists decision making, facilitates enforcement activities and helps safeguard against legal challenge. The creation of Buckinghamshire Council presents an opportunity to create a new policy that incorporates the new statutory taxi and private hire vehicle standards, promotes the highest possible standards to secure public safety, supports the Council's key priorities of protecting the vulnerable and improving the environment and promotes the local economy. A new policy has been prepared with a view to adoption and implementation in 2021.

The purpose of licensing private hire and hackney carriage (taxi) operations is to ensure that the travelling public are provided with a safe and accessible means of transport. Public safety should always be the primary consideration when making licence decisions concerning the licensing of drivers, vehicles and operators. The Council's taxi and private hire licensing policy plays an integral part in both securing and demonstrating the Council's commitment to this important objective.

The creation of Buckinghamshire Council has brought together four separate licensing authorities, each formerly designated to administer the licensing arrangements in respect of private hire and hackney carriage operations. To support this licensing function, each former District adopted distinct policies, procedures, fee structures, conditions and Byelaws.



Equality Impact Assessment (EqIA) Screening Template

Legal advice provided prior to vesting day, confirmed that in accordance with the provisions of the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 (SI 2008/2867) ("the 2008 Regulations"), while licensing functions are now administered by Buckinghamshire Council, the functions and systems of the former District Councils continue to apply to the respective geographic areas of the former Councils. As a consequence, until such time as the new Council exercises its discretion to amalgamate these areas, the local licensing arrangements will continue to apply in the geographic areas of the former Districts.

Legal opinion further confirmed that Buckinghamshire Council was not required to have new unified policies in place to cover its geographical area immediately for vesting day. However, it is clearly desirable that Buckinghamshire Council moves to align policies and procedures in respect of taxi and private hire licensing matters. It is important that decision making is consistent and drivers, vehicles and operators are held to the same standards across the Council area and, as far as possible, that they are subject to the same fee and tariff levels.

Who does/will it have an impact on? E.g. public, visitors, staff, members, partners?

The purpose of licensing private hire and hackney carriage (taxi) operations is to ensure that the travelling public are provided with a safe and accessible means of transport. Public safety should always be the primary consideration when making licence decisions concerning the licensing of drivers, vehicles and operators. The Council's taxi and private hire licensing policy plays an integral part in both securing and demonstrating the Council's commitment to this important objective. Taxis provide a source of transport to a wide range of residents including vulnerable adults and children as well as disabled people. The new Policy will impact the travelling public and the existing taxi licensing trade. Staff working within the Licensing Service will need training on the new policy requirements and associated back office processes at the point of implementation to ensure that it is applied consistently.

Will there be an impact on any other functions, services or policies? If so, please provide more detail

The Policy has been benchmarked against the Council's developing Climate Change & Air Quality Strategy. Environmental aspirations are reflected within the taxi and private hire licensing policy in relation to the reduction of vehicle emissions and the development of a less environmentally polluting taxi fleet over time.

Are there any potential barriers to implementing changes to your service/strategy/policy/project?

Taxi and private hire licensing is governed by statute and some Policy changes are the result of statutory requirements which means that there is limited opportunity for change in these areas. Policy changes generally require public consultation. The Licensing Committee agreed that the draft Policy should go out for public consultation on the 9th November 2020. Consultation feedback has been considered and incorporated where prior to the Licensing Committee making a decision as to whether to recommend adoption of the Policy to Full Council.

Step 3: Information gathering – what do you need to know about your customers and making a judgement about impacts



Equality Impact Assessment (EqIA) Screening Template

What data do you already have about your service users, or the people your policy or strategy will have an impact on, that is broken down by equality strand?

Age/Disability:

Any decision on the retention or removal of hackney carriage zones will likely influence the provision of wheelchair accessible vehicles (WAVs) for the travelling public. The legacy district areas currently have different requirements in relation to vehicle specifications and wheelchair accessible vehicles:

Current vehicle specification:

Vehicle type	Aylesbury	Wycombe	Chiltern	South Bucks
Hackney Carriage	Purpose built (black or white 'London cab' type or similar), all must be WAVs	Saloon car, hatchback car or other suitable vehicle. All new licensed vehicles must be WAVs	Saloon car, hatchback car or other suitable vehicle. All new licensed vehicles must be WAVs	Saloon car, hatchback car or other suitable vehicle. All new licensed vehicles must be WAVs

Current wheelchair accessible vehicles by type:

% or vehicles that are WAVS	Aylesbury	Wycombe	Chiltern	South Bucks
Hackney Carriage	100%	48.3%	1.4%	1.2%
Private Hire Vehicle	4.4%	6.7%	1.4%	1.25%

In England in 2019, 16% of all licensed vehicles were wheelchair accessible. 58% of all hackney carriages were wheelchair accessible while 2% of private hire vehicles were wheelchair accessible.

In Buckinghamshire in 2019 7.2 % of all licensed vehicles were wheelchair accessible 24.7% of all hackney carriages were wheelchair accessible and 4.5% of private hire vehicles were wheelchair accessible.

As a benchmark, according to the Disabled Persons Transport Advisory Committee (DPTAC), a proportion of less than 25% WAVs within the fleet would be unlikely to meet the necessary levels of service. A mixed fleet of WAVs and other vehicle types is most likely to meet the needs of disabled passengers.

The Policy also contains a section on the approach on licensed vehicles transporting assistance dogs.

Race:



Equality Impact Assessment (EqIA) Screening Template

Nationally those from BAME backgrounds make up a large percentage of the total number of taxi drivers with those from White and Asian/Asian British, making up 42% and 40% of drivers respectively in 2018/19 (Taxi and Private Hire Vehicle Statistics 2019: England). 25% of taxi drivers working in England in 2018/19 were non-UK nationals. These trends are likely to be broadly reflected within the Buckinghamshire Council area taxi trade. In 2016 BAME people made up 14% of the working age population and people from BAME backgrounds are disproportionately represented within the taxi trade when compared to this figure. Government statistics (Ethnicity facts and figures Gov.uk) show that those from Asian backgrounds are more likely to be employed in the distribution, hotels and restaurants sectors and that people living in Asian (or Other) ethnic group households are most likely to be living in persistent low income (less than 60% of the UK's median average income for 3 out of 4 years, this was £28k for a couple with no children in 2016-17). The median annual earnings in the UK in April 2019 for taxi and cab drivers and chauffeurs was £21,167 per annum (ONS: Employee earnings in the UK:2019).

The implementation of the new Policy will require a review of the fees and charges for the taxi licensing service and existing fees will likely change as a result of the additional requirements placed on the Service by the new statutory taxi and private hire vehicle standards and by other Policy changes. Changes made within the Policy that increase the work required within Licensing Services will be reflected in the licensing fees charged to the trade and could result in increases in the fees charged for some services. However, this must be balanced alongside the overriding Policy objective of protecting public safety. Case law judgments indicate that Licensing Committee's should not take financial considerations into account when reaching taxi licence decisions and that the over-riding objective must be public safety. This is of relevance here and means that whilst the Council may be mindful of fee impacts on the taxi trade, this cannot take precedence in decision making.

It is not currently possible to provide an indication of the financial impact that these policy changes may have on the taxi trade ahead of the approval and adoption of the Policy but this should be kept under review as the decision making process continues. Most changes to taxi licensing fees and charges also require public consultation and as such any proposed changes to the existing charging structures will be presented to Licensing (Regulatory) Committee to review ahead of a further public consultation process. It is proposed that this separate report will come forward subsequent to the approval process for the Policy itself.

It is currently proposed that some of the Policy changes are delayed to enable the existing licensed trade to plan and prepare for them. This recognises the need to balance the possible cumulative financial impacts on the taxi trade as well as the need to promote the highest possible standards to secure public safety, including through the incorporation of the new statutory taxi and private hire vehicle standards into the Policy. A key area where changes are proposed that may result in financial impacts on the existing licensed trade is vehicle age limits and an emissions policy. The Policy states the intention to delay the implement of these changes for the existing licensed taxi trade enabling them an opportunity to plan and prepare for a change in fleet (where necessary).

Once the new Policy is adopted a single maximum hackney carriage tariff will be set for the Buckinghamshire Council area. Currently the tariffs vary across the legacy district council areas and the tariffs in the Aylesbury area are some of the lowest in England. The setting of a single maximum tariff should provide greater uniformity and parity for the travelling public and may also be beneficial



Equality Impact Assessment (EqIA) Screening Template

to some members of the existing hackney carriage trade where tariffs are currently lower than other areas.

A percentage of those working within the taxi trade as drivers speak English as a second language. Consultation responses indicate that 60% of hackney carriage and private hire drivers do not have English as their first language. All licensed taxi and private hire drivers are expected to be able to speak, understand and read English, so that they can communicate freely and clearly with passengers and officials, including in stressful and emergency situations. Drivers also need to be able to follow instructions or directions from passengers and be able to identify and report situations where there may be safeguarding concerns about a passenger.

From July 2020 this is also a requirement within the new DFT taxi and private hire vehicle standards. The Policy requires that drivers must undertake and assessment of their English language communication skills. Whilst the legacy district policies have previously required a good standard of English language, this has been assessed in different ways and with different levels of rigour. The Policy proposes the implementation of a single test with a consistent pass mark and requires that all drivers must pass the test. Existing drivers who have not previously taken this assessment will be required to take and pass it within 12 months from the date of implementation of the Policy. If they have not passed the assessment criteria by this date (or provided evidence of a suitable alternative qualification), the Council will not be able to renew their licence until they have done so. The delayed implementation of this requirement is designed to give the existing taxi trade time to plan and prepare for this change and to enable them to access English language support and training where required. Applicants that do not meet the required pass mark will be signposted to the Council's ESOL adult learning provision.

Rural isolation

Taxis play a role in the provision of transport for those living in rural and semi-rural areas of Buckinghamshire where access to public transport service provision can be poor. The Policy recommendation is to remove existing legacy district council area hackney carriage and private hire zones enabling taxi and private hire vehicles to operate freely across the Buckinghamshire Council area. This may positively increase provision and the availability of taxis for these areas, or may not impact it at all. It is not considered that this will create a negative impact.

Gender re-assignment: N/A

Religion or belief: N/A

Sex: N/A

Sexual orientation: N/A

Pregnancy and maternity: N/A

Marriage & Civil Partnership: N/A

Do you need any further information broken down by equality strand to inform this EqIA?

Yes



Equality Impact Assessment (EqIA) Screening Template

No

If yes, list here with actions to help you gather data for the improvement plan in Step 5

Is there any potential for direct or indirect discrimination?

Yes
 No

If yes, please provide more detail on how you will monitor/overcome this

Conclusion:

There is the potential for the implementation of the Policy, if adopted as currently proposed, to disproportionately affect some groups.

Nationally the taxi trade are disproportionately from BAME backgrounds and likely to be on lower incomes. The implementation of the new Policy will require a review of the fees and charges (as well as tariffs) for the taxi licensing service and existing fees will likely change as a result of the additional requirements placed on the Service by the new statutory taxi and private hire vehicle standards and by other Policy changes. However, any possible financial impacts must be balanced alongside the overriding Policy objective of protecting public safety. Case law judgements indicate that Licensing Committees should not take financial considerations into account when reaching taxi licence decisions and that the over-riding objective must be public safety. This is of relevance here and means that whilst the Council may be mindful of financial impacts on the taxi trade, this cannot take precedence in decision making.

Changes proposed may affect disabled passengers as a decision on the retention or removal of hackney carriage zones will likely influence the provision of wheelchair accessible vehicles (WAVs) for the travelling public. This may be advantageous in some legacy areas where provision has been historically low but this will be dependent on market forces, following removal of the existing zones, and will need to be kept under review to determine whether further Policy intervention may be required in the future.

The Taxi and Private Hire Licensing Policy has not been finalised and the policy is currently progressing through the Council's decision making process. The EqIA position will continue to be reviewed and updated at regular intervals as the Policy progresses through the review and decision making process.



Equality Impact Assessment (EqIA) Screening Template

Step 4: Improvement plan – what are you going to change?

Issue	Action	Performance target (what difference will it make)	Lead Officer	Achieved
English language testing	Delayed implementation date and ESOL provision available	Provide existing drivers with time to prepare for change in requirements and to seek support and learning aids if needed	Lindsey Vallis	Recommended in final draft Policy
Provision of WAVs across legacy district areas	Removal of hackney carriage zones	Hackney carriage WAVs able to travel and work across the whole Buckinghamshire Council area should enable better provision in some areas	Lindsey Vallis	Recommended in final draft Policy
Introduction of new vehicle age limits, emission policy	Delayed implementation dates	Enable the existing taxi trade to plan and prepare for changes to fleet	Lindsey Vallis	Recommended in final draft Policy
Differing levels of hackney carriage tariffs between legacy district areas	Review and reset of hackney carriage tariffs	Parity and consistency for the taxi trade and the travelling public. Increase earning potential in some areas where tariffs are currently very low	Lindsey Vallis	Will come forward separately to Committee for decision to consult following approval of new Policy

EqIA approved by: Martin Dickman

Date: 25th January 2021

Next review date: 12th February 2021

This page is intentionally left blank