



Corporate Support Centre
Paul Walker - Chief Executive

To: All members of the Council

our ref: Council - 9 December 2022
contact: Matthew Evans, Democratic Services
telephone: 01432 383690
email: matthew.evans@herefordshire.gov.uk

1 December 2022

Dear Councillor,

You are hereby summoned to attend the meeting of the Herefordshire Council to be held on **Friday 9 December 2022** at the Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE at **10.00 am** at which the business set out in the attached agenda is proposed to be transacted.

Yours sincerely
Claire Porter

A handwritten signature in black ink, appearing to read "Claire Porter".

Monitoring Officer



AGENDA

Council

Date: **Friday 9 December 2022**

Time: **10.00 am**

Place: **Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE**

Notes: Please note the time, date and venue of the meeting. Please access the following link for the live webcast of the meeting:

[Council - Friday 9 December 2022 10.00 am - YouTube](#)

For any further information please contact:

Matthew Evans, Democratic Services

Tel: 01432 383690

Email: matthew.evans@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Matthew Evans, Democratic Services on 01432 383690 or e-mail matthew.evans@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Council

Membership

Chairman	Councillor Sebastian Bowen
Vice-Chairman	Councillor Kema Guthrie
	Councillor Graham Andrews
	Councillor Polly Andrews
	Councillor Chris Bartrum
	Councillor Dave Boulter
	Councillor Ellie Chowns
	Councillor Clare Davies
	Councillor Barry Durkin
	Councillor Elizabeth Foxton
	Councillor John Hardwick
	Councillor Liz Harvey
	Councillor Kath Hey
	Councillor Phillip Howells
	Councillor Terry James
	Councillor Tony Johnson
	Councillor Mike Jones
	Councillor Jonathan Lester
	Councillor Bob Matthews
	Councillor Jeremy Milln
	Councillor Roger Phillips
	Councillor Ann-Marie Probert
	Councillor Nigel Shaw
	Councillor John Stone
	Councillor Elissa Swinglehurst
	Councillor Kevin Tillett
	Councillor Ange Tyler
	Councillor William Wilding
	Councillor Paul Andrews
	Councillor Jenny Bartlett
	Councillor Christy Bolderson
	Councillor Tracy Bowes
	Councillor Pauline Crockett
	Councillor Gemma Davies
	Councillor Toni Fagan
	Councillor Carole Gandy
	Councillor John Harrington
	Councillor Jennie Hewitt
	Councillor David Hitchiner
	Councillor Helen I'Anson
	Councillor Peter Jinman
	Councillor Graham Jones
	Councillor Jim Kenyon
	Councillor Trish Marsh
	Councillor Mark Millmore
	Councillor Felicity Norman
	Councillor Tim Price
	Councillor Paul Rone
	Councillor Louis Stark
	Councillor David Summers
	Councillor Paul Symonds
	Councillor Diana Toynbee
	Councillor Yolande Watson

Agenda

	Pages
	<i>(The meeting will be preceded by thought for the day.)</i>
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive declarations of interest in respect of Schedule 1, Schedule 2 or Other Interests from members in respect of items on the agenda.	
3. MINUTES	11 - 18
To approve and sign the Minutes of the meeting held on 21 October 2022.	
4. CHAIRMAN AND CHIEF EXECUTIVE'S ANNOUNCEMENTS	19 - 24
To receive the Chairman and Chief Executive's announcements.	
How to submit questions	
<i>The deadline for submission of questions for this meeting is:</i>	
<i>9:30 a.m. on Tuesday 6 December 2022.</i>	
<i>Questions must be submitted to councillorservices@herefordshire.gov.uk. Questions sent to any other address may not be accepted.</i>	
<i>Accepted questions and the response to them will be published as a supplement to the agenda papers prior to the meeting. Further information and guidance is available at https://www.herefordshire.gov.uk/getinvolved</i>	
5. QUESTIONS FROM MEMBERS OF THE PUBLIC	
To receive questions from members of the public.	
6. QUESTIONS FROM MEMBERS OF THE COUNCIL	
To receive questions from members of the Council.	
7. REVIEW OF TAXI AND PRIVATE HIRE POLICY	25 - 274
To approve the reviewed and amended Taxi and Private Hire Policy 2022 - 2027.	
8. POLLING STATION REVIEW	275 - 288
To approve the addition of new polling stations.	
9. BYELAWS IN RELATION TO SKINS	289 - 298
To approve and introduce new byelaws in relation to skins.	
10. LEADER'S REPORT TO COUNCIL	299 - 322
To receive a report from the leader on the activities of the executive (cabinet) since the meeting of Council on 21 October 2022.	
11. NOTICES OF MOTION UNDER STANDING ORDERS	323 - 338
To consider Notices of Motion.	

The Seven Principles of Public Life

(Nolan Principles)

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

The Public's Rights to Information and Attendance at Meetings

In view of the continued prevalence of covid-19, we have introduced changes to our usual procedures for accessing public meetings. These will help to keep our councillors, staff and members of the public safe.

Please take time to read the latest guidance on the council website by following the link at www.herefordshire.gov.uk/meetings and support us in promoting a safe environment for everyone. If you have any queries please contact the Governance Support Team on 01432 261699 or at governancesupportteam@herefordshire.gov.uk

We will review and update this guidance in line with Government advice. Thank you very much for your help in keeping Herefordshire Council meetings a safe space.

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Recording of meetings

Please note that filming, photography and recording of this meeting is permitted provided that it does not disrupt the business of the meeting.

Members of the public are advised that if you do not wish to be filmed or photographed you should let the governance services team know before the meeting starts so that anyone who intends filming or photographing the meeting can be made aware.

The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

The council may make an official recording of this public meeting or stream it live to the council's website. Such recordings form part of the public record of the meeting and are made available for members of the public via the council's web-site.

Public transport links

The Herefordshire Council office at Plough Lane is located off Whitecross Road in Hereford, approximately 1 kilometre from the City Bus Station. The location of the office and details of city bus services can be viewed at:

<http://www.herefordshire.gov.uk/downloads/file/1597/hereford-city-bus-map-local-services>,



Minutes of the meeting of Council held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Friday 21 October 2022 at 10.00 am

Present: Councillor Sebastian Bowen (chairperson)
Councillor Kema Guthrie (vice-chairperson)

Councillors: Paul Andrews, Jenny Bartlett, Chris Bartrum, Christy Bolderson, Dave Boulter, Ellie Chowns, Clare Davies, Gemma Davies, Barry Durkin, Elizabeth Foxton, Carole Gandy, John Hardwick, John Harrington, Liz Harvey, Jennie Hewitt, Phillip Howells, Helen I'Anson, Terry James, Tony Johnson, Graham Jones, Mike Jones, Jim Kenyon, Jonathan Lester, Trish Marsh, Bob Matthews, Mark Millmore, Felicity Norman, Roger Phillips, Tim Price, Ann-Marie Probert, Paul Rone, Nigel Shaw, Louis Stark, John Stone, David Summers, Elissa Swinglehurst, Paul Symonds, Kevin Tillett, Diana Toynbee, Ange Tyler, Yolande Watson and William Wilding

Officers: Chief Executive, Corporate Director - Economy and Environment*, Corporate Director - Community Wellbeing*, Solicitor to the Council, Director Resources and Assurance, Democratic Services Officer, and Senior Solicitor, Governance and Major Projects

*denotes virtual attendance.

28. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Graham Andrews, Polly Andrews, Bowes, Crockett, Fagan, Hey, Jinman, Hitchiner and Milln.

29. DECLARATIONS OF INTEREST

There were no declarations of interest.

30. MINUTES

RESOLVED: That the minutes of the ordinary meeting held on 29 July 2022 and the extraordinary meeting held on 30 September, subject to the updated appendix of public questions, be confirmed as a correct record and signed by the Chairman.

31. CHAIRMAN AND CHIEF EXECUTIVE'S ANNOUNCEMENTS

Council noted the Chairman and Chief Executive's announcements as printed in the agenda papers.

32. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 5 - 8)

A copy of the public questions and written answers, together with supplementary questions asked at the meeting and their answers, is attached to the Minutes at Appendix 1.

33. QUESTIONS FROM MEMBERS OF THE COUNCIL

There were no questions from members of the Council.

34. APPOINTMENTS TO COUNCIL COMMITTEES AND OUTSIDE BODIES

Council considered a report by the Director of Governance and Law to make appointments to the committees of the Council and outside bodies in line with the rules of political proportionality.

Councillor Sebastian Bowen proposed the recommendations in the report. Councillor Liz Harvey seconded the recommendations in the report.

The recommendations in the report were put to the vote and were carried by a simple majority.

RESOLVED: That:

- a) the allocation of seats on each committee to political groups as set out at paragraph 8 be approved; and
- b) the number of seats on the scrutiny management board and the allocation of those seats to political groups as set out at paragraph 9 be approved.

35. LEADER'S REPORT

Council received and noted the Leader's Report which provided an update on the work of the cabinet since the previous ordinary meeting of Council on 29 July 2022. The Deputy Leader presented the report to Council.

Council questioned the Deputy Leader and the following actions were raised:

- To investigate whether there is an organisation to which the winter fuel allowance could be donated for distribution to people struggling with energy costs. If there was no such organisation the feasibility of the council establishing such a body was queried.
- To investigate the claim that 10% of the social housing stock in Herefordshire was proposed for disposal.
- To update members once the Luston wetlands site was functional.
- To provide a written response providing detail of the current position of the phosphate credit trading scheme.
- It was proposed that joint scrutiny, with other local authorities, of the Cabinet Commission – restoring the River Wye catchment – occurs.
- To provide a written response providing detail of the specific number of subsidised properties, listed as 'Ready for Service', under the Gigaclear scheme and a list of the communities in which future builds were planned and the timescales for those builds.
- To provide detail of the roll-out of the Fastershire programme in the Golden Valley North electoral division.
- To provide a written response concerning the Gigaclear grant and whether it will be rolled forward into the next financial year.
- To provide a written response with details of the conditions for the dispersal of the rural prosperity fund and what it would be used to support e.g. small business, villages halls.
- To provide a written response on why capital receipt reserves had been used in preference to prudential borrowing to fund the Maylords Centre.

- To provide a statement on the outcome of the review of the number of fabricated or induced illness (FII) cases in Herefordshire.
- Regarding the absence of a mention of ‘signs of safety’ from the delivery plan, to update members if there was to be any change to the use of the single practice approach used in Herefordshire.
- To provide a written response to answer questions regarding the process that is followed by the Council (to meet its responsibilities to safeguarding children) in cases of peer on peer abuse where there is no police involvement.
- Regarding the eastern river crossing, to provide an update to all members on the commissioning of the second stage, strategic outline business case.
- To provide an update to all members on progress to clear the traffic regulation order (TRO) backlog.
- To look into the cost of school transport of pupils from Hereford and Credenhill to Weobley High School.
- To provide a written response detailing the stability of the households and placements in which Ukrainian refugees have been accommodated.
- To provide a briefing note to members regarding funding available to support the housing of Ukrainian refugees and co-ordination with third sector organisations.
- To raise with the Cost of Living Commission the importance of undertaking an holistic view of the support that was required by families affected by the cost of living crisis.

36. NOTICES OF MOTION UNDER STANDING ORDERS

Motion – Cost of living crisis and energy efficiency

Councillor Ellie Chowns proposed the motion.

Council debated the motion.

In summary there was wide support for the elements of the motion concerning energy efficiency, particularly support for the insulation of homes and new homes building standards. There was however division across the Council for the areas of motion which related to the future use of fossil fuels.

Councillor Yolande Watson seconded the motion.

Councillor Chowns closed the debate.

The motion was put to the recorded vote and was carried by a simple majority of Council.

FOR (24): Councillors Paul Andrews, Bartlett, Bartrum, Boulter, Chowns, Clare Davies, Gemma Davies, Harrington, Harvey, Hewitt, Howells, James, Marsh, Matthews, Norman, Price, Stark, Summers, Symonds, Tillett, Toynbee, Tyler, Watson and Wilding.

AGAINST (6): Councillors Johnson, Mike Jones, Kenyon, Lester, Rone and Shaw.

ABSTENTIONS (11): Councillors Bolderson, Bowen, Durkin, Foxton, Gandy, Guthrie, I'Anson, Graham Jones, Probert, Stone and Swinglehurst.

RESOLVED – That:

This council believes that:

- **Everyone has the right to a warm home that is affordable to heat;**

- Improving energy efficiency is central to tackling the energy crisis and cost of living crisis;
- Fossil fuels should be left in the ground, and investment in energy supply should instead be targeted at renewables
- All new homes and workplaces should be built to the highest possible energy efficiency standards.

This council notes that:

- Herefordshire Council unanimously declared a climate emergency on 8 March 2019.
- Buildings account for 23% of UK greenhouse gas emissions
- Herefordshire Council has made significant commitments to supporting energy efficiency for homes and businesses in the county, but needs far more support from central government
- Current UK government investment in energy efficiency is nowhere near the level required to address fuel poverty or meet our legally binding UK climate targets.

The council therefore calls on the executive to write to the Prime Minister and to the Herefordshire MPs to call for:

- Immediate further direct financial support to help people to manage the cost of living crisis, with most support provided to low income households;
- A fully funded nationwide action plan to insulate all homes and businesses as quickly as possible to improve energy efficiency and reduce bills;
- A commitment to keep fossil fuels in the ground, and to invest instead in developing the renewable energy technologies and businesses that are essential for our future energy security;
- Immediate introduction of significantly improved energy efficiency standards for new buildings.

Motion – Proportional Representation

Councillor Nigel Shaw proposed and Councillor Barry Durkin seconded a motion under section 4.1.92 of the constitution to adjourn the debate on the motion on notice concerning proportional representation to the next meeting of the Council. The motion to adjourn the debate was carried by a simple majority of Council.

It was requested that the monitoring officer circulate clarification regarding the relevance of the proportional representation motion to the functions of the Council ahead of the next meeting.

RESOLVED: That the debate on the proportional representation motion on notice be adjourned to the next meeting of the Council.

The meeting ended at 1.12 pm

Chairperson

Agenda item no. 5 - Questions from members of the public

Question Number	Questioner	Question	Question to
PQ 1	Ms Reid, Hereford	<p>I refer to Appendix 2 – Improvement Board Membership of the Children and Families Strategic Improvement Plan which was endorsed by the Cabinet at the 28 October 2021 meeting.</p> <ul style="list-style-type: none"> • Please provide a complete (eg if employed by Herefordshire Council), accurate (eg if “Interim” or not) and up-to-date version detailing the current membership of the Improvement Board. • Please provide a complete, accurate and up-to-date version of the “Structure Chart” and “Senior Leadership Team Details” or confirm that the most-recent version on the council’s webpage: <p>https://www.herefordshire.gov.uk/downloads/file/8213/senior-management-structure-and-contact-details-june-2022</p> <p>is complete, accurate and up-to-date including for the Children and Young People Directorate.</p> <p>If necessary, I suggest you update the council’s website with the up-to-date information as soon as possible.</p>	Cabinet member children and families

Response:

Please find attached (below) the membership details for the Improvement Board.

The website is in the process of being updated with an updated structure chart but will be available at [Senior management team – Herefordshire Council](#)

Role	Name	Designation	Comment
Chair	Gladys Rhodes White	Chair and DfE Improvement Advisor	
Note Taker:	Sarah Morris	Programme Coordinator, Corporate Services	Herefordshire Council Permanent
Board members:	Eleanor Brazil	Children's Commissioner, Children and Young People	
	Paul Walker	Chief Executive	Herefordshire Council Permanent
	Cllr Diana Toynbee	Cabinet Member, Children & Families	

	Cllr Philip Howells	Chairperson, Children and Young People's Scrutiny Committee	
	Cllr Jennie Hewitt	Vice-chairperson, Children and Young People's Scrutiny Committee	
	Cllr David Hitchiner	Leader to the Council	
	Darryl Freeman	Corporate Director, Children and Young People	Herefordshire Council Permanent
	John Bostock	Regional Advisor, Department for Education (DfE)	
	Alexandra Floyd	Head of Communications	Herefordshire Council Permanent
	Claire Porter	Director of Governance and Legal Services	Herefordshire Council Permanent
	Edd Williams	West Mercia Police	
	Kevin Crompton	Independent Scrutineer	
	Matt Pearce	Director of Public Health	Herefordshire Council Permanent
	Claire Burgess	Local Government Association	
Social Care	Gail Hancock	Service Director Improvement, Children and Young People	Herefordshire Council Interim
	Rachel Gillott	Service Director, Safeguarding and Family Support	Herefordshire Council Permanent
	Phil Bullingham	Service Director, Safeguarding, QA and Improvement	Herefordshire Council Permanent
	Kerry Oddy	Principal Social Worker	Herefordshire Council Permanent (starts 24/10/2022)
Staff reference group rep	Rob Kyle	Independent Reviewing Officer	Herefordshire Council Permanent
Schools rep	Nicki Gilbert	Special School Representation, Westfield School	
	Emma Shearer	Primary School Representation, Riverside Primary School	
	Sue Gaston	Secondary School Representative, Fairfield High School	
Health rep	Mari Gay	Chief Executive, NHS Herefordshire and Worcestershire Clinical Commissioning Group	
	Heather Manning	NHS Herefordshire and Worcestershire Clinical Commissioning Group	
	Maria Hardy	CCG Commissioning & Transformation Lead CYP & Maternity	
	Kathryn Cobain	Chief Nursing Officer, Herefordshire and Worcestershire Integrated Care Board	
Healthwatch rep	Jane Ellis	Lead for Children and Young People, Healthwatch Herefordshire	

Supplementary Question

Please fully answer my public question (eg updated structure chart).

I note that the Improvement Board has **29** members from various organisations and professions including **three** school representatives. However, it does **not** include any representative of families who have experience of receiving Children's Services support (eg whose child is a "child in need").

It is regarded as good practice to include those with "lived experience" of personally using services to be involved in improving them, eg the government-commissioned Independent Review of Children's Social Care.

As time is of the essence, there could be co-optees to the Improvement Board from:

- Representative of Families Co-optee, Children and Young People Scrutiny Committee
- Support group A Common Bond
- Parent Carer Voice (SEND)

Do you recommend that three co-optees are appointed to the Improvement Board as soon as possible to voice the perspective of families?

Response to supplementary question (cabinet member children and families)

The Director of Children's Services, the Children's Commissioner and the Department for Education advisor are reviewing the membership of the improvement board and the suggestions from the supplementary question would be passed on. It was pleasing that Gladys White and Eleanor Brazil were engaging with a wide range of people in Herefordshire. It was confirmed that the council must work meaningfully with families receiving children's services in order for those services to improve.



Chairman's Announcements – Council Meeting – 9th December 2022
Events attended by the Chairman since the last
Council meeting on 21st October 2022

23rd October – Leominster Civic Service
30th October – Civic Service
31st October – Worcester University Graduation
2nd November – Shrieval Lecture
3rd November – HWFRS Award Ceremony
7th November – London Bridge Meeting & Field of Remembrance Ceremony
8th November – Mayors Meeting
11th November – Poppies to Paddington & Hereford City Council Wreath Laying
13th November – Stirling Lines Remembrance Sunday Ceremony
14th November – Citizenship Ceremony
17th November – Phoenix Bereavement Open Day
18th November – Parkinson's Northern Soul Charity Event
26th November – Women's Institute AGM
27th November – Ross-on-Wye Christmas Fayre
28th November – Marches Family Network AGM
29th November – Hereford Cathedral Advent in London service
1st December – Hereford Courtyard Performance of Beauty and the Beast
2nd December – Kingsland RBL Meeting
3rd December – Hereford Youth Orchestra Autumn Concert
4th December – Ledbury Civic Celebration
6th December – Mayor of Ledbury's Coffee Morning

Chief Executive's report to Full Council 9 December 2022

Looking back over the past twelve months we really couldn't have foreseen the way that 2022 would unfold. While at the very start of the year we were supporting the county's economic recovery from Covid, improvements required to our children's services, the significant impact of the war in Ukraine and the current financial situation have since demanded our attention. I'm proud of how hard everyone's worked to deliver the best response to these challenges.

Our main and key focus continues to be improving our children's services following an Ofsted report in September that downgraded our children's Social Care Services to 'Inadequate'. The commitment to make the changes needed to make a difference for children and families in Herefordshire runs throughout the whole council. We are one year into a three year improvement programme and we have been open that it will be some time before sustained change can be demonstrated. We welcome the support of the Children's Commissioner, Eleanor Brazil, who brings additional oversight and a wealth of experience to our work to improve the service. The significant additional investment agreed by Full Council will support this improvement work and build a service that we can all be proud of.

When Russia invaded Ukraine in February, the people of Herefordshire stepped forward with offers of help and support for those affected. We now have more than 539 Ukrainian guests in the county who are settling well into their local communities. As they start to rebuild their lives, we continue to provide a range of supporting services directly and through various partner agencies.

Our services to find solutions for the accommodation and support needs of rough sleepers in the county continue to run successfully and have been accepted as part of the Making Every Adult Matter (MEAM) national network. Workshops have been held recently with stakeholders to look at how the learning from these services can be applied more widely, to people with multiple complex vulnerabilities, such as substance misuse and mental ill-health, with a strategy to be agreed early in the New Year.

It's been a busy year for economic development in the county with several exciting projects making significant progress. Emerging from the worst of the pandemic, we supported local businesses with the highly-popular and innovative Shop Local cards, funded by Covid recovery money, which encouraged people to stay, shop and spend locally. We also helped businesses with 'Revive and Thrive' business support grants, encouraging people to start up new businesses and providing support to expand.

We've continued with our Business Summits, building relationships with businesses across the county to work together to steer the economic development of Herefordshire. This has included forming the Herefordshire Sustainable Growth Strategy Board to lead the development of our Big Economic Plan which is gathering pace and will be launched in early 2023. The Big Economic Plan will set a long-term 2050 shared vision for the county, considering the kind of place we would like the county to be, how we can address some of our long-term economic challenges, and realise some of our fantastic opportunities. This will be supported by five-yearly delivery plans identifying how the public, private and voluntary sector can work better together to achieve these ambitions.

In the summer, we received confirmation that £22.4million in Stronger Towns funding had been secured for 15 capital projects across the City. The £18m Hereford Museum and Art Gallery (which will provide the permanent home for the Herefordshire Hoard), and a new £3.5m Library and Learning Resource Centre at Maylord Orchards head the list of the council's projects funded under this scheme. A number of other projects are already planned and under way in Hereford to help improve how we travel around and experience our City. These includes the upgrade and cycleway in St Owen Street, while consultations on the proposed transport hub and the overarching Hereford Masterplan have been launched recently.

We've submitted Levelling Up Fund bids to government seeking over £40m to develop new employment sites, enhance public realm and improve transport connectivity. We should know the outcome by the end of the year. We've also submitted the required UK Shared Prosperity Fund, Multiply and Rural Prosperity plans to government which will unlock £9.4m of much-needed support for our local economy over the next couple of years.

During the past year we've launched and contributed to a number of initiatives and campaigns which look to address the climate challenge and to protect our natural environment. Our first Citizens' Climate Assembly has led to the development of a number of projects identified as the main priority areas by participants, and these will soon be getting underway. We've also been running our 'Getting it Right' recycling campaign which is making an impact in how and what residents are recycling, and we've supported the Greener Footprints campaign as part of the Herefordshire Climate and Nature Partnership Board.

The newly established Cabinet Commission on River Wye Restoration has already received the backing of MPs and neighbouring counties, and is quickly developing constructive relationships with key stakeholders across a range of sectors.

I'm delighted that our network of Talk Community Hubs has now reached 68, providing contact points for residents across the county as well as offering warm and welcoming spaces during the winter, which is looking to be a difficult one financially for many of our residents.

Looking inwards, we've delivered the major part of the Flexible Futures programme, providing the means for our staff to work flexibly across the county. The changed working practices during the pandemic gave us a launching pad for a move to flexible working – with benefits to staff and the council and I'm pleased to say this new way of working is starting to feel like it's our new normal.

For me, we can't do anything without our people and it's important we that we look after and understand how our staff feel about working for the council and what it's like for them. We ran a staff survey during the year to find out and more than half of staff responded providing a statistically valid insight into the views of the workforce. The results will enable us to identify areas that are working well and those that need improvement. This will help to ensure the best experience for our staff and attract skilled people to come and work for us.

I'm confident that after a difficult period, we're developing a more stable workforce. All directorates now have a permanent Corporate Director, and we're steadily reducing the number of interim and contract staff, and appointing to permanent positions.

Our frontline staff play a hugely important role, providing help, advice and support when and where needed, and I would like to take this opportunity to thank them for their hard work. We're currently working to improve the way the council interacts with customers, putting our residents at the centre of re-designing our services and modernising technology so that it is easier for staff to do the best possible job. This is a comprehensive review of how we can make technology work effectively to improve everyone's experience, while freeing up services to work face-to-face where that's the best thing to do. We look forward to introducing these changes from next year.

Major national events that have impacted us locally during the year include the loss of our Monarch, the late Queen Elizabeth II, in September took the nation into a period of mourning. Our staff, in conjunction with other public services, did the county proud with an impressive Proclamation ceremony at Hereford Cathedral which was followed with services in each of the market towns.

Finally, but importantly, major global and national events have pushed finance and budgets to the top of the agenda – for us and every other public sector body in the country. We're currently forecasting an £11.2million overspend this year and looking at a £21.6million budget gap next year. I've asked everyone in the council to think about ways to make savings and also to consider opportunities to commercialise or maximise income generation. As you'll be aware, the Leader has written to the Prime Minister and Chancellor, but we need to be prepared for not receiving any more support from central government. Tough financial times ahead...

Thank you all for your support over the past year. I look forward to working with you, and our delivery partners including Balfour Beatty Living Places, FFC, Halo and The Courtyard, in 2023 to deliver excellent services to our residents and businesses and continue to make Herefordshire a county we can all be proud of.



Title of report: Taxi and private hire policy 2022 – 2027

Meeting: Council

Meeting date: Friday 9 December 2022

Report by: Cabinet Member housing, regulatory services and community

Classification

Open

Decision type

This is a non-executive decision

Wards affected

(All Wards)

Purpose and summary

To approve the reviewed and amended Taxi and Private Hire Policy 2022 - 2027. The purpose of this policy is to set out the expectations of Herefordshire Council as the licensing authority in relation to matters connected to the taxi and private hire trade.

Recommendation(s)

That:

- a) The draft policy be approved; and
- b) That the implementation date be two calendar months from the date of this decision to allow time for trade compliance
- c) that authority be delegated to officers as specified in the licensing decision making process appended to this report at Appendix 3 for administrative, operational decisions and minor annual reviews or corrections to the policy; and that support be given to recruit additional resource, to support the additional workload and compliance requirements of the guidance
- d) to support the additional resource required to carry out new statutory functions, one HC7 post.

Alternative options

1. Not to approve the revised policy. This is not recommended as the changes proposed ensure that the policy is compliant with current statutory guidance and constitutional requirements. Failure to have in place an updated policy would leave the Licensing Authority with an outdated and non-compliant policy to guide the decision making process, and would increase the risk of delayed or inconsistent decisions being taken.
2. To make further changes to the policy. Other than any minor corrections, this is not recommended as the draft policy has been created by a legal specialist following consultation with taxi trade members and then meetings with both the local and national trade associations thereafter. Due consideration has therefore been given to all the comments received and adjustments made if appropriate and permitted within the legislative provisions and statutory guidance. The external legal specialist reviewer had full sight of all the consultation responses in order to consider them fully whilst drafting the policy.

Key considerations

3. The review of the existing policy is required due to a number of changes and recommendations contained within new government statutory guidance issued in July 2020.
4. The policy was drafted by an external legal specialist as part of the taxi licensing review. The external legal specialist, is the author of the 'Button on Taxi' book and is a specialist training provider for all local authorities and councillors on taxi and licensing matters. The policy and conditions can be found at Appendices 1-7. Appendix 8 identifies the required specification for the CCTV systems.
5. The council has 900 licence holders including Hackney Carriage Proprietors, Private Hire vehicle proprietors and Dual Driver and Operators. The licenses are renewed on either an annual, three or five yearly basis depending on the licence type. The policy and conditions are used by the trade and the licensing authority and ensures that the requirements of the licence are met. The review of this policy was made following the implementation of the statutory guidance issued by Department for Transport in July 2020. The revised policy is provided at Appendix 1.
6. 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 from harm when using these services. The Department of Transport (DfT) has therefore stated that it expects the recommendations made in the guidance to be implemented unless there is a compelling local reason not to.
7. The 2020 statutory guidance reflects the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the DfT's best practice guidance was issued. This includes extensive advice on checking the suitability of individuals and operators to be licensed. The standards in the 2020 guidance replace relevant sections of the best practice guidance issued by the Department of Transport in 2010.
8. The proposed inclusions and amendments to the policy are necessary to fulfil the responsibility the council has for demonstrating that they have taken into account the new guidance. 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 and vulnerable persons.

9. If approved, the policy will be uploaded to the council's web-site and e-mail notification will be sent to licence holders regarding the amended policy. Following the amendments made by the officers and meetings with the trade after the external legal specialist drafted the original version, the revised policy is not expected to have any major impact on the trade and reasonable time will be allowed for existing licence holders to achieve compliance.

Community impact

10. This policy further enhances the licensing authority's ability to carry out suitability tests and ensures that all licence holders are informed about their safeguarding responsibilities. In addition it offers the opportunity to share information regarding issues surrounding child sexual exploitation, modern slavery and illicit trade practices with other authorities as part of the government's new driver revocation and refusal national register (NR3) scheme, which facilitates local authorities legitimately sharing intelligence.
11. By exercising the functions correctly in respect of the legislation and guidance related to the taxi and private hire trade, an appropriate balance can be demonstrated between public safety and the safeguarding requirements of the council with the support of legitimate business.

Environmental Impact

12. The council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.
13. The policy includes consideration for direct environmental impacts, such as encouraging as many different fuel types as possible, including small two seat electric and hybrid vehicles.
14. The policy has been designed with no photographs or colour shading content which if printed by external users has less wastage. In addition the document is available and only provided electronically via the Council's web-site or via an e-mail link.
15. The Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019 commit the council to providing environmental data to the Secretary of State who must use the data to create a centralised database.
16. Future proposals will be made to carry out a research project which will research any areas required to be included in any framework for a Clean Air Zone or other electrification of taxi and private hire vehicle projects.

Equality duty

17. The requirements of this policy are relevant to all applicants and dual drivers, and ensures fair enforcement and administration of all new and existing licence holders.

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

18. The council considers the inclusions and amendments to the policy are necessary to fulfil the legal responsibility it has for the safeguarding of children and vulnerable persons, and demonstrates that due consideration has been given to the new guidance. Many of these vulnerable individuals will share a protected characteristic. The inclusions are made to improve safety standards and demonstrate how the council is being proactive in fulfilling its equality duty.

Resource implications

19. There is a requirement that licensing is cost neutral to the council, so a full review of taxi and private hire fees will be undertaken. The implications of administering the new recommendations will undoubtedly increase the resource needed to achieve compliance. This is particularly relevant in the case of data sharing with other authorities on the NR3 system updates, CCTV work as a 'Responsible Authority', referrals shortly to be made to a new licensing sub-committee and costs associated with the DBS life system. Therefore, any costs associated with the above will be calculated in the review of fees and the inclusion of an additional resource to fulfil these new duties.
20. The request for a new HC7 post will be funded in this financial year and is cost neutral as follows:-

Cost of new post 9 th January – 31 st March 2023	£7,897
Savings from vacant posts 21529 vacant while recruiting 1.7.22 – 22.8.22	£4,308
Savings from vacant posts 22375 22.8.22 – 10.10.22	£3,849

Legal implications

21. The council is required by law to license the operation of taxis (hackney carriages) and private hire vehicles. The principal consideration in licensing taxis and private hire vehicles should be the safety and convenience of those travelling in such licensed vehicles. The proposed amendments are based on legislation and updated guidance and therefore reflect this need. Sections 47, 48, 51 and 55 of the Local Government (Miscellaneous Provisions) Act 1976 permits local authorities to place conditions on licensed taxis, licensed private hire vehicles, licensed drivers and licensed operators. The changes to the decision making process from Officer Panel to a new Taxi Sub-Committee will require a change to the Council's Scheme of Delegation which will be dealt with as a separate matter. The Licensing decision making functions can be found at Appendix 11.
22. As stated above, the policy has been drafted by an external solicitor who specialises in taxi licensing and therefore, Legal Services are content that the legislation quoted within the policy is correct.

Risk management

23. The proposed policy will offer greater protection for the most vulnerable persons in our community whilst they are travelling within a council licensed vehicle.
24. The reputation of the council is better demonstrated and protected by the adoption of this revised policy, which mitigates the risk associated with poor control and regulation of the licensed trade and non-compliance with the new statutory guidance.

Consultees

25. Trade companies and individual licence holders were consulted for the first time in November 2021 and the table of amendments following this can be found at Appendix 9. Following extensive liaison with both the local and national trade associations and a number of alterations made to the policy, it was felt that a second consultation should be undertaken which had the closing date of 28 August 2022. The outcome of this exercise is available as Appendix 10. The table below summarises the consultation process, the key stages and main changes made.

Key events / dates	Implications to policy	Outcome
July 2020 - New statutory guidance from DfT.	30 major changes for all councils with taxi policies are required. For Herefordshire only 7 major changes were required, as the others were in place already.	Officers amended the policy and sent this out for consultation. However, complaints were received from the trade regarding officer competency and their empathy with the trade following the impact of Covid lockdown restrictions.
May 2021 - Legal Services, in conjunction with the cabinet member, engage an external	Numerous changes made to the new policy in addition to the 7	Consultation from October to December 2021. Responses numbered over 83, some very detailed and complex, one

Further information on the subject of this report is available from Claire Corfield, Tel: 01432 383324, email: clcorfield@herefordshire.gov.uk

<p>specialist to draft an alternative new policy to overcome the trade's concerns. The draft policy was submitted to the council for consideration in October 2021.</p>	<p>mandatory ones required originally by the DfT guidance. Some of these were minor but others raised the policy to a much higher standard, including vehicle ages and testing requirements.</p>	<p>being 13,000 words. Policy therefore referred back to officers to review.</p>
<p>January to July 2022, the officers review policy and consultation responses and meet the trade association(s). 2nd consultation exercise undertaken in August 2022.</p>	<p>57 major significant changes made to policy and over 150 minor ones.</p>	<p>Consultation sent out with changes. This time only two consultees responded, with minor changes requested. It became clear that only five outstanding issues remained.</p>
<p>September to November 2022, the officers review policy and the second consultation responses.</p>	<p>25 minor changes made to policy.</p>	<p>Outstanding matter remaining were:</p> <ol style="list-style-type: none"> 1. Trade allege that the penalty points system has issues in which should not be in there. 2. The trade wish to know if there is funding to assist with the installation of CCTV. 3. Trade dispute the seating requirement that all seats must have unobstructed access to a door.
<p>October to November 2022 – The officers and Cabinet Member consider the three outstanding matters.</p>	<p>Recommended no further changes to be made to policy.</p>	<p>Decision</p> <ol style="list-style-type: none"> 1. The penalty points scheme was reviewed and should remain in the policy as drafted; 2. CCTV funding was researched from external sources, but was not available; 3. Seating configuration to remain as it has been since 2012 and in the two previous policies. This is for passenger comfort.

Appendices

Appendix 1 Revised policy

Appendix 2 Penalty Points Scheme

Appendix 3 Previous Convictions policy

Further information on the subject of this report is available from Claire Corfield, Tel: 01432 383324, email: clcorfield@herefordshire.gov.uk

Appendix 4 Dual Driver Licences

Appendix 5 Hackney Carriage Proprietor

Appendix 6 Private Hire Vehicle Proprietor

Appendix 7 Private Hire Operator

Appendix 8 CCTV specification

Appendix 9 Table of amendments following first consultation in November/December 2021

Appendix 10 Consultation responses for second consultation in August 2022

Appendix 11 Table of proposed licensing decision making functions

Background papers

None identified

Governance	John Coleman	Date 20/09/2022
Finance	Louise Devlin	Date 20/09/2022
Legal	Alice McAlpine	Date 07/09/2022
Communications	Luenne Featherstone	Date 01/09/2022
Equality Duty	Carol Trachonitis	Date 01/09/2022
Procurement	Mark Cage	Date 09/09/2022
Risk	Kevin Lloyd	Date 09/09/2022
Approved by	Ross Cook	Date 30/11/2022

Herefordshire Council Hackney Carriage and Private Hire Policy

1. 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

1. a dog which has been trained to guide a blind/partially sighted person;
2. a dog which has been trained to assist a deaf/partially deaf person;
3. a dog which has been trained 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;

Authorised Council Officer

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

Badge

Issued to all licensed drivers and must be worn at all times when working as a licensed driver.

Best Practice Guidance

DfT guidance: 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' available at <https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>). This dates from 2010 and at the time of drafting this policy, is expected to be updated.

Byelaws

Locally adopted laws applicable to Hackney Carriages and drivers. A breach of a byelaw is a criminal offence.

Committee

The Licensing taxi Sub Committee to be constituted by the Council to consider taxi licensing matters and until that time, the Taxi Panel which is represented by

officers and which determines taxi licensing matters as set out in the Council constitution.

Conditions

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

Controlled District Boundary

Area of a local authority which has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1976. This is the area of the County of Herefordshire District Council.

Conventional partnership

An arrangement where 2 or more people are in business together, but which is not a Limited Liability Partnership.

Council

The County of Herefordshire District Council.

Councillor

A councillor who is a member of the County of Herefordshire District Council.

County

The area of the county of Herefordshire, covered by the County of Herefordshire District Council.

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

DBS

Disclosure & Barring Service.

DfT

Department for Transport.

District

This is the terminology used in the Local Government (Miscellaneous Provisions) Act 1976 to refer to the area of the Council. As the County of Herefordshire District Council is a unitary authority, it is the area of Herefordshire.

Door Signage

Council approved self-adhesive door signage which must be affixed to the front doors of all licenced vehicles.

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.

DVLA

Driver and Vehicle Licensing Agency.

DVSA

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

Equality Act

Equality Act 2010.

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.

Guidance

Guidance published or issued by the Government via DfT or any other government department.

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

ICO

Information Commissioner's Office.

IoL

Institute of Licensing.

LGA

Local Government Association.

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 the Council.

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 licence is required to enable a person to accept or invite bookings for private hire vehicles.

Licensed Vehicle

A Hackney Carriage Vehicle or a Private Hire Vehicle licensed by the 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 Vehicle or licensed under the Local Government (Miscellaneous Provisions) Act 1976 as a Private Hire Vehicle.

Limited Company

A company registered with Companies House.

Limited Liability Partnership

An incorporated partnership registered with Companies House.

Member

See councillor. The terms “councillor” and “member” are effectively interchangeable.

NR3

A database of refusals and revocations for driver licences.

Officer

An employee of the Council or another individual acting in the same capacity as an employee e.g. an independent contractor.

Operator

See licensed operator.

Policy

This policy document and all associated documents.

Private Hire Vehicle

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

Proprietor

Registered owner or part owner of a vehicle.

PSV

Public Service Vehicle.

Road Traffic Acts

Road Traffic Act 1988 and all associated legislation.

Statutory Standards

DfT's supplementary guidance: 'Statutory taxi and private hire vehicle standards' available at <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>. This dates from 2020.

Stretched Limousine

Any vehicle that has been modified after manufacture with an additional body section, extending the vehicle length.

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.

The 1847 Act

The Town Police Clauses Act 1847 and the provisions within.

The 1976 Act

The Local Government (Miscellaneous Provisions) Act 1976 and the provisions within.

WAV

Wheelchair Accessible Vehicle. Certain Hackney Carriage and Private Hire Vehicles that are suitable for carrying wheelchair-bound passengers.

Working day

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

Working hours

Office hours 9am – 5pm Monday to Friday

2. Introduction

- 2.1. This policy has been published and adopted by the Council to inform and assist the discharge of its functions in relation to hackney carriage and private hire licensing under the powers and duties contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and all associated and related legislation. This includes byelaws in relation to Hackney Carriage Vehicles. The Council is responsible for the licensing of Hackney Carriage and Private Hire Vehicles, drivers and operators.
- 2.2. In common with all other Council documentation, this policy is written in plain English, as far as possible. Where technical terms are used they will be explained clearly, and there is a list of definitions at the beginning. Any reference to external material (legislation, guidance, court decisions etc.) will be clear and should be easily accessible.
- 2.3. This policy has been drawn up with reference to Council's County Plan 2020 – 2024:
 - Environment - Protect and enhance our environment and keep Herefordshire a great place to live;
 - Community - Strengthen communities to ensure everyone lives well and safely together;
 - Economy - Support an economy which builds on the county's strengths and resources.
- 2.4. This policy will be kept under review and revised as necessary. The Head of Public protection is authorised to make minor amendments to the policy. In addition, amendments to this policy may be authorised by the Council without consultation.
- 2.5. In carrying out these functions, the Council will comply with the law and also have regard to this policy document and any relevant guidance published by DfT and/or any other government department. In any situation where the Council departs from this policy, clear reasons will be given for doing so. In any case where a situation or matter is not covered by this policy, the matter will be considered from first principles i.e. as if this policy did not exist, and the decision will be based on the Councils' interpretation of the law and Guidance.

- 2.6. The DFT Statutory Standards guidance requires the Council to review all existing hackney carriage and private hire licences (drivers, vehicles and operators) in the light of this new revised policy and the council will undertake that.
- 2.7. The Council is committed to ensuring that members and officers involved in hackney carriage and private hire licensing are fully trained, and such training is regularly updated.
- 2.8. 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, licensees 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.
- 2.9. The Council will consider all new and renewal applications in the light of this policy. There will be situations where a licence was granted under a previous policy, and this policy may differ from the previous policy, in these circumstances a period for compliance will be specified in the relevant conditions. In those circumstances the fact that a licence was granted previously will be a factor that will be taken into account when the Council consider an application to renew. There is no legitimate expectation that any hackney carriage or private hire licence will be renewed¹. If a licence is not renewed written details will contain the reasons for the refusal in order that the applicant may appeal the decision.
- 2.10. Hackney carriage and private hire law is long overdue for wholesale revision, but the government has indicated that at present it has no intentions of embarking on that task, although some limited developments have been announced. As and when these become law the policy will be amended to take account of their effects. In recent years there have been a number of minor amendments to the legislation, and other legislation that impacts upon hackney carriage and private hire licensing.
- 2.11. The Deregulation Act 2015 introduced some amendments to the 1976 Act, the most significant of which was the ability for a private hire operator to subcontract to another private hire operator licensed anywhere in England, Wales, Scotland or Greater London.

¹ See R. (on the application of Wilcock) v Lancaster City Council [2014] L.L.R. 388 CA

- 2.12. The introduction in 2016 of more of the provisions relating to Hackney Carriages and Private Hire Vehicles contained within the Equality Act has improved the access to and use of these vehicles for those with disabilities, and the Council works actively to support both those who require and provide such transport.
- 2.13. The policy refers to guidance that is available to applicants, drivers, operators and proprietors to assist them with the application processes and the running of their business under their licence. This guidance, application forms and current fees are available on the Council's Website.
- 2.14. Council staff involved in hackney carriage and private hire licensing and other associated functions will always be polite, courteous, civil and professional. The same standards of behaviour are expected from applicants and licensees and the Council has a policy of zero tolerance to any abuse, bullying, violence or similar behaviour towards staff or councillors. Any such behaviour on the part of an applicant or licensee will be taken into account of the 'fit & proper test' when considering if a licence should be granted, or whether action should be taken against any existing licensee.
- 2.15. The Council recognises its duties and responsibilities under the Data Protection Act 2018 and the UK General Data Protection Regulation (EU 2016/679). Full details of the privacy policy are detailed on the Council's website.
- 2.16. Any legislation is pointless without enforcement of its provisions, and in doing so the Council will have regard to its enforcement policy.

3. Council Service Standards

- 3.1. Subject to unforeseen circumstances beyond the control of the Council, the Council will endeavour to maintain the following service levels.
- 3.2. Licensees and applicants should be able to contact the licensing team by email, through the website, or by phone. In exceptional circumstances or for matters of a confidential nature appointments can be made to attend a Council office where you can be seen in person.
- 3.3. The Licensing Section can be contacted by phone on 01432 261761 between the following times, 09:30 to 16:00 on Mondays to Fridays. They can also be contacted by email at: taxi-licensing@herefordshire.gov.uk.

The call handler will take your call and send the contact to the licensing office who will contact you within 5 working days.

- 3.4. The Council will always aim to issue a licence within 5 days from receipt of a valid application, but will always attempt to issue them more quickly. In order to issue a licence, the application must include all required information, if anything is missing a licence cannot be issued.
- 3.5. If you have any concerns or complaints about the service you have received, please contact the Licensing Section on 01432 261761 or by email at taxi-licensing@herefordshire.gov.uk. If you are still not satisfied, please use the Council complaints procedure, details of which can be found [here](#).

4. Background

- 4.1. Hackney Carriage and Private Hire Vehicles have an important role to play in the transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside "normal" hours of operation such as in the evenings or on Sundays), and/or for those with mobility difficulties.

5. Practice, guidance & legislation

- 5.1. DfT has national responsibility for hackney carriage and private hire legislation and the policy for this in England. They also provide guidance for local licensing authorities. Their principal document is the Best Practice Guidance supplemented by the Statutory Standards and this has been taken into account in preparing this policy. Additional and revised guidance is anticipated and this policy may require amendments in the light of that.
- 5.2. The DFT guidance recognises and emphasises that licensing authorities can reach their own decisions both on overall policies and on individual licensing matters, in the light of their own circumstances.
- 5.3. This policy takes account of the law which forms the basis of the Council's taxi licensing functions. The principal pieces of legislation are the 1847 Act and the 1976 Act both as amended. In addition the senior courts (High Court and Court of Appeal) have handed down judgments which explain and interpret this legislation.

6. Purpose of Hackney Carriage & Private Hire Licensing

- 6.1. The sole consideration in relation to the licensing of Hackney Carriage and Private Hire Vehicles is public safety². 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 Carriage and Private Hire Vehicles as a form of transport and as a consequence the highest standards will be expected from all applicants and licensees.
- 6.2. Public safety includes safeguarding which also includes prevention of child sexual abuse and exploitation. All licensees will be expected to demonstrate an understanding of public safety and safeguarding and ensure that their actions do not infringe those requirements at any time. There is a mandatory requirement to undertake Herefordshire Council safeguarding training prior to a licence being issued and details will be given during the application process. Any member of the public, licensee, officer or member who becomes aware of any safeguarding issues, or any other criminal behaviour related to hackney carriage and private hire licensing should inform the Council.

7. Policy objectives & aims

- 7.1. As already stated, 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.

8. Objectives

- 8.1. The objectives of this policy are:
 - a) the protection of the public;
 - b) the maintenance and development of professional and respected hackney carriage and private hire trades;
 - c) enabling access to an efficient and effective local transport service;
 - d) the protection of our local environment;

² See DfT Best Practice Guide Para 8 and Statutory Standards Para 3.2

- e) to support all hackney carriage and private hire businesses by ensuring a consistent and fair approach.

9. Aims

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

- a) by ensuring that licensed drivers are fit and proper persons and achieve and maintain the highest standards of professional practice;
- b) by ensuring that licensed vehicles are safe for passengers, drivers and other road users, and properly insured;
- c) by ensuring that licensed vehicles comply with all Council standards at all times;
- d) by checking all documents provided as part of an application for authenticity, including contacting the maker of the document and other tests;
- e) by specifying emissions standards and encouraging the use of low polluting vehicles;
- f) by encouraging the use of more vehicles that are accessible to disabled people;
- g) by ensuring that licensed vehicles are comfortable;
- h) by working across the Council to ensure that Hackney Carriage and Private Hire Vehicles form part of wider strategic transport and local transport plans;
- i) by working in partnership with a variety of other agencies to support the Council's objective in relation to both the public and the trade;
- j) by reducing the frequency with which licensees are required to attend the Council's offices;
- k) by ensuring online accessibility to allow remote application by new and existing licensees, so far as is permissible under the legislation;
- l) by utilising electronic and mobile communication methods including the use of SMS messaging and other technological methods including web sites.

10. Methods

10.1. The methods the Council will use to achieve this will include (but this is not an exhaustive list):

- a) working with the hackney carriage and private hire trades to deliver continuing improvements, encourage innovation, and deal with emerging issues;
 - b) setting the standards for the licensing of vehicles, drivers and operators;
 - c) use of the NR 3 database (The National Register of Refusals and Revocations);
 - d) assessing knowledge of the County, highway code and licensing policy (at the time of application);
 - e) annual licensing and routine inspection of vehicles, with appropriate follow-up action including enforcement;
 - f) routine inspection of documents, with appropriate follow-up action including enforcement;
 - g) routine checks of driver's medical fitness and criminal record history during the time the licence is in force;
 - h) timely investigation of complaints with appropriate follow-up action;
 - i) liaison with West Mercia Police and other constabularies as required, neighbouring local authorities and other agencies concerning issues of concern relating to public safety;
 - j) robust enforcement (taking account of the Regulators' Code) including, monitoring of contraventions, suspension or revocation of licences for breach of conditions or legislation and prosecution;
 - k) regular training and development of Council officers and members;
 - l) meeting continuing performance and efficiency targets for the service;
 - m) provision of information to licensees about good practice and what to expect from any inspection or assessment;
 - n) provision of mandatory training (not necessarily at no cost) for applicants and licensees when considered necessary;
 - o) promotion of training courses and information for licensees;
 - p) promotional activities to inform and encourage and maintain high standards.
- 10.2. To achieve this the Council will actively cooperate with, assist and provide and obtain advice from a wide range of agencies including (but not limited to):
- a) The Police and other constabularies including British Transport Police;

- b) DVSA;
- c) Other local authorities;
- d) Town and Parish Councils;
- e) National Rail and other railway companies;
- f) Disclosure and Barring Service;
- g) DfT;
- h) DVLA;
- i) Home Office;
- j) Department for Work and Pensions;
- k) Other relevant agencies and departments;
- l) Hackney carriage/private hire trades (as appropriate).

11. Uniformity

- 11.1. The Council will conduct its functions in relation to hackney carriage and private hire licensing in a consistent and uniform manner and will take a reasonable and proportionate approach to enforcement action.

12. Applications and licences

- 12.1. Hackney carriage and private hire licences can be granted for a maximum period of time. Those maximum periods are:
 - a) Hackney Carriage Vehicle - 1 year;
 - b) Private Hire Vehicle - 1 year;
 - c) Hackney Carriage and Private Hire Driver (dual) driver - 3 years;
 - d) Private Hire operator - 5 years.

and in general licences of those durations will be granted.

- 12.2. The Council will issue dual or combined driver licences. This will constitute a licence to drive both a Hackney Carriage and a Private Hire Vehicle.
- 12.3. Applicants for licences must submit a complete application. A complete application means that the application form has been properly completed, with all required information provided, all supporting documentation that is required has been submitted, and the fee has been paid.

- 12.4. If a grant application is made which is not complete, the applicant will be contacted and given an opportunity to rectify the problems. Any such application will be held on file for 3 months during which time additional and/or updated information can be provided to enable the application to proceed. After 3 months a new application would need to be made in its entirety.
- 12.5. Applications for renewals of licences must be received before the expiry of the current licence. Any application received after that date will be treated as a new application. This will extinguish any acquired rights and the applicant will have to comply with all requirements for a new licence.
- 12.6. As part of the application process, applicants will have to attend certain appointments. If the date and time provided is inconvenient, the applicant should contact the Council as soon as possible to arrange an alternative date and time. Failure to attend an appointment without having notified the Council, Test Centre or Hoople with at least 24 working hours notice in advance will lead to the entire application being cancelled and a fresh application will have to be commenced.
- 12.7. The Council will aim to issue a licence within 5 days of a completed application being received, but this may be delayed due to circumstances beyond the control of the Council. Where an application has to be considered by the Committee/Panel this will extend this timescale.
- 12.8. Licensees must ensure that they notify the Council within 48 working hours of any change of address, change of name, or alterations to means of contact (change of telephone numbers or email addresses). Failure to do this may lead to important communications not being received which in turn may lead to licences expiring or action being taken against licences without the knowledge of the licensee. Any notice required to be served by the Council under this licence or under any statutory provision shall be deemed to have been properly served if sent by pre-paid post to, or left at the last known address of, the licensee.
- 12.9. All information held on files and databases about an applicant is confidential, under the Data Protection Act 2018 and the UK General Data Protection Regulation (EU 2016/679). However, this information can be used ("processed") by the Council as part of the application process and used within the Council. This will include communicating information to relevant officers and members who are involved in any decision-making process. In

addition, the Council is under a duty to protect the public and to protect the public funds it administers, and may use any information provided by an applicant for this purpose. This may include sharing this information with other agencies where that is lawful.

12.10. The legislation requires the Council to maintain public registers, which will be available for inspection at the Council's offices. That duty overrides any data protection protections.

12.11. Full details of the Council's privacy policy can be found [here](#).

12.12. It is a privilege to hold a hackney carriage or private hire licence and licensees have responsibilities to their passengers (drivers) and customers (drivers, operators and proprietors), other road users (drivers and vehicle proprietors) and the public generally. The requirement to satisfy the Council that the applicant is a fit and proper person continues throughout the duration of the licence. If at any time a licensee falls below the standards expected of a new applicant, the Council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence.

12.13. Licensees must be aware of this and be familiar with the requirements placed upon them by the legislation, the conditions of their licence and this policy.

13. Fees for Licences

13.1. The Council can charge a fee for each of these licences. Those fees are calculated in accordance with the legislation, and there are 2 fee levying powers, depending on the particular licence in question.

13.2. Section 53 of the 1976 Act covers driver licences, and section 70 covers Private Hire and Hackney Carriage Vehicle licences, and private hire operator licences.

13.3. Fees are calculated on a cost recovery basis, in accordance with the Council's corporate policy on such matters.

13.4. The costs include the costs of:

- a) processing applications;
- b) issuing licences;

- c) providing badges and vehicle plates (as required);
 - d) providing additional vehicle signage; and
 - e) ensuring compliance with the requirements of the licence.
- 13.5. Additional costs will apply to various pre-application requirements. The requirements are detailed in the fee section of the web-site and these include situations where refunds may be due.
- 13.6. All licence fees must be paid by credit/debit card on application / when the decision to grant the licence has been made.
- 13.7. If a licence is surrendered, revoked or suspended, no refund of the licence fee will be made.

14. Appeals

- 14.1. There are statutory rights of appeal contained within the legislation. These are against decisions to refuse an application, refuse to renew a licence, suspension or revocation of a licence and also against any conditions that the Council has attached to a licence. The rights will be detailed on any decision notice which is issued where there is such a right of appeal.
- 14.2. In almost every case the right of appeal is to the local magistrates' court and contact should therefore be made with that court for details on how the appeal is commenced. The one exception to that is a refusal to grant a new hackney carriage proprietor licence where the right of appeal is directly to the Crown Court. Again, in those circumstances contact should be made with the court for details on how the appeal is commenced.
- 14.3. The appeal period is 21 days from the date on which the written notice of the Council's decision was received. That period cannot be extended so anybody who is considering appealing should ensure that the appeal is lodged with the court as soon as possible.
- 14.4. Such appeals are fresh hearings with the court in the position that the Council was, and the court will reconsider the decision. In such appeals, the Council will invariably resist the appeal as they have already made a decision on the matter. As part of the appeal, the court will take account of the decision that the Council made, but other evidence can be presented by both the appellant and the Council. The court will come into its own independent decision. If the appeal is unsuccessful the Council is likely to make an application to the court for its full costs to be paid by the

unsuccessful appellant. If the appeal is successful, the Council is likely to resist any application that is made to the court for an award by the appellants that the Council should pay their costs.³

15. Suitability of applicants

- 15.1. The legislation makes it quite clear that the Council cannot grant a driver licence or a private hire operator licence unless they are satisfied that the applicant is a fit and proper person. It is for the applicant to prove that they are a fit and proper person, and not for the Council to prove that they are not.
- 15.2. In relation to a hackney carriage or private hire vehicle (proprietor) licence there is no statutory requirement for the Council to be satisfied that the applicant is a fit and proper person. However, the Council has an absolute discretion as to whether or not to grant such a licence and in addition to considering the vehicle itself, the Council will also take into account the suitability of the applicant.
- 15.3. The Council has taken guidance produced by the Institute of Licensing (IoL) into account in producing this policy. This suggests that the phrase "fit and proper" can be explained and be more easily understood by using the term "safe and suitable". This is the term that the Council will use throughout this document and it should be read to mean fit and proper.
- 15.4. That guidance also contains guidelines on suitability which are almost identical to the DfT guidance in Statutory Standards. These have been incorporated into this policy and form the basis of the previous convictions policy.
- 15.5. 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.
- 15.6. However it is recognised that some applicants and licensees will have criminal convictions or other matters in their personal history which may

³ This follows the ruling of the Court of Appeal in R (app Perinpanathan) v Westminster Magistrates' Court [2010] 1 W.L.R. 1508 CA

affect the safety and suitability to hold a hackney carriage or private hire licence.

- 15.7. The previous convictions policy provides guidance in some cases. These standards will be used in relation to all licences: driver, operator and proprietor. This is to ensure that the standards are maintained across the trades, and to reassure the public that only safe and suitable people are licensed for any role in the hackney carriage or private hire vehicle industry.
- 15.8. In all cases every application will be considered on its own merits, but in the light of the previous convictions policy. If the previous convictions policy does not cover the particular matter then a decision will be made from first principles where the question will be whether, in the light of that information the Council can be satisfied that the applicant is a safe and suitable or fit and proper person to be granted that licence.
- 15.9. The decision as to whether or not a licence should be granted is made on the facts at the time of that decision but the Council has powers to take action against any licence that has been granted (the licence can be suspended, revoked, or the Council can refuse to renew it). It is vitally important that licensees understand that the test of safety and suitability is not simply to be met when the application has been granted. It is a continuing situation and if at any time during the duration of the licence the behaviour or conduct of the applicant falls below that which would be acceptable for a new applicant, the Council will consider whether or not action should be taken against that licence.
- 15.10. At all times the sole consideration will be public safety.

16. Behaviour of licensees

- 16.1. All licensees (drivers, operators and vehicle proprietors) are professionals undertaking a highly responsible activity which protects and ensures the safety of their passengers, customers, other road users and the public at large.
- 16.2. The highest standards of integrity and behaviour are expected, and these must be maintained at all times. The Council is concerned with the overall character of licensees, and not simply when the licence is being used. As a result, any behaviour at any time which falls short of the standards expected will lead to the Council considering whether that licensee should be allowed to retain their licence.

- 16.3. Where unacceptable behaviour occurs in connection with the use of the licence, which will be regarded as an aggravating feature, and behaviour which is not connected with the use of the licence will not be seen as less serious.
- 16.4. The overall aim of this policy is to ensure that the hackney carriage and private hire trades continue to provide a safe and satisfactory service to the public, and actions or behaviour that affect or reduce those standards will not be tolerated by the Council.

17. Enforcement

- 17.1. In any situation where there has been non-compliance with any requirement, or behaviour which fall short of the requirement to remain a 'fit and proper' person to hold a licence, the Council will consider enforcement action. In addition, action will be taken in respect of vehicles that do not comply with either the Council's requirements or road traffic laws. Any enforcement action will be guided by the Council's enforcement policy, and may result in one or more of the following (this is not an exhaustive list):
 - a) Take no action;
 - b) Issue warning letters
 - c) Issue penalty points;
 - d) Use statutory notices (suspension of a vehicle licence using section 68 of the 1976 Act);
 - e) Suspension of a licence;
 - f) Revocation of a licence;
 - g) Prosecution in respect of criminal offences.
- 17.2. The Council's Penalty Points Scheme, mentioned above is detailed in a separate document.

18. Decision Making

- 18.1. Responsibility for hackney carriage and private hire licensing will be split between the Council and the Executive.
- 18.2. Most functions are the responsibility of the Council and as a general rule most matters will be dealt with by Officers under delegated authority.

- 18.3. When the Council's constitution is amended, the following matters will be reserved to Committee:
- a) Applications for new licences where approval would be outside of this policy;
 - b) An appeal by a licensee against the award of 12 or more penalty points under the Penalty Points Scheme;
 - c) Imposition of a sanction for exceeding the threshold of points allowed to be accumulated in a rolling year under the Penalty Points Scheme;
 - d) Revocation of the following:
 - i. Hackney Carriage Proprietors (Vehicle) Licences
 - ii. Private Hire Vehicle (Proprietors) Licences
 - iii. Private Hire Operators Licences
 - e) Any other matter referred by Officers to the Committee for decision.
- 18.4. The decision to revoke a Driver Licence will be delegated to Officers in consultation with the Chair of the Committee (or their nominee).
- 18.5. There is no difference in the decision-making process between Officers and the Committee. In both cases the applicant or licensee will be given an opportunity to make representations and those will be taken fully into account. There may be occasions when a very short timescale will be provided for representations to be made. This is likely to occur where action needs to be taken quickly in relation to a driver licence. In those circumstances, the licensee will be contacted by all practicable means to be informed of the date and time of the decision and given an opportunity to attend. If, however, the licensee cannot be contacted or does not attend, then the decision will be taken in their absence.
- 18.6. In all cases the matter will be considered entirely on its own merits, in the light of this policy and any guidance issued by the DfT.
- 18.7. Full and detailed reasons for all decisions will be provided to the applicant or licensee, together with details of the rights of appeal.

19. Equality of treatment and discrimination

- 19.1. The Council will treat all applicants and licensees equally and fairly. There will be no discrimination on any ground and each and every application

and subsequent decision will be considered on its merits in the light of the legislation, guidance and this policy.

- 19.2. The Council will not accept or tolerate any discriminatory behaviour on the part of any applicant or licensee. This includes any discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation, but that is not an exhaustive list.
- 19.3. All licensees must at all times treat people courteously, civilly and decently.
- 19.4. Any complaints that are received by the Council that indicate that the licensee has failed to uphold the standards will be investigated thoroughly, and if substantiated will lead to action being taken against that licence.

20. Safeguarding

- 20.1. The Council is committed to safeguarding and promoting the welfare of children, young people, and adults at risk, vulnerable persons and all other members of society. We take our responsibilities seriously and expect all our licensed drivers, proprietors and operators to share this commitment.
- 20.2. Licensed drivers, proprietors and operators must consider the safety, security and welfare of their passengers, customers and the public generally when determining what safeguarding measures they should put in place in relation to their activities as a licensee.
- 20.3. All new applicants for dual driver licences, private hire operator licences and hackney carriage and private hire proprietor (vehicle) licences will be required to attend and successfully pass a safeguarding course and test, as required by the Council, in order to obtain a pass certificate. There is no limit for the number of attempts to complete the test, to be undertaken at the applicant's own expense, however no licence will be issued until the applicant provides a valid certificate showing they have passed the safeguarding course.
- 20.4. As part of the licence renewal application process renewal applicants will be required to submit a current safeguarding pass certificate, no older than 3 months, issued by a provider approved by the Council. That must be provided:
 - a) Every 3 years for drivers;
 - b) Every 3 years for vehicle proprietors;

- c) Every 5 years for private hire operators.
- 20.5. It is the duty of the applicant to ensure that they have completed the course and passed the test in sufficient time before applying for a renewal licence. There is no limit for the number of attempts to complete the test, to be undertaken at the applicant's own expense, however no licence will be issued until a certificate is produced.
- 21. Equality Act and Disability Discrimination.**
- 21.1. All licensees must ensure that they comply with their statutory duties in relation to disabled people under the Equality Act which includes not charging disabled people any more for a particular journey than an able-bodied person would be charged.
- 21.2. Drivers of vehicles designated by the Council in the list of wheelchair accessible vehicles must:
- a) be able to carry the passenger while in the wheelchair;
 - b) not make any additional charge for doing so;
 - c) if the passenger chooses to sit in a passenger seat, be able to carry the wheelchair;
 - d) take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
 - e) give the passenger such mobility assistance as is reasonably required and is safe to undertake.
- 21.3. Mobility assistance is assistance:
- a) to enable the passenger to get into or out of the vehicle;
 - b) if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
 - c) to load the passenger's luggage into or out of the vehicle;
 - d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.
- 21.4. This does not apply if the driver has a certificate of exemption and the specified notice is displayed in the vehicle at the time.
- 21.5. Drivers of hackney carriages must carry an assistance dog and allow it to remain with their owner unless they have a certificate of exemption issued

by the Council. They must not make any additional charge for doing so. When an assistance dog is being carried, the driver must allow it to be carried wherever the owner requires i.e. the driver cannot insist on the dog being separated from the owner or the owner and dog sitting in a particular seat (section 168 of the Equality Act 2010). The same requirements apply to drivers of Private Hire Vehicles when the operator has accepted a booking for a passenger with an assistance dog (whether or not the driver is aware of the existence of the dog) unless they have a certificate of exemption issued by the Council. The operator cannot make any additional charge for the carriage of the dog.

22. Complaints about licensees

- 22.1. If any person has any complaint/compliment about the behaviour or actions of a licensee (driver, operator or proprietor) they should contact the Licensing Section at taxi-licensing@herefordshire.gov.uk or to Licensing Section, Herefordshire Council, 8 St Owen Street, Hereford HR1 2PJ.
- 22.2. Complaints/compliments can be made by email, letter or via the Council's website.
- 22.3. To enable a complaint/compliment to be investigated that person must provide their name, address and contact details to the Council but these will not necessarily be passed on to the licensee. The licensing officers will consider all complaints and in the first instance are likely to view the CCTV footage of the incident reported. If the complaint is taken forward by the Council there will be full discussion with the complainant and agreement as to whether or not their identity can be revealed to the licensee. Depending on the outcome of the investigation, the Council may take appropriate action against the licensee. The Council will keep complainants informed of the progress of the investigation, any subsequent action taken and outcome of any subsequent court proceedings.

23. Hackney Carriage and Private Hire Driver Licences

- 23.1. The Council issues combined driver licences. That means that the licence is issued under both section 46 of the 1847 Act to drive a Hackney Carriage Vehicle, and section 51 of the 1976 Act to drive a Private Hire Vehicle. In both cases the vehicle must be licensed by the Council.

- 23.2. To be licensed as a driver, the following requirements must be met by the applicant (full details are set out in a separate document on driver licences):
1. must be aged at least 21;
 2. must have held a full (not provisional) valid driver's licence for at least one year. This must be a UK, Northern Ireland, EU or exchangeable licence. In the case of an exchangeable driving licence this can only be used in the UK for a maximum of one year, after which it must be exchanged for a UK licence;
 3. must have the right to live and work in the UK;
 4. provide a medical certificate from their own GP;
 5. pass the Council's approved knowledge test;
 6. passed the Council approved child sexual exploitation and safeguarding training;
 7. Been deemed suitable by checks on criminal and motoring convictions.
- 23.3. The applicant must obtain an enhanced DBS certificate with a check of both the adult and child barred lists. This is applied for in conjunction with the Council and will include a check of both the adult and children barred lists. The application must be made within one month of the date on the certificate.
- 23.4. A completed application must have been received by the Council, the application must have been processed, and the Council must be satisfied that the applicant has the right to remain and work in the UK, holds a valid driving licence (and has done so for at least 1 year) and is a fit and proper person (as required by sections 51(1) (a) (i) and 59(1) (a) (i) of the 1976 Act).
- 23.5. As part of that process the Council will check the National Register of Refusals and Revocations (NR 3), undertake checks with DVLA, and where an applicant lives outside Herefordshire, contact will also be made with the authority in whose area they ordinarily resident. In addition, information may be shared with other departments of the Council, other local authorities, HMRC, the police and immigration services. As a user of the NR 3, the Council will check the name of every applicant for a driver licence against the database, and will add to the NR3 database the required details of any driver whose licence application is refused or whose licence is revoked.

- 23.6. Applicants can complete the application form, satisfy the immigration checks and provide the DBS certificate without undertaking the knowledge test, safeguarding training or medical if they wish. This is referred to as a provisional application and will enable them to be satisfied that the Council will regard them as being a fit and proper person, subject to the additional requirements. This will save expenditure on the part of the applicant in situations where there is doubt as to whether or not a licence will be granted based upon their previous convictions.
- 23.7. The Council does not attach conditions to a taxi driver licence. Although the legislation allows conditions to be attached to a private hire driver licence, they cannot be attached to a hackney carriage driver licence. To ensure that the standards of behaviour are the same when drivers are driving either type of vehicle, the Council has decided to adopt a Code of Conduct. These are not conditions attached to the licence but rather this is the standard of behaviour expected from all taxi drivers.
- 23.8. If there is any non-compliance with this Code of Conduct, or the driver's behaviour falls short of these requirements, the Council will then consider whether or not that person remains a safe and suitable person to hold a licence. The consequences of not complying with the Code of Conduct include penalty points being awarded, suspension of the licence, and revocation of the licence or non-renewal of the licence.

24. Hackney Carriage Proprietor (Vehicle) Licences

- 24.1. Once a vehicle has been licensed as a hackney carriage, it retains that status all day every day for the duration of that proprietor (vehicle) licence. That means that it can only be driven by a person who holds a Herefordshire taxi driver licence entitling them to drive a hackney carriage licensed by the Council. The exception to this is when the vehicle is being tested.
- 24.2. Full details are set out in a separate document on hackney carriage proprietor (vehicle) licences.
- 24.3. Applicants for a hackney carriage proprietor licence must provide a basic DBS at the time of first application and on every renewal, unless a previous DBS has been provided as part of the driver licence process and it is in date.
- 24.4. The council sets fares for Hackney carriages. The mechanism for doing so is contained in section 65 of the 1976 Act. A fare review/increase will be initiated by the Council on an annual basis.

25. Private Hire Vehicle (Proprietor) Licences

- 25.1. Once a vehicle has been licensed as a private hire vehicle, it retains that status all day every day for the duration of that proprietor (vehicle) licence. That means that it can only be driven by a person who holds a Herefordshire dual driver licence entitling them to drive a Private Hire Vehicle licensed by the Council. There is no exception to this, even when the vehicle is being tested.
- 25.2. Full details are set out in a separate document on private hire vehicle (proprietor) licences.
- 25.3. Applicants for a private hire proprietor licence must provide a basic DBS at the time of first application and on every renewal, unless a previous DBS has been provided as part of the driver licence process and it is in date.

26. Private Hire Operator Licences

- 26.1. A Private Hire Vehicle must be booked via a private hire operator before the journey carrying passengers (the hiring) commences. A Herefordshire private hire operator can only operate (i.e. dispatch) a private hire vehicle driven by a private hire driver, both licensed by Herefordshire Council.
- 26.2. A Herefordshire operator can subcontract to another operator licensed anywhere in England (including Greater London), Wales or Scotland, and can also accept a subcontract from any other operator. When discharging a subcontract, the vehicle and driver used must be licensed by Herefordshire Council.
- 26.3. A Herefordshire licensed operator can advertise their services anywhere, not only within the area of the County.
- 26.4. Full details are set out in a separate document on private hire operator licences.
- 26.5. Applicants for a private hire operator licence and their telephone staff must provide a basic DBS at the time of first application annually thereafter, unless a previous DBS has been provided as part of the driver licence process and it is in date.

PENALTY POINTS SCHEME

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1. Penalty Points Scheme

- 1.1. Hackney carriage and private hire operators, drivers and vehicles are principally governed by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, Council Byelaws (in respect of hackney carriages) and the policy and conditions set by the Council.
- 1.2. The primary objective of the penalty point scheme is to improve the levels of compliance and to help improve the standards, safety and protection of the travelling public without the need for prosecution referrals.
- 1.3. The penalty point scheme works in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of licensees' behaviour and conduct so as to ascertain whether they remain a safe and suitable person to be a vehicle driver or operator and/or suitable to hold a vehicle licence. It does not prejudice the Council's ability to take other action.
- 1.4. The scheme will be used where operators, drivers or proprietors of vehicles fail to comply with any legislative requirement, commit a criminal offence (under legislation or byelaws) or breach conditions of licence, and following complaints from the public.
- 1.5. Licensees involved will be given the opportunity to respond to the proposed imposition of penalty points with a letter detailing the circumstances that led to the points being considered. The outcome of any investigation may result in officers determining that: no further action be taken; penalty points be imposed; a formal warning be issued, and/or prosecution.

- 1.6. If a licensee wishes to challenge the imposition of penalty points, an appeal will be referred to the Service Manager or Head of Service to review the information. At that review the officers can remove the penalty points, uphold the penalty points, increase the penalty points (and this includes imposing more points than displayed on the tariff), suspend or revoke the licence, or recommend prosecution.
- 1.7. Penalty points remain live or current for twelve months from the date the penalty points were imposed. The 12 month period is on a roll forward basis, so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licensee.
- 1.8. Where a licensee accumulates more than 12 penalty points in any 12 month period, the matter will be referred to the Taxi Panel or Taxi Sub Committee for the Committee to decide whether the driver remains a fit and proper person. The Taxi Panel or the Taxi Sub Committee may then suspend or revoke a licence, or issue a warning to the Licensee, depending upon the circumstances. Periods of suspension of a licence by the Panel or a Committee will be dependent on the nature of the breaches of the legislation, conditions, behaviour and the compliance history of the individual. Suspension periods will normally vary between 7 to 31 days.
- 1.9. The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws and conditions.
- 1.10. If points are issued to a proprietor or driver for a matter which is also a criminal offence which the council could prosecute for e.g. not wearing a driver's badge, failure to maintain operator records, those person(s) will not then be the subject of a prosecution by the Council.

2. List of Offences / Breach of Vehicle Licence Conditions

<u>Offence / Breach</u>	<u>Code</u>	<u>Points</u>
Failure to supply interim MOT test when vehicle is over 5 years of age within specified times	V1	4
Failure to have or maintain illuminated markings at entrances and exits	V2	2
Failure to have/maintain grab handles	V3	2
Failure to have a means of loading wheelchairs into a wheelchair access vehicle available at all times. Wheel chair vehicles only	V4	6
Failure to supply a current mechanical tail lift safety certificate to the Licensing Authority within specified time limits. Wheel chair vehicles only	V5	4
Failure to keep a wheelchair access vehicle available without modification at all times. Wheel chair vehicles only	V6	6
Failure to provide an annual LPG safety compliance Certificate within specified time limits	V7	4
Failure to maintain seat belts in a safe condition	V8	12
Undertaking alterations to equipment, dimensions or other specification to a licensed vehicle without consent	V9	4
Failure to display approved roof sign	V10	2
Failure to maintain roof sign in working order	V11	2
Failure to display roof sign on the front part of the roof, unless the vehicle type does not facilitate this, in which case it must be as near to the front as possible.	V12	2
Failure to display front door signs.	V13	2
Displaying incorrect signs i.e., wrong wording or magnetic	V14	2
Displaying other sign on front door	V15	2
Private hire vehicles advertising incorrectly	V16	4
Display sign that does not comply	V17	2
Display web site address large lettering than permitted	V18	2

<u>Offence / Breach</u>	Code	Points
Failure to display three or more “no smoking” signs in the vehicle	V19	2
Private hire displaying the word “taxi”	V20	6
Incorrectly displaying licence plate	V21	4
Failure to return plate on expiry of licence if requested to do so by Licensing Staff	V22	4
Failure to report loss or damage of a vehicle plate, following discovery of loss or damage.	V23	2
Failure to surrender vehicle licence and plate if proprietor does not wish to retain vehicle licence	V24	2
Advertising on vehicle without written authorisation from the Licensing Authority	V25	2
Failure to submit taximeter for testing when requested to do so by Licensing Authority	V26	4
Tampering or allowing an unauthorised person to tamper with taximeter	V27	4
Failure to display a statement of fares inside the HC	V28	2
Wilfully or negligently causing letters or figures in the statement to be obscured	V29	2
Failure to deposit copy of statement of fares which differ from the approved fares	V30	2
Failure to notify Licensing of accidents or damage affecting the safety, performance or appearance of the vehicle	V31	4
Failure to supply steering geometry and alignment reports following an accident if required	V32	12
Failure to have insurance for the licensed vehicle at any time during the licence period	V34	12
Failure to keep a record of insurance/cover note in the vehicle	V36	2

<u>Offence / Breach</u>	Code	Points
Failure to notify Licensing Authority of change of insurer or particulars within specified time	V37	4
Failure to produce details to the Licensing Authority of drivers permitted to drive within specified time	V38	2
Failure to notify change of drivers within specified time	V39	2
Failure to notify Licensing Authority of change of address or other contact details within specified time	V40	2
Failure to carry a suitably marked approved fire extinguisher within the vehicle	V41	4
Failure to carry marked first aid equipment as specified in conditions	V42	2
Failure to obtain written permission to use trailers on Licensed vehicles	V43	6
Failure to present vehicle and trailer for inspection when requested	V44	12
Using a driver without the appropriate DVLA category code to tow a trailer	V45	12
Failure to maintain radio equipment in safe condition which poses a risk of injury to passengers	V46	2
Proprietor/Operator allowing a greater number of persons to be conveyed than is specified on the licence	V47	12
Failure to maintain a reasonable standard of behaviour	V48	4
Failure to provide information requested by an authorised officer	V49	4
Failure to provide reasonable assistance to an authorised officer who is asking for information regarding matter/matters relating to the licence held.	V50	4
Failure to provide evidence of continuous insurance or interim MOT/compliance test	V51	12
Using CCTV equipment not in accordance with the provisions of the conditions and the data protection act	V54	4

<u>Offence / Breach</u>	Code	Points
Fail to have 3 CCTV signs	V55	2
Fail to check CCTV weekly	V56	2
Disconnecting CCTV system	V57	4
Obstructing CCTV Camera	V58	4
Providing alcoholic drinks not in accordance with the sale or supply of alcohol legislation	V59	12

3. List of Offences/Breaches of Driver Licence Conditions

<u>Offence / Breach</u>	<u>Code</u>	<u>Points</u>
Driver not clean and respectable in their dress	D1	2
Driver not complying with the Driver Dress Code	D2	2
Driver not behaving in a civil and orderly manner	D3	2
Driver allowing noise from radio or other similar equipment to be a source of nuisance or annoyance to any person inside or outside the vehicle	D4	2
Driver smoking/vaping/similar whilst in the vehicle	D5	4
PH drivers parking in a position or location which gives the appearance of being for hire, whilst not on a pre booking	D6	4
Driver of PH vehicle plying for hire	D7	4
Driver calling out or influencing person to travel in the vehicle for gain without a prior appointment	D8	2
Fail to have in possession driver badge whilst driving a licensed vehicle	D9	6
Not wearing driver badge which is visible to passengers being conveyed in the vehicle	D10	2
Failure to surrender driver badge to the Licensing Authority upon expiry, revocation or suspension of their licence when requested by Licensing Staff	D11	2
Failure to supply annual self-declaration and fee (1 st Occasion)	D12	6
Failure to supply annual self-declaration and fee (2 nd occasion)	D13	12
Failure to carry evidence of insurance cover, this can be a cover note, in the vehicle whilst on duty	D14	2
Failure of driver to check vehicle proprietor has insurance on the vehicle	D15	2

<u>Offence / Breach</u>	<u>Code</u>	<u>Points</u>
Driver carrying greater number of persons than the number specified on the licence	D16	12
Carrying other persons in the vehicle without the consent of the hirer	D17	2
Carry a member of family/friend in a licensed vehicle when it is for hire/hired without the consent of the hirer when the vehicle is hired.	D18	2
Failing to carry or ensure safety of passenger luggage	D19	4
Failing to offer reasonable assistance with luggage	D20	2
Failing to take steps to ensure passenger safety	D21	6
Failing to ensure passengers are dropped off safely, at the correct destination	D22	6
Fail to search vehicle after journey	D23	2
Fail to hand found property to the police or Operator	D24	2
Fail to operate taxi meter correctly	D25	4
Tampering or allowing tampering of a taximeter	D28	6
Cancelling the fare or concealing the fare on meter before the hirer has agreed the fare	D29	2
Demanding more than the previously agreed fare	D30	6
Demanding more than the fare shown on the taxi meter or scale of charges on the tariff sheet	D31	6
Starting the fare before the hirer enters the vehicle unless specified in the tariff sheet	D32	4
Failure to notify proprietor of complaints made by the passengers	D33	2
Failure to notify passengers of their right to refer their complaint to the Licensing Authority	D34	2
Failure to attend at appointed time or place without sufficient cause	D35	2
Unnecessarily prolonging journey in distance or time	D36	4

<u>Offence / Breach</u>	<u>Code</u>	<u>Points</u>
Failure to provide copy of driver licence to operator	D37	2
Failure to notify Licensing Authority of change of address/telephone number within 7 days	D40	4
Failure to notify Licensing Authority of motoring offences over 3 penalty points or criminal convictions during the period of licence	D41	12
Failure to notify Licensing Authority of motoring convictions up to 3 penalty points upon renewal of the licence	D42	6
Failure to notify Licensing Authority of the licence holders involvement in incidents which the Police are involved and may lead to a caution/conviction being imposed on them	D43	12
Failure to notify Licensing Authority in writing within specified times of serious injury or illness	D44	12
Failure to notify the Licensing Authority of a DVLA notifiable condition.	D45	12
Failure to carry assistance dog without exemption	D46	4
Making additional charge for carrying assistance dog	D47	4
Failure to apply for or provide an exemption certificate on medical grounds for not being medically fit to carry an assistance dog	D48	4
Not using mobile phone in accordance with The Road Vehicle (construction and use) (Amendment) (No.4) Regulation 2003	D49	6
Failure to keep vehicle reasonably clean	D50	2
Failure to notify Licensing Authority of vehicle damage within specified times or present vehicle if requested to do so	D51	4
Failure to provide a written receipt for the fare paid if requested to do so by the passenger	D52	2

<u>Offence / Breach</u>	<u>Code</u>	<u>Points</u>
Failure to co-operate with any authorised officer of the Licensing Authority, Constable or any other clearly identifiable person nominated by the Licensing Authority	D53	6
Failure to keep a record of bookings in the Private Hire Vehicle. This can be computerised/electronic or written	D54	4
Failure to comply the regulations governing the wearing of seat belts	D55	6
Refusing a fare without reasonable excuse	D56	6

4. Offences / Breaches of Operator Licence Conditions - Private Hire

<u>Offence</u>	<u>Code</u>	<u>Points</u>
Operating more vehicles than stated on licence	O1	6
Failure to obtain, maintain and produce insurance on vehicle	O2	12
Fail to provide valid insurance on expiry for any premises where the public have access	O4	6
Failure to notify the Licensing Authority of change of insurer within specified times	O5	2
Fail to provide evidence of public liability insurance for premises	O6	12
Failure to operate the business in a manner which does not cause nuisance to the public	O7	4
Failure to provide a prompt, efficient or reliable service without reasonable excuse	O8	4
Failure to attend a booking at appointed time or place without sufficient cause	O9	6
Knowingly allowing a greater number of persons in the licensed vehicle than is prescribed on the licence	O10	12
Operating the business from a premises outside the County of Herefordshire	O12	12
Failure to keep booking or waiting areas which the public have access, clean, adequately heated, ventilated and lit	O13	2
Failure to provide seating facilities in waiting areas	O14	2
Failure to comply with planning permission or licence conditions for number of vehicles permitted	O15	4

<u>Offence</u>	<u>Code</u>	<u>Points</u>
Failure to supply written confirmation within specified time of changes to the particulars shown on the application form relating to the licence	O16	4
Fail to notify Licensing Authority of change of address within specified time	O17	2
Failure to notify the Licensing Authority within specified time of any convictions imposed on them, during the period of the licence	O18	12
Failure to keep proper records for a period of not less than six months	O19	4
Fail to keep entries correctly	O21	2
Fail to keep records of private hire vehicles operated	O23	2
Displaying the word Taxi or Cab on a private hire vehicle	O24	4
Failure to keep records of all drivers employed or failure to produce details of the drivers	O25	4
Failure to notify Licensing Authority within specified time of the particulars of any driver who is no longer employed by the operator	O26	2
Failure to maintain telephone or radio equipment in sound condition or failure to repair defects promptly	O27	2
Failure to have evidence of a Licence issued by the Department of Trade and Industry licence for all radio equipment	O28	2
Using unlicensed drivers to drive a Herefordshire Licensing Authority licensed vehicle	O29	12
Failure to keep a written record of all complaints or failure to make available to the Licensing Authority	O30	4
Failure to provide evidence of insurance or interim MOT	O31	12

<u>Offence</u>	<u>Code</u>	<u>Points</u>
Failure to carry out or provide the required DBS checks on dispatch staff	O33	6
Failure to record, maintain or provide details of checks on dispatch staff in a register	O34	6
Failure to make appropriate checks of any operator for which work is outsourced	O35	6
Failure to establish, maintain or provide a policy on employing ex-offenders to the licensing authority	O36	12
Failure to require notification of convictions as part of the contract of employment	O37	12
Failure to notify licensing authority of any conviction information relating to booking and dispatch staff in accordance with condition	O38	12

5. Breaches of County of Herefordshire District Council Byelaws Relating To Hackney Carriages

Byelaw number	Offence	Code	Points
2 (b) (I)	Wilfully or negligently causing licence number to be concealed from public view while the carriage is standing or plying for hire	B1	4
2 (b) (ii)	Causing or permitting the carriage to stand or ply for hire with an illegible plate	B2	4
3	Failure to furnish the hackney carriage in accordance with requirements of the Byelaw	B3	4
4.	Failure to provide a taximeter in accordance with the requirements of the Byelaw	B4	12
5.	Failure to operate taximeter in accordance with requirements of the Byelaw.	B5	4
6.	Driver or proprietor tampering with meter or permitting any unauthorised person to tamper with meter	B6	6
7. (b)	Failure to proceed to another rank when at the time of arrival rank is full	B7	2
7. (c) (d)	Failure to station or move the carriage immediately behind the carriage or carriages in front on the rank	B8	2
8.	A proprietor or driver using the services of a person to importune a person to hire the vehicle	B9	2
10.	Failure by driver to take reasonable precautions to ensure the safety of passengers	B10	4
11.	Driver or proprietor allowing more persons to be conveyed than the licence allows	B11	12
12.	Failure by driver to wear the badge provided by the Licensing Authority when plying for hire	B12	2
13.	Failure to provide when requested reasonable assistance with luggage	B13	2
15.	Failure to display statement of fares inside the carriage in a legible state	B14	2

Section 2 of Taxi Policy

<u>Byelaw number</u>	<u>Offence</u>	<u>Code</u>	<u>Points</u>
17.	Failure to deal appropriately with lost property	B15	2

Previous Convictions Policy

1. 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, whether to take action against an existing licence (suspend, revoke or refuse to renew).
2. Ideally, all those involved in the hackney carriage and private hire trades (drivers, proprietors and 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.
3. The purpose of this policy is to lay down guidelines as to what the 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.
4. Drivers and operators cannot be granted a licence unless the Council is satisfied that they are a "fit and proper person" to hold that licence (see sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 in respect of drivers; and section 55 in respect of operators).
5. There are no statutory criteria for vehicle licences, therefore the Council has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor licence.
6. "Fit and proper" means that the individual (or in the case of a private hire operator licence or vehicle proprietor licence, the limited company together with its directors and secretary, or all members of a partnership¹) is "safe and suitable" to hold the licence.
7. In determining safety and suitability the Council 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.

¹ Section 57(1) and 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.

8. 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. Fixed penalties and community resolutions will also be considered in the same way as a conviction³.
9. 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 Council. 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 amount to criminal behaviour, but which have not resulted in a conviction.
10. 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 Council to decide what action to take in the light of these guidelines.
11. In all cases, the Council 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.
12. 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.
13. 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.

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

³ This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.

14. 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.
15. 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.
16. 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, vehicle and operator) 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.
17. 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 result in a licence being refused, or if already granted, revoked and may result in prosecution for an act of fraud.
18. 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.
19. Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The Council will only approve safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence is unlikely to be granted or renewed.
20. Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the Council will take that conviction into account and use these guidelines as an indication of the approach that should be taken.

21. These guidelines do not replace the duty of the Council to refuse to grant a licence where they are not satisfied that the applicant or licensee is a safe and suitable person. Where a situation is not covered by these guidelines, the Council must consider the matter from first principles and determine the safety and suitability of the individual.

DRIVERS

22. As the Council issues dual licences (permitting the licensee to drive either a hackney carriage or private hire vehicle (referred to as a dual driver licence) and the criteria for determining whether an individual should be granted or retain a hackney carriage driver licence are identical to the criteria for a private hire driver licence), the two are considered together.
23. A licensed driver has direct responsibility for the safety of their passengers and direct responsibility for the safety of other road users. As 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.
24. 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.
25. 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

26. 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

27. 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.

Offences involving violence

28. 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

29. 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.

Sex and indecency offences

30. 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.
31. In addition to the above, the Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

Dishonesty

32. 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

33. 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.
34. 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. This test must be undertaken and passed before the licence will be issued. Such tests will be required on every renewal of the licence until a period of 10 years has elapsed since the completion of any sentence imposed.

Discrimination

35. 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

36. 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/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving

37. 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. This test must be undertaken and passed before the licence will be issued. Such tests will be required on every renewal of the licence until a period of 10 years has elapsed since the completion of any sentence imposed.
38. 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 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Other motoring offences

39. 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.

40. 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

41. 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

42. 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

43. A private hire 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.
44. 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.
45. 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 Council's overall criteria, that will lead to the operator's licence being revoked.

46. 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 PROPRIETORS

47. Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.
48. Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.
49. Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.
50. 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.
51. 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.

DRIVER LICENCES (Hackney Carriage and Private Hire)**Town Police Clauses Act 1847****Local Government (Miscellaneous Provisions) Act 1976**

1. The Council issues dual drivers licences. That means that once you hold a drivers licence, you can drive any hackney carriage or private hire vehicle which is licensed by Herefordshire Council.
2. This reduces the burden on drivers who may wish to drive either type of vehicle, reduces the costs to the drivers and the Council, and as the criteria for issue and retention of both hackney carriage and private hire driver licences are identical, there is no practical or legal reason not to do so.
3. This document contains the policy, Code of Conduct and legislation relating to driver licences.
4. The Council has the power to make byelaws relating to hackney carriage drivers under the legislation, and it has done so. The byelaws only apply when you are using your licence to drive a hackney carriage.
5. There is also a power to attach conditions to private hire drivers licences, but the Council has decided not to attach standard conditions to these licences.
6. As it issues dual licences, the Council has a Code of Conduct for Drivers which applies to both hackney carriage and private hire activity. This Code is not a condition. It is a standard of behaviour which the Council expects drivers to maintain. Any failure to comply with the Code will lead to the Council questioning whether a licensee remains a safe and suitable person to drive a hackney carriage or private hire vehicle.
7. A dual driver licence can be referred to as a "licenced driver" within the Council and for the remainder of this document.

INTRODUCTION

8. The purpose of licensing drivers is to protect the public, including passengers and others who may otherwise be placed at risk from unlicensed and potentially dangerous drivers.

Section 4 of Taxi Policy

9. It is a privilege to hold a dual drivers licence and licensees have responsibilities to their passengers and customers, other road users and the public generally. The Council has been satisfied that when you applied for your licence you were a safe and suitable person to have that licence granted. In assessing that, the Council took into account your entire character and behaviour. This not only includes times when you are working as a licensed driver, but all other times as well. This can include your use of social media as well as other forms of communication. The requirement to satisfy the Council that you are a safe and suitable person continues throughout the duration of the licence.
10. If at any time you as a licensee fall below the standards expected of a new applicant, the Council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence. It is no defence to argue that your actions took place when you are not working as a taxi driver. You should appreciate that under the Previous Convictions Policy, if the unacceptable or criminal behaviour took place whilst you were driving as a taxi driver that will be viewed as an aggravating feature by the Council.
11. In many cases a taxi driver is the first person that a visitor to the county will encounter following arrival at a railway or bus station. Licensed drivers are ambassadors for the county and that first impression can affect a person for their entire visit. Licensed drivers should be aware of this and act accordingly at all times.
12. Licensed drivers can also be the eyes ears of their communities. In addition to travelling far and wide around the area they also have close contact with people from every part of society. This means they can quickly establish when situations are not normal. That could be that a person has not made a booking that is expected which may be as a result of them falling ill. If they live alone the taxi driver may be the only person to have realised that there is a problem. Licensed drivers are also very aware of the movements of people. They are in a position to recognise where children may be being used for criminal purposes (for example County lines drug trafficking) or being moved for the purposes of abuse or exploitation. They may also recognise similar movements of adults in relation to modern slavery and other forms of abuse.
13. By working closely with the Council and other agencies the role of the licensed driver can be vital in protecting vulnerable people within the community.

14. Please note, this section reminds you of some of the important legal requirements with which you must comply. This is not a comprehensive list. You should familiarise yourself with the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation.
15. You must understand and comply with the legal requirements relating to your Dual Driver Licence and the legal requirements and conditions attached to the hackney carriage or private hire vehicle licence of the vehicle you drive. Failure to comply with the requirements may result in your Dual Driver Licence being suspended or revoked.
16. The Council office for hackney carriage and private hire licensing purposes is The Licensing Section, Herefordshire Council, 8 St Owen Street, Hereford HR1 2PJ, telephone: 01432 261761.
Email: taxi-licensing@herefordshire.gov.uk.

Power to take action against a taxi drivers licence

17. Under section 61 of the Local Government (Miscellaneous Provisions) Act 1976, the Council may suspend or revoke or refuse to renew a dual driver licence on the following grounds:
 - (a) that the licensee has, since the date of 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;
 - (iii) been convicted of an immigration offence or required to pay an immigration penalty; or
 - (b) any other reasonable cause.
18. The Council may suspend or revoke your licence with immediate effect where it is of the opinion that the interests of public safety require such a course of action under section 61(2A) of the 1976 Act. That power is delegated to an officer, the Head of Public Protection, or a service / corporate director in his absence. As this is likely to be an urgent situation, you will be contacted by telephone, text or email and notified of the time the decision will be made and your opportunity to make representations. If

you do not avail yourself of that opportunity, the decision will be taken in your absence.

19. Failure to comply with any hackney carriage or private hire legislation, or other road traffic legislation is an offence, and you may be liable to prosecution. In addition (irrespective of whether you were prosecuted or convicted of the offence(s), the Council may take action against your licence which may also result in your dual drivers licence being suspended or revoked.
20. If any information given by you on the application form for this licence proves to be false, or you fail to disclose any relevant information on your application form, the licence may be revoked, and you may also be prosecuted under s57(3) of the 1976 Act.
21. In the event that you lose your licence, badge or armband, or they are damaged or defaced, you must get a replacement on payment of a fee determined by the Council, and you cannot drive a hackney carriage or private hire vehicle until such a replacement is obtained.

Duration

22. The dual driver licence usually expires 3 years (36 months) from the date of issue, unless a two or one year licence is applied for at the time of application. The cost of a one or two year licence will reflect the additional administration charge for shorter licences.

Renewal

23. Any application for renewal should be made at least one month before the licence expires. If a licensed driver does not apply to renew their licence in time, there may be a period when they will be unable to drive a hackney carriage or private hire vehicle. If the renewal application is not received before the expiry of the current licence, it will be treated as a new application rather than a renewal and the licensed driver will have to provide all the information that is required for the renewal application (e.g. a new DBS check, up-to-date medical etc).
24. The renewal of the licence will be at the Council's discretion.

Applications

25. All applications must be made online via the Council's website or on the application form which is available to download from the Council's website. However, if you have no access to the internet please contact the licensing team so that they can assist you. Please note there is a 5 day response time for contacts so allow more time for your application if you require direct assistance as contacting the department will not be considered making a valid application.
26. An application will not be processed unless it is complete.

Photographs

27. All applications must be accompanied by a passport sized photograph of the applicant with the applicant's full name written in block capitals on the reverse.

Age Restrictions

28. Licences will only be granted to persons over the age of 21.

Driving Licence

29. Applicants must have held a full DVLA driving licence for a Category B vehicle for a period of at least 1 year. Where an applicant (or an existing licensed driver) has been disqualified from driving for any period, as a result of a conviction, a dual driver licence will not be granted to that applicant until the requisite period of time as detailed in the previous convictions policy has elapsed.
30. If an applicant does not hold a UK driving licence, an application can be made provided the applicant holds a Northern Ireland, European Economic Areas or a driving licence issued by a country which is defined as an "exchangeable" driving licence, and has done so for at least 1 year at the date of application. Countries which issue licences recognised as exchangeable are currently Gibraltar, Jersey, Guernsey, Isle of Man, Australia, Barbados, British Virgin Islands, Canada, Falkland Islands, Faroe Islands, Hong Kong, Japan, Monaco, New Zealand, Republic of Korea, Singapore, South Africa, Switzerland, Zimbabwe¹. An applicant who does

¹ This list may change as a result of changes to the legislation.

not hold an “exchangeable” driving licence will need to seek advice from the DVLA website.

31. The driving licence must be produced at the assessment interview and consent to access DVLA records must be given. A copy will be taken of the licence and retained together with the application form and all other supporting documents.

Immigration requirements

32. An applicant for a dual driver licence must have the right to remain and work in the UK. This will be evidenced on application by the driver who must provide documentation which must comply with the Home Office guidelines. At the time this policy was adopted this detailed in Appendix 1 to the Home Office document *Guidance for Licensing Authorities to prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales*². The list of acceptable documents is also detailed on the Council’s website.
33. You will be advised how to produce your original documents. They will then be inspected, verified and copied.
34. Where an applicant has an unqualified right to remain and work, that will be noted and this process will not be repeated on renewal.
35. However, where there is a qualification to either of the rights, the required documentation must be provided each time the licence is renewed. In those cases a licence for a shorter period than the usual 3 years may be granted.
36. If at any time during the duration of a licence, the right to remain or work is lost, that licence will cease to have effect and the licensed driver must immediately notify the Council and return the licence and badge.

Criminal Record Checks

37. All applicants (new and on renewal) will be required to provide an enhanced Disclosure and Barring Service (DBS) check with a check of both the Adult and Children Barred Lists, at their own expense, as part of the application process. This is conducted via the Council, but the DBS Certificate is sent to the applicant’s home address. Once a licence has been

² available at

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/675533/A_Licensing_Authority_guide_to_right_to_work_checks_-_England_and_Wales.pdf

granted, all licensees will be required to subscribe to the DBS Update Service. Once a licensed driver has subscribed to the update service then, provided the applicant maintains the subscription to the service and there are no changes to the DBS status, the applicant is not required to repeat the DBS application process, but instead merely provide the update service reference number and original DBS certificate. If at any time during the duration of a licence, the DBS Update Service is not maintained, that licence will be reviewed on the basis that the licence holder may not remain 'fit and proper'.

38. The application will then be considered in the light of the Council's Previous Convictions Policy.
39. Applicants who are foreign nationals and who have not been continuously resident in the UK for more than 5 years since the age of 18 must obtain and produce (at their own expense) a certificate of good conduct authenticated by the relevant embassy for each and every country in which they have resided for more than 3 months from the age of 18 until arrival in the UK. Such certificates must be less than 3 months old and the Council will verify the authenticity of any documentation that is provided.
40. UK citizens who have lived outside the UK for more than 3 months at a time since the age of 18 must obtain and produce (at their own expense) a certificate of good conduct authenticated by the relevant embassy for each and every country in which they have resided for more than 3 months from the age of 18 until arrival in the UK. Such certificates must be less than 3 months old, and the Council will verify the authenticity of any documentation that is provided.

Provisional application

41. An applicant can complete the steps to this point and the Council will then assess whether a licence could be granted in relation to the driving licence and immigration checks and whether it would be granted in relation to previous convictions. This will allow an applicant to reduce expenditure on a speculative application until such time as they have been informed that, subject to satisfactory results in the following requirements, a licence will be granted.

Knowledge Test

42. In order to establish that an applicant has reached an acceptable driving standard, working understanding of the conditions and awareness of the county, new applicants will be required to successfully undertake and pass a knowledge test before a licence will be granted. Applicants must arrange and pay for this test themselves. Existing licensed drivers are exempted from this requirement. There is no limit on the number of times a failed test can be re-taken but a period of 2 weeks between each test must elapse to allow the applicant time to revise the content before attempting the test again. The knowledge test can be taken at any time before or after an application has been made, however, it is advised that the applicant is certain before taking it that the DBS and medical will not preclude the application progressing to issue.
43. The knowledge test (driver skills assessment) will assess the following, although this is not an exhaustive list:
 - a) geographic knowledge and navigational skills;
 - b) basic English communication skills;
 - c) Basic numeracy skills
 - d) hackney carriage and private hire law licence conditions knowledge;
 - e) child sexual exploitation awareness and
 - f) safeguarding awareness.

Medical Requirements

44. Applicants are required to pass a medical examination (at their own expense) and provide a Council issued medical certificate completed by their own GP who must have full access to their medical records, or by a medically qualified medical practitioner who has access to a full summary print out from the GP surgery with whom the applicant is registered, to meet PSV/HGV Group 2 (vocational licence) medical standards of fitness, as defined and updated by the DVLA.
45. An applicant can also provide a PSV/HGV Group II medical certificate which has been completed within the previous four months. This must be produced on a Council issued medical certificate.

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46. Medical certificates are required at the initial application; thereafter every 5 years until the age of 65; and every year from the age of 65, or more frequently as advised by Occupational Health.
47. The Council reserves the right to seek a second opinion (at the expense of the applicant) in any case where it has any concerns about the medical fitness of an applicant, both on application and at any time during the duration of the licence. Any fee required for a referral will need to be paid to licensing by the applicant before the issue is raised with a Medical Practitioner. The Council may revoke or suspend a licence if any information raises concerns as to the applicant's fitness to carry out their duties as a licensed driver or if requested information is not submitted within 4 weeks of the request. Occupational Health trained Medical Practitioners will be used when a second opinion is required. If a satisfactory medical certificate is provided by an Occupational Health trained Medical Practitioner there will not usually be a need to refer to the Council's Occupational Health Specialist.

Driver Licence and Badges

48. Successful applicants will be issued with their licence, one licence for display in the vehicle and 1 armband or lanyard style badge on receipt of the licence fee.
49. These must be worn and copies lodged with the operator or hackney carriage proprietor (as applicable) in accordance with the code of conduct.

Equality Act Exemption Certificates

50. Licensed drivers must carry assistance dogs and, when driving a listed wheelchair accessible vehicle, provide mobility assistance to wheelchair-bound passengers (detailed below).
51. Applications can be made to the Council for exemption from the 'assistance dogs' requirements under sections 169 and 171 of the Equality Act 2010. Similar applications for exemptions from the requirement to provide mobility assistance can also be made under section 166 of the 2010 Act.
52. Application forms are available from the Licensing Section together with details of the criteria that will be used to determine whether or not any such exemption certificate should be issued, and if so on what terms.

53. Where a driver is medically exempt from the above requirements, the driver must notify the Council in order to obtain the necessary exemption certificate. This certificate will then last until the driver is required to provide their next general medical certificate. This means that an exemption certificate will last for a maximum of 5 years, but if it is being granted subsequent to the last medical, it will not run beyond the renewal date for the general medical certificate.

Seat belts

54. The law relating to seat belts, as it applies to drivers and passengers in hackney carriages and private hire vehicles, is different from non-licensed passenger vehicles.
55. When driving a hackney carriage, the driver does not need to wear a seatbelt when seeking hire (plying), answering a call for hire (travelling to a pre-booked hiring) or when a commercial or fare paying passenger is being carried (this does not apply to the vehicle being used for private/domestic use). However, the Council advises strongly that a seatbelt should be worn by drivers of hackney carriages at all times, unless they feel that this compromises their personal safety.
56. When driving a private hire vehicle, the driver does not need to wear a seatbelt when a commercial or fare paying passenger is being carried (this does not apply to the vehicle being used for private/domestic use). However, the Council advises strongly that a seatbelt should be worn by drivers of private hire vehicle at all times, unless they feel that this compromises their personal safety.
57. In relation to commercial or fare paying passengers in hackney carriages and private hire vehicles (except when the vehicle is being used for private/domestic use) the rules relating to seat belts are as follows:

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Commercial or fare paying passengers	Front seat	Rear seat	Who is responsible?
Children under three years' old	Correct child restraint MUST be used.	Correct child restraint MUST be used If one is not available in a hackney carriage or private hire vehicle, the child may travel unrestrained.	Driver
Child Aged 3–11 and under 135cms in height (about 4.5 Feet)	Correct child restraint MUST be used	Correct child restraint must be used if seat belts are fitted. If a child seat is not available, a child may travel using just the seat belt in these situations: - In a hackney carriage or private hire vehicle - For a short distance if the journey is unexpected and necessary - There is not room to fit a third child seat	Driver
Child Aged 12 or 13 years or younger child 135 cms or more in height	Adult seat belt must be worn if fitted	Adult seat belt must be worn if fitted	Driver
Passengers aged 14 years and over	Must be worn if fitted	Must be worn if fitted	Passenger

58. Children can be carried lawfully in hackney carriages and private hire vehicles without the correctly sized child restraints. In these circumstances, the driver must make the parent, carer or other responsible adult accompanying the child aware of the potential dangers of carrying a child who is not correctly restrained in motor vehicles. It will remain the parent's, carer's or other responsible adult's decision as to whether they are prepared to accept those risks.

Sanctions against breaches of the Code of Conduct and for acquiring driving licence points

59. It must be understood that a decision to grant a licence was made on the basis that the applicant was a safe and suitable person to drive a hackney carriage and private hire vehicle on the particular facts of the case on the day of the decision. That status can be lost at any time in the future and licensees must ensure that their behaviour remains of the highest standard to protect their driver licence and therefore their livelihood.
60. Any behaviour which would lead to a licence not being granted under this policy, where a driver acquires penalty points on their DVLA licence for serious motoring offences, or any breach of any legislation, byelaw or requirement of the Code of Conduct, may lead to the driver being subject to enforcement action.
61. The Council also runs its own Penalty Points Scheme as a method of enforcing the requirements for taxi drivers.
62. The Council has a range of options open to it including suspension or revocation of the licence, refusal to renew the licence, the imposition of penalty points or the issue of warnings.
63. Suspension or revocation of a driver licence can be with immediate effect where the Council is of the opinion that the interests of public safety require such a course of action (section 61(2A) of the 1976 Act).

BYELAWS**COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL BYELAWS RELATING TO HACKNEY CARRIAGES**

BYELAWS made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the County of Herefordshire District Council with respect to hackney carriages in the County of Herefordshire.

INTERPRETATION

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

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed.

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to, in respect of the carriage, to be displayed on the outside and the inside of the carriage only by means of the plates supplied by the Council. .

(b) A proprietor or driver of a hackney carriage shall not:
 - (i) wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - (ii) cause or permit the carriage to stand or ply for hire with any such plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided.

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

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- (a) the taximeter shall be fitted with a key, flag or other device, the operation of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
- (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;
- (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly apply to the fare recorded thereon;
- (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in the several employments, and determining whether such drivers shall wear any and what badges

5. The driver of a hackney carriage shall:
 - (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - (b) before beginning a journey for which a fare is charged for distance and time bring the machinery of the taximeter into action by operating the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
 - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is between half-an-hour after sunset and half-an-hour before sunrise and also at any other time at the request of the hirer.

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6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof or the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:
 - (a) proceed with reasonable speed to one of the stands appointed by the Council;
 - (b) If a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand, other than an angled parking stand, not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand so as to face in the same direction; and
 - (d) from time to time when the carriage immediately in front is driven off, or moved forward, cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of every person conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at the appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such a carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
12. A driver shall when standing or plying for hire and when hired wear the badge provided by the Council in such position and manner as to be plainly and distinctly visible.
13. The driver of a hackney carriage shall, when requested by any person hiring or seeking to hire the carriage:
 - (a) convey a reasonable quantity of luggage;

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- (b) afford reasonable assistance in loading and unloading; and
- (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

Provisions fixing the rates or fares to be paid for hackney carriages within the district, and securing the due publication of such fares.

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

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

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

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof.

16. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.
17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:
- (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the offices of the Council, and leave it in the custody of the officer in charge of the offices on his giving a receipt for it; and
 - (b) be entitled to receive from any person to whom the property shall

be redelivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than ten pounds.

Penalties

18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 and, in the case of a continuing offence, to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefore.

Repeal of Byelaws

19.
 - (a) The following byelaws are hereby repealed:

The byelaws relating to hackney carriages which were made by the Hereford City Council on the 21st day of July 1997 and which were confirmed by one of the Majesty's Principal Secretaries of State on the 26th day of August 1997.

The byelaws relating to hackney carriages which were made by the South Herefordshire District Council on the 17th day of December 1986 and which were confirmed by one of her Majesty's Principal Secretaries of State on the 18th day of February 1987.

- (b) The following byelaws inasmuch as they relate to the County of Herefordshire only are hereby repealed:

The byelaws relating to hackney carriages which were made by the Malvern Hills District Council on the 6th day of March 1987 and which were confirmed by one of her Majesty's Principal Secretaries of State on the 27th day of April 1987.

TAXI DRIVERS CODE OF CONDUCT

64. This Code of Conduct relates to you as a licensed taxi driver. It outlines the standards of behaviour which are expected of you whilst you hold a dual driver's licence. Failure to comply with these requirements may lead to enforcement action being taken. This could be by way of penalty points attached to your dual driver licence, suspension, revocation or refusal to renew your licence.

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65. You are a licensed driver for the duration of the licence and at all times you should ensure that your conduct and behaviour is that of a safe and suitable person. You must ensure that you do not act in any way at any time that might affect that. The Council will consider all your behaviour and that is not limited to the times when you are driving a hackney carriage or private hire vehicle.
66. When you are driving a hackney carriage or private hire vehicle, that remains a Council licensed vehicle and you remain a Council licensed dual driver wherever you may be located, and for whatever purpose you are using the vehicle (this includes social and domestic use). This Code of Conduct applies across the whole of the United Kingdom.

Your taxi drivers Licence and Badge

67. You have been issued with 1 copy of your driver's badge and a coloured armband/or badge to be worn around the neck. You must wear the driver's badge in the armband on your left upper arm, or the badge around the neck at all times when you are driving or working with a private hire vehicle or hackney carriage and failure to do so is a criminal offence (under section 54 of the 1976 Act when using a private hire vehicle and Byelaw 12 when using a hackney carriage). You must display the second copy of your badge in a position which is plainly and clearly visible to your passengers at all times whilst you are working as a licensed driver.
68. You must return your licence, badge and armband to the Licensing Section within 48 working hours if:
 - a) you change your home or business address
 - b) the licence expires, is suspended or revoked
 - c) you lose the right to work in the UK, or the right to remain in the UK
 - d) you wish to surrender your dual driver licence
 - e) the DBS Update Service has not been maintained
 - f) your medical fitness has changed and you may no longer be medically fit to drive a licensed vehicle
 - g) required to do so by an "Authorised Officer of the Council".
69. In the event of the loss of your licence, badge or armband you must report the loss to the Licensing Section immediately.

Deposit of Taxi Driver Licence when working for others

70. You must show your dual driver licence to the private hire operator when driving any private hire or hackney carriage vehicles, which you will be using. They will then keep a copy of your licence while you are driving for them, although you will retain the original at all times whilst working.

Production of Documents

71. If an Authorised Officer of the Council, an Authorised Officer of another Council with which the Council has a reciprocal arrangement with or a police constable or PCSO asks you, you must produce:
 - a) Your DVLA driving licence;
 - b) Your dual driver licence;
 - c) The vehicle registration document and/or
 - d) A valid certificate of insurance

Within **five days** of the request being made at the location that they specify.

Medical condition

72. You must notify the Council, in writing within 48 working days of any change in your medical condition including any treatments or medications (prescription or otherwise) that may adversely affect your ability to drive private hire or hackney carriage vehicles.
73. You must ensure that when you are working you are sober and not under the influence of any illegal drugs. If you are taking any prescription medication, you must ensure that it does not impair your driving ability.
74. If at any time you feel unwell or are in any doubt regarding the above, you must discontinue work until such time as you have had advice from a medical practitioner and/or Council officers that you able to return to work.

Declaration of conviction / caution / penalty / criminal investigation

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75. You must declare all convictions, cautions, arrests, being charged with a criminal offence, being subject to a criminal investigation, fixed penalty notices, CBOs (Criminal Behaviour Orders) CPNs (Community Protection Notices), , injunctions, restraining orders to the Council on your initial application form.
76. If you are convicted of any offence, or accept a formal caution for an offence, or receive a fixed penalty notice for any offence or receive and accept an endorsable fixed penalty notice, or are made the subject of a CBO or CPN, are required to attend a speed awareness course, are made the subject on any injunction or restraining order, or you are arrested for any matter, you must give the Council details, in writing and within 48 working hours of the event.

Driving

77. You must comply with all road traffic regulations at all times.
78. You must comply with all legislation and conditions relating to the hackney carriage or private hire vehicle that you are driving at all times. Those conditions are available on the Council's website.
79. You must not use a hand-held mobile telephone or any other handheld device (apart from a two-way radio which is firmly placed in a cradle) whilst driving.
80. You must not sound your vehicle horn:
 - a) unnecessarily, i.e. unless in an emergency or to let other road users or pedestrians know you are there.
 - b) when your vehicle is stationary on a road, at any time, other than at times of danger due to another moving vehicle on or near the road.
 - c) on any road in a built up area between 11.30 pm and 7.00 am.
81. Your vehicle horn must not be used to signal your arrival to collect any pre-booked passenger.
82. You must not drive any hackney carriage or private hire vehicle in a dangerous or inconsiderate manner and in addition to complying with all road traffic regulations you must ensure that the driving and behaviour on is of the highest standard.

83. When parking, or otherwise waiting for either a hiring (hackney carriage), a booking to be communicated to you (private hire and hackney carriage) or attending for a pre-booked hiring (private hire and hackney carriage) you must ensure that you do not obstruct other road users including pedestrians on pavements and in pedestrianised streets. You must also ensure that you do not block vehicle entrances or any emergency exits for buildings.
84. When stopping to set passengers down you must do so in a manner which minimises the risk to those passengers as they alight from the vehicle. You must warn passengers clearly of any unusual or unexpected dangers within the vicinity.
85. When driving a hackney carriage, you must not demand a fare greater than that shown on the meter for a journey within the Council's area, other than in accordance with the tariff sheet.
86. When driving a private hire vehicle you must not demand a fare greater than that shown on the meter (if that is how your operator calculates fares) unless agreed between the hirer and the operator.
87. You must stop the engine of the vehicle at all reasonable times when the vehicle is stationary otherwise than through the necessities of traffic.
88. It is a criminal offence to hold and use a mobile phone or other handheld device whilst driving. In addition this will be regarded as a serious breach of the Code of Conduct.

Conduct and Behaviour

89. You must be honest and trustworthy at all times.
90. You must be polite and courteous to your passengers, other road users and the public generally.
91. You must not use abusive or foul language, spit or smoke in or near the vicinity of your vehicle.
92. You must not use aggressive language or behaviour, or engage in any violent conduct.
93. You must not carry any form of weapon on your person or in your vehicle at any time and under no circumstances must you ever take the law into your own hands.

94. If the hirer requests, you must provide a written receipt for the fare paid for the hiring, including the amount of VAT (if applicable) shown separately if so requested. That receipt must also contain details of the journey including the date, pick up point and destination, vehicle licence number, operator's name and driver name or licence number. You must then sign the receipt.
95. You must not cause or allow noise emitted by any radio or sound equipment in the vehicle which you are driving to be a source of nuisance or annoyance to any person or persons, whether inside or outside the vehicle.
96. If a passenger objects, you must not play any radio or sound reproducing instrument or equipment in the vehicle.
97. You must treat everybody decently, equally and fairly.
98. You must at all times treat people, with courtesy and respect.
99. You must not discriminate against any person because of their race, colour, creed, age, gender, sexuality, or disability.
100. You must not use abusive, racist, sexist, or any other offensive language or terms with passengers or other members of the public (remember that not everybody shares your sense of humour, or views).
101. You must protect passengers and yourself. Be wary about entering any premises, especially domestic premises unless you know the person as an established customer. Even then make sure that you take all steps to minimise any risk to yourself or your reputation.
102. You must not obtain the telephone numbers of, or engage on any form of social media with anybody under the age of 18.
103. You must not engage in any kind of sexual activity within or in the vicinity of your licensed vehicle.
104. You must behave in a civil and reasonable manner at all times and must comply with any reasonable request made by the hirer.
105. You must always pick up your passengers on time unless unavoidably delayed.

106. You must always assist your passengers with their luggage. If they do not request this, you must ask whether they need help. This includes picking it up from the point of booking, removing it from your vehicle at the end of the journey and setting it down.

107. You must maintain a record of any serious complaints that are made to you as a driver. All complaints must be recorded promptly to the Council or Police with as much detail as possible (date, time, location, nature of the complaint, names of the parties (if known) and identifying features). When you are driving a private hire vehicle all such complaints must also be reported to your operator as soon as possible. If you are driving a hackney carriage that has been booked via a booking agent, all such complaints must be also be reported to that agent as soon as possible.

Personal Appearance and Dress Code

108. You must maintain good standards of personal hygiene at all times.

109. You must always be clean and respectable in your dress and present a professional image. To achieve this you must comply with the following dress code which will also ensure that public and driver safety is not compromised

Acceptable standards of dress

110. Collared shirts, blouses, polo shirts, or sweat shirts must cover the shoulders and be capable of being worn tucked inside trousers, shorts or skirts.

111. Shirts or blouses may be worn with a tie or open necked.

112. All clothing must be clean, of smart appearance and in good condition.

Trousers, shorts and skirts

113. Trousers can be either full length or shorts.

114. Skirts must be no shorter than 5 cm above the knee (when standing) and can be of any longer length, but must not impede the safe operation of the pedals

115. Trousers, shorts or skirts must be tailored.

Footwear

116. Footwear for all drivers must fit around the heel of the foot. Wooden soled footwear is not permitted.

Unacceptable standards of dress

117. Anything not conforming to the above, including:

- a) Clothing not being kept in a clean and fresh condition or any items which have holes or rips.
- b) Words or graphics on any clothing that is of an offensive or suggestive nature.
- c) Sportswear e.g. football or rugby kits, track suits, beach wear, etc.
- d) Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
- e) Not having either the top or bottom half of their bodies suitably clothed.
- f) No baseball caps or hoods worn up whilst in the vehicle.

Use of the Vehicle

118. Private hire vehicles and hackney carriages are smoke free vehicles at all times under the Health Act 2006. It is a criminal offence to smoke in a private hire vehicle at any time (section 7) or to allow a person to smoke in a private hire vehicle (section 8) and you can be prosecuted for either or both offences. In addition this will be regarded as a serious breach of the Code of Conduct.

119. You must not eat in the vehicle whilst carrying passengers, or allow passengers to eat in the vehicle at any time.

120. Animals must not be carried in private hire vehicles or hackney carriages other than those belonging to or in the care of passengers. You may refuse to carry a hirer's animal at your discretion. However, you must not refuse to carry an assistance dog, unless you have a valid Exemption Certificate issued by the Council. Any animal must be kept under the hirer's control, and must be carried in the rear of the vehicle (except assistance dogs). No animals can be carried in the luggage compartment of a vehicle unless the vehicle is an estate car or hatchback and the animal can be seen from outside the vehicle through a window.

121. You must not carry more passengers than the maximum number prescribed by the conditions attached to the hackney carriage or your private hire vehicle licence and displayed on the vehicle plate.
122. You must carry a reasonable amount of luggage and assist passengers in loading and unloading it from the vehicle.
123. You must not carry any additional passengers not already accompanying the hirer in the vehicle without the hirer's permission.
124. You must not carry more than one person in the front seat unless the vehicle is furnished with manufacturer fitted seats for more than one passenger in the front of the vehicle and provided with seat belts for all front seat passengers.
125. You must not carry any child below the age of ten years in the front of the vehicle.
126. Hackney carriages and private hire vehicles are not expected to carry a range of child seats. If you are carrying children under the age of 14 you must make any adult with responsibility for the child aware that the correct restraints may not be available and the carriage of the child in those circumstances is at the adult's own risk. Children under 3 years of age can travel unrestrained in a hackney carriage or private hire vehicle if the appropriate restraint is not available. Children over 3 years of age and below 11 years of age or shorter than 135cms (approx. 4ft 6in) can use adult seat belts if the appropriate restraint is not available. Children over 11 years of age or taller than 135cm (approx. 4ft 6in) must use adult seat belts.

Vehicle Checks

127. It is your responsibility to ensure that the correct policy of insurance is in force for any hackney carriage or private hire vehicle that you are driving.
128. Before using a hackney carriage or private hire vehicle for the first time each day, you must undertake a "walk around check" and keep a note of this in a logbook kept for that purpose which must be available for inspection by the Council or a police constable. This requires that you ensure that the vehicle is roadworthy and fit for use as a hackney carriage or private hire vehicle. The check must include the tyres (pressure and tread depth), checking the lights are functioning (so far as is possible with one person – all

lights except brake lights), checking all glass (lights and windows) is intact and ensuring there is no obvious damage to the vehicle. Any defects that are detected must be rectified before the vehicle is used to carry passengers.

129. Every time you commence driving the vehicle you must ensure that the rear identification plate, supplied by the Council, is not missing and that it is securely fixed to the outermost rear of the vehicle, so that it can be clearly read by pedestrians and other road users. You must also ensure that any other identifying information (whether supplied by the Council or not) is correctly and securely attached to the vehicle.
130. If you have been issued a certificate of exemption from carrying assistance dogs or providing wheelchair assistance you must ensure that that notice is correctly placed on the nearside of the front windscreen.
131. You must not offer or accept any hire of the vehicle except where the hiring has been pre-booked via your private hire operator (this does not apply to hackney carriages).

Lost Property

132. After every hiring, you must search the vehicle for any misplaced or lost property.
133. If any property is found or handed to you, you may agree to return the property personally to the owner, and charge the metered fare from your office/business premises (or home address where you do not have business premises) to an agreed meeting point, or £10, whichever shall be greater. If you cannot find the owner after taking steps to make enquiries, any lost property found must be retained for a period of 6 months.

Taximeters in Private Hire Vehicles (taximeter use in hackney carriages is governed by the Byelaws)

134. You may use a meter in a private hire vehicle only if it is constructed, attached and maintained in compliance with the Private Hire Vehicle Licence Conditions.

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135. 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.
136. 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).
137. You must ensure that the fare charged does not exceed the fare displayed on the meter at the end of the journey.
138. You must ensure that when the vehicle is not hired the key is to be locked and the machinery kept inactive and the meter must show no fare at any time.
139. You must ensure that the meter is sufficiently illuminated when in use and is visible to passengers.
140. You must not (nor may you allow anyone else) to tamper with the meter without lawful excuse, or alter any meter with the intent to mislead.

Plying for hire when driving a private hire vehicle (does not apply when driving a hackney carriage)

141. You must not pick up passengers who have not pre-booked with your operator.
142. You must not offer or accept an offer for the immediate hire of a vehicle while it is being used in a public place.
143. You must not park or wait on or near any hackney carriage rank, or drop passengers off on a hackney carriage rank.

Fares when a hackney carriage is used for pre-booked work

144. A hackney carriage can be used for pre-booked work both within the county of Herefordshire and elsewhere. When the journey is wholly within the zone/county, or commences or ends in Herefordshire, the fare charged cannot be greater than that displayed on the meter or in accordance with the table of fares. Where a pre-booked journey commences and ends outside Herefordshire the table of fares and the meter do not control the maximum fare that can be charged. In these circumstances the fare to be

charged must be negotiated between the hirer and the driver or booking agent.

LEGAL REQUIREMENTS (contained in national legislation) when driving a hackney carriage**Your Taxi Driver Licence and Badge**

145. When driving a hackney carriage you must wear one copy of your badges in the issued armband on your left upper arm or on a lanyard around your neck at all times whilst you are working as a hackney carriage driver and you commit a criminal offence if you do not do so, for which you might be prosecuted (Hackney Carriage Byelaw 12). Another copy must be displayed in the vehicle in a place which is visible to passengers.

Disability Discrimination

146. When driving a hackney carriage and requested by a passenger, you must carry an assistance dog and allow it to remain with their owner unless you have a certificate of exemption issued by the Council. You must not make any additional charge for doing so. When you are carrying an assistance dog you must allow it to be carried wherever the owner requires i.e. you cannot insist on the dog being separated from the owner or the owner and dog sitting in a particular seat (Section 168 of the Equality Act 2010).

147. When you are driving a hackney carriage that has been designated as a wheelchair accessible vehicle in a list maintained by the Council under section 167 of the Equality Act 2010, you must comply with the duties and provide mobility assistance to any passenger in a wheelchair as detailed in section 165 of the Equality Act 2010.

148. The duties are:

- a) to carry the passenger while in the wheelchair;
- b) not to make any additional charge for doing so;
- c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
- d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- e) to give the passenger such mobility assistance as is reasonably required.

149. Mobility assistance is assistance:

- a) to enable the passenger to get into or out of the vehicle;
- b) if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- c) to load the passenger's luggage into or out of the vehicle;
- d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

150. In vehicles equipped with a taximeter, the meter must not be activated until the wheelchair bound passenger has been properly loaded and secured for the journey, all loading ramps or other equipment have been properly stowed and the vehicle is ready to commence the journey. At the end of the journey the meter must be stopped before any unloading activity commences.

Conduct

151. You must not drive a hackney carriage at any time if you do not hold a dual driver licence, or if your licence has been suspended with immediate effect or any appeals process has been exhausted (section 47 of the 1847 Act).

152. You must not lend your taxi driver licence to anybody else (section 47 of the 1847 Act).

153. When driving a hackney carriage you must accept a hiring from a hackney carriage rank (taxi rank) or when you are stationary on the highway for a journey within the Council's area unless you have a "reasonable excuse" to refuse (section 53 of the 1847 Act).

154. When driving a hackney carriage if you agree to charge a fare lower than that shown on the meter for a journey in a hackney carriage then you cannot charge more than that agreed fare (section 54 of the 1847 Act).

155. When driving a hackney carriage if you have agreed to accept a fixed amount of money for a journey, you must ensure that the journey lasts until that amount is shown on the meter, unless the destination is reached before that amount is registered on the meter in which case the difference must be refunded to the hirer (section 56 of the 1847 Act). This excludes any tip the passenger may wish to pay by way of keeping any change due.

156. When driving a hackney carriage if you have been hired and are asked to wait, and either a deposit has been paid or the meter is running, you must wait until that hirer returns to your hackney carriage or until such time as it is reasonable to assume the hirer is not returning (section 57 of the 1847 Act).
157. When driving a Hackney Carriage you must not charge more than the fare shown on the meter for a journey within and/or outside the County, irrespective of how the journey was arranged (sections 55, 58 & 66 of the 1847 Act).
158. When driving a hackney carriage you must not carry anyone apart from the hirer and their companions without the express consent of that hirer (section 59 of the 1847 Act).
159. You must not drive any hackney carriage without the consent of the hackney carriage proprietor (if that is not yourself) (section 60 of the 1847 Act).
160. You must not leave a hackney carriage unattended at a hackney carriage rank (section 62 of the 1847 Act).
161. You must not prevent any other driver of a hackney carriage from taking a fare, or obstruct them in picking up or sitting down passengers (section 62 of the 1847 Act).
162. When driving a hackney carriage you must produce your taxi driver licence if requested to do so by an Authorised Officer of the Council (or another council with whom a reciprocal arrangement exists) or any police constable (section 53(3) of the 1976 Act).
163. You must return your driver licence, driver badge(s) to the Council within 48 working hours if you lose the right to remain or work in the UK (section 53A (9) of the 1976 Act).
164. You must not make any false statement or withhold any information when applying to renew your taxi driver licence (section 57(3) of the 1976 Act).
165. You must return your licence, driver badge(s) to the Council within 48 working hours of any suspension, revocation or refusal to renew your licence (section 61(3) of the 1976 Act).

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166. You must use the shortest available reasonable route for all journeys by hackney carriage, subject to any directions given by the hirer (section 69 of the 1976 Act).
167. You must not tamper with any seal on a taximeter, or alter the taximeter with any intent to mislead (section 71 1976 Act and Hackney Carriage Bylaw 6).
168. You must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an Authorised Officer of the Council, an Authorised Officer of another council with which there is a reciprocal enforcement arrangement, or a police constable (section 73 of the 1976 Act).
169. When driving a hackney carriage you must not conceal or obscure the number of the hackney carriage whilst standing or plying for hire, or use any vehicle where any part of the plate is illegible (Hackney Carriage Bylaw 2).
170. When driving a hackney carriage you must not activate the taximeter when standing or plying for hire, but you must activate the meter before the journey commences but not until passengers are properly seated and secured. At the end of the journey you must stop the meter. This should be before passengers alight from the vehicle. (Hackney Carriage Bylaw 5).
171. When driving a hackney carriage and you are plying for hire you must proceed to a hackney carriage stand and if that stand is full, proceed to another stand. When you arrive at a stand that is not full you must position the vehicle behind the rearmost vehicle on the stand and move forward as space becomes available (Hackney Carriage Bylaw 7).
172. You must not use the services of any other person to forcefully encourage anyone to hire your hackney carriage (Hackney Carriage Bylaw 8).
173. When driving a hackney carriage you must behave in a civil and orderly manner and take all reasonable precautions to ensure the safety of persons entering, carried in or alighting from the hackney carriage (Hackney Carriage Bylaw 8).
174. When driving a hackney carriage if you have been pre-booked you must attend at the appointed time and place (Hackney Carriage Bylaw 10).

175. When driving a hackney carriage you must not carry more passengers in the hackney carriage than the conditions attached to the vehicle licence permit (Hackney Carriage Bylaw 11).
176. When driving a hackney carriage you must carry a reasonable quantity of luggage for the hirer and assist them in loading and unloading, including taking it from or to any building (Hackney Carriage Bylaw 13).
177. When driving a hackney carriage you must search the vehicle for lost property after every hiring (Hackney Carriage Bylaw 16).
178. When driving a Hackney Carriage you must take any lost property which is not been claimed within 48 hours to the Council's offices (Hackney Carriage Bylaw 17).

LEGAL REQUIREMENTS (contained in national legislation) when driving a private hire vehicle**Your taxi Driver Licence and Badge**

179. When driving a private hire vehicle you must wear one copy of your badge in the issued armband or lanyard, on your left upper arm or around your neck at all times whilst you are working as a private hire driver and you commit a criminal offence if you do not do so, for which you might be prosecuted (section 54 of the 1976 Act). The second badge must be displayed in a place within the vehicle which is visible to passengers.

Disability Discrimination

180. When your operator has accepted a booking for a passenger with an assistance dog (whether or not the existence of the dog has been communicated to you), you must carry that assistance dog and allow it to remain with their owner unless you have a certificate of exemption issued by the Council. When you are carrying an assistance dog you must allow it to be carried wherever the owner requires i.e. you cannot insist on the dog being separated from the owner or the owner and dog sitting in a particular seat (section 170 of the Equality Act 2010).
181. When you are driving a private hire vehicle that has been designated as a wheelchair accessible vehicle in a list maintained by the Council under section 167 of the Equality Act 2010, you must comply with the duties and

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provide mobility assistance to any passenger in a wheelchair as detailed in section 165 of the Equality Act 2010.

182. The duties are:

- a) to carry the passenger while in the wheelchair;
- b) not to make any additional charge for doing so;
- c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
- d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- e) to give the passenger such mobility assistance as is reasonably required.

183. Mobility assistance is assistance:

- a) to enable the passenger to get into or out of the vehicle;
- b) if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- c) to load the passenger's luggage into or out of the vehicle;
- d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

184. In vehicles equipped with a taximeter, the meter must not be activated until the wheelchair bound passenger has been properly loaded and secured for the journey, all loading ramps or other equipment have been properly stowed and the vehicle is ready to commence the journey. At the end of the journey the meter must be stopped before any unloading activity commences.

185. You must not drive a private hire vehicle at any time when your dual driver licence has been suspended (section 46(1) (b) of the 1976 Act).

186. When driving a private hire vehicle you must produce your dual driver licence if requested to do so by an Authorised Officer of the Council (or another council with whom a reciprocal arrangement exists) or any police constable (section 53(3) of the 1976 Act).

187. You must return your dual driver licence, driver badge(s) and armband to the Council within 48 working hours if you lose the right to remain or work in the UK (section 53A (9) of the 1976 Act).

188. You must not make any false statement or withhold any information when applying to renew your dual driver licence (section 57(3) of the 1976 Act).
189. You must return your licence, dual driver badge(s) and/or armband to the Council within 48 working hours of any suspension, revocation or refusal to renew your licence (section 61(3) of the 1976 Act).
190. When driving a private hire vehicle you must use the shortest available reasonable route for all journeys by private hire vehicle, subject to any directions given by the hirer (section 69 of the 1976 Act).
191. You must not tamper with the taximeter with any intent to mislead (section 71 of the 1976 Act).
192. You must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an authorised officer of the Council, an authorised officer of another Council with which there is a reciprocal enforcement arrangement, or a police constable (section 73 of the 1976 Act).
193. You must not drive any private hire vehicle with any roof sign which includes the words "taxi", "cab" or "hire", any similar words or anything which would indicate the vehicle is a hackney carriage (section 64 of the Transport Act 1980).

Penalty Points Scheme

194. Please see the separate document.

HACKNEY CARRIAGE PROPRIETOR (VEHICLE) LICENCES**Town Police Clauses Act 1847****Local Government (Miscellaneous Provisions) Act 1976**

1. This document contains the policy, byelaws, conditions and legislation relating to a hackney carriage proprietor (vehicle) licence. The legislation refers to hackney carriage proprietor licences, but as these are often referred to as hackney carriage vehicle licences, for the avoidance of doubt the term "hackney carriage proprietor (vehicle)" will be used throughout this policy.
2. As hackney carriage proprietor (vehicle) licences can be held by limited companies, limited liability partnerships (LLP) and conventional partnerships as well as individuals, this policy must be read to give effect to that. Any reference to a "person", "you", "licensee" or "proprietor" is taken to mean the proprietor of the hackney carriage.
3. The Council has the power to make byelaws relating to hackney carriages under the legislation, and it has done so.
4. There is also a power to attach conditions to hackney carriage proprietor (vehicle) licences, and the Council has standard conditions which attach to these licences. These are contained within this document.
5. There is also a list of the main laws and byelaws that apply to hackney carriage proprietors.

Introduction

6. The purpose of licensing hackney carriage vehicles is to protect the public, including passengers and others who may otherwise be placed at risk from unlicensed and potentially dangerous vehicles.
7. It is a privilege to hold a hackney carriage proprietor (vehicle) licence and licensees have responsibilities to their drivers, passengers and customers, other road users and the public generally. The Council has to have been satisfied that when you applied for your licence the vehicle was suitable and safe for use as a hackney carriage and that you were a safe and suitable person to have that licence granted. In assessing that, the Council took into account the type of the vehicle, the condition of the vehicle and your entire character and behaviour.

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8. As a vehicle proprietor this assessment of your character not only includes times when you are working within the hackney carriage trade, but at all other times as well. This can include your use of social media as well as other forms of communication. The requirement to satisfy the Council that you are a safe and suitable person continues throughout the duration of the licence. If at any time the standard of the vehicle or your behaviour falls below the standards expected for new applications, the Council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence. In relation to your personal actions, it is no defence to argue that your actions took place when you were not working within the hackney carriage trade. You should appreciate that under the Previous Convictions Policy, if the unacceptable or criminal behaviour took place whilst you were working within the hackney carriage trade that will be viewed as an aggravating feature by the Council.
9. In many cases a hackney carriage is the first vehicle that a visitor to the county will encounter following arrival at a railway or bus station. As a consequence, the appearance of hackney carriages can affect a person for their entire visit. Hackney carriage proprietors should be aware of this and ensure that their vehicle is therefore maintained to the highest standard at all times.
10. Please note, this section reminds you of some of the important legal requirements with which you must comply. This is not a comprehensive list. You should familiarise yourself with the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation.
11. The Council has decided to attach conditions to hackney carriage licences that it considers reasonably necessary under the powers contained in section 47(1) of the 1976 Act. The conditions are in addition to the statutory requirements of the legislation. Section 47(3) of the 1976 Act gives the right of appeal to the Magistrates' Court to any person aggrieved by any of the conditions attached to their licence within 21 days of receipt of the licence.
12. You must understand and comply with the legal requirements relating to the hackney carriage licensed in your name, a limited company in which you are a director or secretary, a limited liability partnership in which you are a partner, or in joint names when you are one of the named individuals. Failure to comply with the requirements may result in your hackney carriage proprietor (vehicle) licence being suspended or revoked.

13. The Council office for hackney carriage and private hire licensing purposes is The Licensing Section, Herefordshire Council, 8 St Owen Street, Hereford HR1 2PJ, telephone: 01432 261761, email: taxi-licensing@herefordshire.gov.uk.
14. This is the address to which all applications, notices, reports of incidents and any other communications with the Council must be sent.

Sanctions against the Hackney Carriage Proprietor (Vehicle) Licence

15. Where a proprietor breaches any legislation, byelaw or condition of the licence, they may be referred to Committee.
16. The Council also runs its own Penalty Points Scheme as a method of enforcing the requirements for hackney carriage and private hire licensees.
17. Whenever, and in what circumstances a proprietor is brought before Committee, the Committee will decide each case on its merits, after hearing the facts.
18. The Committee may also suspend or revoke the hackney carriage proprietor (vehicle) licence or impose further penalty points.

Power to take action against a Hackney Carriage Proprietors (Vehicle) Licence

19. Under section 60 of the 1976 Act, the Council may suspend, revoke or refuse to renew a hackney carriage proprietor (vehicle) licence on the following grounds:
 - a) that the hackney carriage vehicle is unfit for use as a hackney carriage;
 - b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or
 - c) any other reasonable cause.
20. An authorised officer of the Council, an authorised officer of another council where there is a reciprocal arrangement, or a police constable can immediately suspend a hackney carriage proprietor (vehicle) licence under section 68 of the 1976 Act on the grounds of:
 - a) the vehicle is unfit;
 - b) the taximeter is inaccurate.

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21. Failure to comply with any hackney carriage legislation (including byelaws), or other road traffic legislation is an offence and you may be liable to prosecution. In addition (irrespective of whether you were prosecuted or convicted of the offence(s)), the Council may take action against your licence which could lead to your hackney carriage proprietor (vehicle) licence being suspended, revoked or the renewal refused.
22. Failure to comply with the Council's conditions may result in your hackney carriage licence being suspended, revoked or the renewal refused.
23. If any information given by you on the application form for this licence proves to be false, or you fail to disclose any relevant information on your application form, the licence may be revoked and you may also be prosecuted under section 57(3) of the 1976 Act.
24. The hackney carriage proprietor (vehicle) licence remains the property of the Council.
25. In the event that you lose your proprietor licence, hackney carriage proprietor (vehicle) licence plates or additional signage, or if they are damaged or defaced, you must get a replacement licence or plates on payment of a fee determined by the Council, and you cannot use the hackney carriage until such replacements are obtained and fitted.
26. It must be understood that a decision to grant a Hackney Carriage proprietor (vehicle) licence is made on the basis of the condition and suitability of the vehicle and the suitability of the proprietor(s) on the particular facts of the case on the day of the decision. That suitability can be lost at any time in the future and you must ensure that the condition of your vehicle and your behaviour remains of the highest standard to protect your vehicle licence and therefore your livelihood.

POLICY

Applicants

27. Hackney carriage proprietor (vehicle) licences can be held by individuals, limited liability partnerships (LLP), conventional partnerships (two or more people in business together) or limited companies. Usually the vehicle must be registered to one of those, 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 the vehicle, a financial interest in the vehicle or permission to use the vehicle on an extended basis (in the case of a lease or hire). A V5 registration document is not proof of ownership and other documentation will be required. This can include, but is not limited to:

- a) Receipt for the purchase of the vehicle;
- b) Lease/hire contract;
- c) Partnership agreement between 2 or more individuals.

Character of the applicant

28. The licensee of a hackney carriage can exert control over those who drive that vehicle, and as a consequence it is essential that they satisfy the Council that they are a suitable person to hold a hackney carriage proprietor (vehicle) licence.
29. All applicants (new and on renewal) will be required to provide a Basic Disclosure and Barring Service (DBS) check at their own expense, as part of the application process. The same will be required of all partners in a limited liability or conventional partnership and all directors and secretary of a limited company when the application is made, or the licence is held, by a limited liability or conventional partnership or limited company. If the applicant has already provided a DBS for a dual driver licence this can be used, provided it is up to date.
30. The application will then be considered in the light of the Council's Previous Convictions Policy.
31. In addition, the Council will take into account the compliance and maintenance history of previous and existing vehicles licensed by the applicant. The Council does not regard licensees whose vehicles fail regular tests as being a safe and suitable person to have responsibility for hackney carriages. All vehicles must be maintained to a satisfactory standard all times and should pass any test at any point.

Convictions

32. If you or anybody else with an interest in the vehicle or who is named on the licence is arrested in connection with, charged with or convicted of any criminal offence, that must be reported to the Council within 48 hours (including weekends and bank holidays). The same requirement applies in relation to any fixed penalty notices, Community Protection Notices, civil injunctions or Criminal Behaviour Orders that you receive.

Vehicles

33. It is the applicant's responsibility to ensure that any vehicle presented for licensing as a hackney carriage meets the Council's criteria which are detailed below. As the Council will not be liable for any loss as a result of a vehicle not being licensed, it is vital that applicants ensure that any vehicle that they are considering purchasing meets these criteria.

Limits on the numbers of Hackney Carriages

34. At present there is no limit on the number of hackney carriages that are licensed by the Council. The Council has no plans to alter that approach.

Licensed Vehicle Type, Age and Emissions Policy

35. Any vehicle submitted to be licensed as a hackney carriage must be of Category M1 (as shown on the registration document) unless either of the following apply:

Category M2 or N1 vehicles (as shown on the registration document) will be acceptable provided the vehicle has passed an IVA test and there is evidence to show that no modification/s have been made to that vehicle since the date of that test.

36. Vehicles are constantly being improved by manufacturers, and improved standards are imposed by the Government. Newer vehicles are safer, less environmentally damaging and less likely to break down. Vehicles deteriorate due to a combination of age and use.

37. In order to reduce emissions it is important to set standards that are common to all within the hackney carriage fleet, to ensure consistency and a level playing field for proprietors. The age of vehicles and the exhaust emissions are critical to the level of pollutants emitted. Consequently, to improve air quality and reduce emissions from the hackney carriage fleet, the following standards will apply.

38. From 21st October 2024, licences will not be granted in respect of vehicles that were first registered (or, in the case of imported vehicles, manufactured) more than 10 years prior to the date that the application was made. All such vehicles first registered (or, in the case of imported vehicles, manufactured) before 1 April 2020 must meet or exceed Euro 5 emission standards. Vehicles first registered (or, in the case of imported vehicles, manufactured) after 1 April 2020 must meet or exceed Euro 6 emission standards. All new hackney carriage plates must be WAV.

39. From 21st October 2024, non WAV or five or more passenger seated vehicle licences issued before 2002, licences will not be granted in respect of vehicles that were first registered more than 15 years prior to the date of renewal.
40. A vehicle that does not comply with these emissions requirements may be considered for licensing if it is in 'exceptional condition'. The criteria for 'exceptional condition' are set out below.

Exceptional Condition Criteria for vehicles outside standard conditions

41. A vehicle will be considered to be in 'exceptional condition' if all of the following apply:
 - a) The mileage for the vehicle is no higher than the average mileage that could be expected for a similar vehicle if that vehicle was used solely for social, domestic and pleasure purposes;
 - b) The vehicle passes the Council's vehicle inspection;
 - c) The bodywork is in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips, or rust or any other abrasions that may detract from the overall appearance of the vehicle;
 - d) The general paint condition should show no signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle;
 - e) The interior trim, panels, seating and carpets and upholstery are in excellent condition, clean and free from damage and discolouration;
 - f) The boot or luggage compartment is in good condition, clean and undamaged;
 - g) Passenger areas are free from damp or any other odours that may cause passenger discomfort;
 - h) The vehicle must be in excellent mechanical condition and in all respects safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or bodywork;
 - i) The vehicle must have a service record to show that it has been properly serviced and maintained.

Low Emission Vehicles

42. The Council aims to encourage the uptake of low emission vehicles in the County, and will examine the feasibility of introducing differential licensing fees for electric, hybrid and ultra-low emission vehicles.
43. It is anticipated that more Electric Vehicle rapid re-charging points for use by the public will be available at locations in Herefordshire from 2022.

Acquired rights

44. If a non-wheelchair access vehicle (WAV) has been continually licensed as a hackney carriage by the Council since 2002, that licence can continue to be attached to a non-WAV vehicle provided a renewal application is made before the expiry of that hackney carriage proprietor licence. If at any time an application is not made before the expiry of the current hackney carriage proprietors (vehicle) licence, then the rights acquired will be lost and any application will be treated as a new application requiring a wheelchair accessible vehicle as detailed below.
45. Notwithstanding acquired rights, after 31 March 2025 any application to renew a non-WAV vehicle must relate to a vehicle that complies with Euro 6 standards.

Vehicle specification

46. There are 2 different types of vehicle that can be licensed as hackney carriages: those which are Wheelchair Accessible Vehicles (WAV) and those which are not.
47. Non-WAV vehicles can only be licensed in respect of a hackney carriage proprietor licence that has been in continual existence since 2002.
48. All applications for new hackney carriage proprietor licences, or in respect of renewals of licences granted since 2002, must relate to a wheelchair accessible vehicle.
49. The Council maintains a list of all WAV (both hackney carriages and private hire vehicles). Drivers of those vehicles must then provide mobility assistance to wheelchair-bound passengers.
50. The following specifications detail the minimum requirements for each type of vehicle, together with the requirements for all hackney carriages.

Non-Wheelchair accessible vehicles

51. If the vehicle is to be licensed as a Non-WAV (saloons, estate cars, people carriers (MPV), sports utility vehicles (SUV) and any other vehicle that cannot carry a passenger whilst they remain in their wheelchair) it must be approved by the Council and comply with the following specification:
- a) Be a right-hand drive vehicle;
 - b) Have at least four doors that can be opened from both inside and outside the vehicle. Each door (except the driver's door) must be capable of being opened by passengers;
 - c) Must be so constructed as to provide adequate space within its structure for the safe carriage of each passenger's luggage or any equipment. If that is not possible or practical then the below will apply;
 - d) Roof racks and tow bars will be permitted. Any vehicle using a roof rack must be fitted with a second roof sign, with one sign in front of the roof rack, and one behind, allowing the signs to be seen in the same way as a vehicle without a roof rack. Any luggage carried on the roof rack must be protected from the elements by a waterproof cover and properly secured. A properly fitted roof box is an acceptable alternative, subject to the additional signage as detailed above;
 - e) Tow bars (if fitted) must be fitted in accordance with the manufacturer's instructions;
 - f) Trailers can be used, but only when fulfilling a pre-booked hiring. Any trailer that is used must meet the following requirements and be tested by the Council (the charge to be paid by the licensee) and will be issued with a "trailer plate" which must be displayed on the rear of the trailer and clearly visible whenever the trailer is being used by the hackney carriage. The trailer can only be used on the specified hackney carriage. Trailers must comply with the following standards:
 - i. Unbraked trailers must be less than 750kgs gross weight.
 - ii. Trailers over 750kgs gross weight must be braked, acting on at least two road wheels.
 - iii. The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer.
 - iv. A suitable lid or other approved means of enclosure must be fitted to secure the contents within the trailer whenever in use.

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- v. The maximum permissible length of the trailer cannot exceed 7 metres, including the drawbar and coupling.
 - vi. The width of the trailer must not be greater than the width of the towing vehicle, subject to no trailer being wider than 2.3m.
 - vii. The maximum length for braked twin axle trailers is 5.54m.
 - viii. The trailer must at all times comply with all Road Traffic legislation requirements
 - ix. The vehicle insurance must cover towing a trailer.
 - x. Trailers must not be left unattended anywhere on the highway.
 - xi. The speed restrictions applicable to trailers must be observed at all times.
 - xii. The registration number plate of the hackney carriage and the Council issued "trailer plate" must be attached to the rear of the trailer.
 - xiii. The trailer must be inspected annually and must be considered to be satisfactory by the Licensing Authority.
 - xiv. Only drivers with the appropriate DVLA driving licence category may drive a vehicle with a trailer. The vehicle proprietor must check any driver's DVLA licence for the required category, prior to allowing the use of a trailer.
- g) Passengers must be able to communicate with the driver via an intercom system, sliding screen, mesh or hole in any division between the driver's and passenger compartments;
 - h) Any vehicle which is a convertible must meet all other requirements and have a waterproof roof and side windows which must be raised at the request of any passenger.

Additional requirements five or more passenger seat vehicles

52. In order to be licensed as a hackney carriage, any Minibus/MPV-type vehicles must be fitted, in addition to the front driver and passenger doors, with at least:
- a) one other side loading door plus a rear door/doors or tailgate that can be opened from inside the vehicle, or
 - b) two side loading doors that can be opened from the inside.

Wheelchair Accessible Vehicles (WAV)

53. The vehicle must be a purpose built hackney carriage capable of carrying a wheelchair bound passenger which complies with the current Transport for London "Conditions of Fitness" or it meets the following specification.
54. Any vehicle, before it can be considered to be licensed as a Wheelchair Accessible Vehicle, must have European Community Whole Vehicle Type Approval (ECWVTA), or Individual Vehicle Type Approval, including an inspection certificate issued by the Driver and Vehicle Standards Agency (DVSA) as a minimum standard.
55. In addition:
 - a) The interior of the vehicle must be able to accommodate a wheelchair and its user, riding seated within the wheelchair itself;
 - b) The passenger compartment must have a minimum unobstructed available width of 0.74 metres (including at the point of entry);
 - c) The passenger compartment must have a minimum unobstructed available length of 1.2 metres for a wheelchair and user;
 - d) The passenger compartment must have a minimum unobstructed available height for a wheelchair and user of 1.3 metres at the point of entry and 1.4 metres when in the travelling position;
 - e) The passenger compartment must be fitted with suitable wheelchair anchorages, either chassis or floor linked;
 - f) The passenger compartment must be fitted with a suitable 3-point belt or harness, either chassis or floor linked, for a wheelchair and its user. The belt/harness must be independent of the wheelchair anchorages;
 - g) The vehicle must have suitable ramps for a wheelchair user. The vehicle must have a secure and safe place for the ramps to be stored when they are not being used. Alternatively, the vehicle may be fitted with a tail lift or some other mechanical means of access, approved by the Council;
 - h) Where the vehicle is a rear loading wheelchair accessible vehicle a suitable ramp will be carried in the vehicle to be used at the commencement and end of a journey to ensure that the passenger is delivered safely onto the pavement;
 - i) At least one door entrance must be designed and constructed to help elderly and disabled passengers get in and out of the vehicle. The door entrance and any steps must be conspicuously marked, where appropriate, to help visually impaired passengers;

- j) All passenger door entrances must have grab handles or rails suitably located to help elderly and disabled passengers. All handles/rails must be conspicuously marked to help visually impaired passengers;
- k) To assist elderly and disabled passengers, at least one passenger seat must be of a "swivel" or other design and construction, approved by the Council.

All vehicles

56. The following are the minimum requirements for all hackney carriages, irrespective of their type:
- a) The vehicle must be wind and water-tight;
 - b) The vehicle must have a floor properly covered with carpet or other suitable covering;
 - c) The vehicle must have an adequate internal light to enable passengers to enter and leave the vehicle safely;
 - d) The vehicle's bodywork and paintwork must be in good condition, free from dents or other damage or rust;
 - e) The vehicle must not be fitted with any additional external accident protection devices (e.g. bull bars or additional bumpers);
 - f) The vehicle must carry a spare wheel and tyre of the correct size to fit the vehicle, together with equipment to change the wheel including a spare wheel and tyre, jack and wheel brace, all of which must be securely stored. If the manufacturer's specification when the vehicle was new did not include a spare wheel, the manufacturer's alternative (e.g. spray can) will be acceptable;
 - g) The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating. They must comply with the legal requirement of tyre depth.;
 - h) The vehicle must be fitted with nearside and offside exterior rear view mirrors;
 - i) The vehicle must have at least one window on each side of the passenger compartment which is capable of being opened and closed;
 - j) All seats must be securely fixed/bolted to the vehicle and must be factory fitted with a 3-point seat belt or, where that was not a manufacturer's option when the vehicle was manufactured, a factory fitted lap belt. Any retrospectively fitted seat belts must be approved by the Council;
 - k) The vehicle must be fitted with glass which complies with current Construction and Use Regulations (the Road Vehicles (Construction and Use) Regulations 1986 as amended). These regulations require

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that the front windscreen allows 75% of light to be transmitted and the front door windows allow 70% of light to be transmitted. In addition, the remaining glass within the vehicle must have a minimum light transmittance of not less than 70%. The rear of the vehicle must be fitted with at least one window (or one window per rear door fitted), the light transmission capacity of which must be a minimum of 70%. No self-adhesive material (tinted or clear) can be affixed to any part of the glass without the approval of the Council;

- l) The vehicle must carry a 1kg dry powder extinguisher or a 2 litre AFFF extinguisher approved to BS EN3: 1996, with the licence number permanently marked on it. The fire extinguisher must have been properly maintained in accordance with BS 5306: Part 3 and be secured in such a position in the vehicle as to be accessible for immediate use in an emergency. There must also be adequate signage visible to all passengers to identify the location of the fire extinguisher;
 - m) The vehicle must carry a first aid kit in a suitable container, with the licence number permanently marked on it. There must also be adequate signage visible to all passengers to identify the location of the first aid kit;
 - n) 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 Council;
 - o) The minimum unobstructed distance between the uncompressed seat cushion and the roof must be 0.9 metres (measured 0.25 metres from and parallel with the seat back) in relation to the front passenger and driver seats, and 0.84 metres in relation to any other passenger seats;
 - p) The minimum unobstructed distance between the seat back and the foot well bulkhead/facing seat back must be 0.95 metres in relation to the front passenger and driver seats, and 0.6 metres in relation to any other passenger seats;
 - q) The minimum unobstructed interior width of the vehicle must be 1.3 metres (excluding any arm rests);
 - r) Any vehicle that has been converted to run on liquid petroleum gas (LPG) must be accompanied by a certificate stating that the conversion was undertaken in accordance with the LPG gas Association's code of practice, and if the conversion was undertaken more than one month before the application for the licence, an annual installation check which is not more than one month old.
57. In addition, in all types of hackney carriage the following requirements must be met.

Seating

58. In any vehicle all exits must be easily accessible and not obstructed by another seat. Access to all doors must be free from obstruction. Any seats that require passengers to move any part of another seat to gain access or egress will not be licensed for carrying passengers. The seating configuration and number of passengers that can be carried is subject to assessment by the Council. Seats can only be removed to facilitate this, if the vehicle is designed at manufacture to remove seats as part of its design.

Documents

59. A vehicle licence will only be issued where the vehicle has evidence of:
- A valid vehicle insurance certificate specifically stating that the vehicle is to be used for public hire/hackney carriage use.
 - An MOT Certificate issued by a garage approved by the Council which is less than 4 weeks old.
 - A V5 vehicle registration document. In the case of a new vehicle, the sales invoice which must show engine and chassis numbers, shall be produced at the time of application and the registration document when it is received from DVLA. The registration document must in all cases be produced within 6 weeks of the licence being issued.
60. Before or on the date of expiry the relevant renewal certificate must be produced to the Council. This can be done electronically or direct from the originator.
61. All documentation must be originals when copied. If the document has already been produced we will not normally request a copy.

Engine/Chassis Numbers

62. The Chassis/Vehicle Identification Number Plates and engine numbers must match the numbers recorded with the DVLA as detailed on the V5 Document. Vehicle applications cannot be accepted without a copy of the vehicle registration document, or in the case of new vehicle purchase, the sales documentation indicating the engine and chassis numbers. In the event of a vehicle being presented with numbers that do not correspond to the paperwork the Council will inform the Police Vehicle Identification Section who may undertake checks to ensure the vehicle is not stolen. If the engine is changed at any time whilst the vehicle is a

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licensed hackney carriage, the Council must be notified within 72 hours of that change and the updated V5 must be produced as soon as it is received from DVLA.

Maintenance and servicing

63. Vehicles must be maintained correctly and serviced in accordance with the manufacturer's recommendations. The service history of the vehicle will be inspected at first application. If the service history is not available, then an acceptable explanation for this must be provided to the authorised officer of the Council. If servicing and/or maintenance was carried out by any other person than a qualified mechanic, a record of work must be available upon request, to include date, work/checks undertaken and who has done the work. For non-routine repairs the work must be carried out by a competent person.

Vehicle tests

64. A licence will be granted or renewed only if the vehicle is considered by the Council to be roadworthy, fit for purpose and meets the criteria specified.
65. Vehicles will be compliance tested before the licence is initially granted, then every 12 months for vehicles up to 6 years old and every 6 months for vehicles older than that. Vehicles older than 12 years will require 3 tests per year. The anniversary date for interim MOT's will remain the same, this will avoid loss of time between tests.
66. Compliance tests in relation to new applications and renewals are to be carried out at the Council's testing centre at Rotherwas in Hereford.
67. If required by age the vehicle must have an interim MOT certificate from the Council approved garage or any DVLA MOT testing centre, which is less than 4 weeks old.
68. The applicant or licensee must make an appointment for the vehicle to be tested as part of the application process. It is the responsibility of the applicant/licensee to do this and then to ensure that the vehicle is presented at the specified location and time. If the vehicle is presented late, there is no guarantee that the test will be able to be conducted on that day and a further test must be arranged. In that case the initial test fee will be forfeited and a second fee must be paid for the rearranged test.
69. A test appointment can be cancelled only if at least two clear working days' notice (excluding Saturday, Sunday and Bank Holidays, the day on which notice is given and the day of the test) is given to the Council.

70. If the consequence of missing the test means that the licence cannot be renewed before expiry, this will result in the renewal application being treated as a new application for a hackney carriage/private hire proprietor licence, in which case any acquired rights will be lost.

Dual Plating

71. Once a vehicle has been licensed as a hackney carriage by the Council, it cannot be licensed as a hackney carriage (or private hire vehicle) by any other local authority during the duration of the Herefordshire licence.

The Council will not licence a vehicle that is licensed as a hackney carriage or private hire vehicle by another local authority.

Insurance “write-offs”

72. The Council will not licence any vehicle as a hackney carriage that has been written off by an insurance company.

Vehicle Use

73. You must maintain a policy of insurance for your licensed vehicle in accordance with section 143 of the Road Traffic Act 1988.
74. If your hackney carriage vehicle has an accident which results in damage which may affect its safety, performance, appearance or the comfort or convenience of your passengers, you must report this to the Council within 48 working hours (section 50(3) of the 1976 Act). The vehicle must not be driven, apart from to a garage for assessment, repair or testing until the Council confirm that it is satisfactory
75. You must not obstruct any Authorised Officer or police Officer. You must provide any assistance or information they may reasonably require (section 73 of the 1976 Act).
76. Any person driving a hackney carriage vehicle at any time, for any purpose and anywhere in the United Kingdom, must be licensed to drive a hackney carriage under section 46 of the 1847 Act, even if the vehicle is not being used for hackney carriage or pre-booked purposes. Any person driving a hackney carriage without the required hackney carriage driver licence will be committing an offence under section 47 of the 1847 Act. The only exceptions to this are when the vehicle is being tested by the Council or a mechanic in connection with vehicle maintenance.

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77. If any hackney carriage proprietor permits a person who does not hold a hackney carriage driver licence to drive the vehicle at any time (other than in accordance with the exceptions detailed above) the proprietor commits an offence the Council will consider this a serious matter and action may be taken against the hackney carriage proprietor (vehicle) licence (whether or not a criminal prosecution or conviction ensued).
78. Once a vehicle has been licensed as a hackney carriage by the Council, it retains that status at all times for the duration of the licence (24 hours a day, 7 days a week). In addition to the requirement that it is only driven by a hackney carriage driver licensed by the Council (see above) the proprietor must ensure that at all times and wherever it may be located, it complies with all requirements contained within the legislation and conditions. This includes the cleanliness of the vehicle, display of licence plates and additional signage.
79. If the hackney carriage proprietor (vehicle) licence is suspended, revoked or not renewed, the proprietor must return the licence plates and additional signage to the Council. This must be done immediately after the end of the appeal period (21 days from the written notification of the decision, or after any such appeal is determined or abandoned). If the suspension is immediate (under section 68 of the 1976 Act) this requirement must be complied with immediately.
80. If the proprietor refuses to surrender the vehicle plates and additional signage, tamperproof "Vehicle Licence Suspended" stickers will be affixed to the vehicle plates. These will destroy the plates, and replacements must be purchased from the Council if and when the suspension is lifted.

Warning Notice

81. If there is anything in the design, construction, form or working appearance of a vehicle which, in the opinion of the Council or its Authorised Officers or testers renders the vehicle unfit for hackney carriage use (which includes pre-booked work), then the Council will not licence that vehicle.
82. The Council is not liable for any expense incurred in preparing or testing a vehicle which cannot be licensed for whatever reason.
83. Any unauthorised modifications made since a previous licence was issued may lead to the suspension, revocation or refusal to renew a licence.

Taximeters

84. All hackney carriage vehicles must be fitted with a Council approved taximeter.

Duration and renewal of the licence

85. The licence expires 12 months from the date of issue. Any application for renewal should be made at least one month before the licence expires. If you do not apply to renew the vehicle licence in time there may be a period when you will be unable to use the vehicle as a hackney carriage. If the renewal application is not received before the expiry of the current hackney carriage proprietor (vehicle) licence, it will be treated as a new application rather than a renewal and you will have to provide all the information and vehicle that is required for a new application. In that case any acquired rights will be lost.
86. Renewals are generally dealt with by officers under delegated powers, and can be processed quite quickly. However, if there have been any changes since the last grant of the licence (e.g. if the vehicle's age or emissions exceed the policy or you or any of your joint proprietors (or directors or secretary in the case of a limited company) have been convicted of any offence, or there have been complaints or causes for concern about your behaviour) the renewal application may need to be considered by Committee/Panel. If this is the case, then a 2 month temporary licence may be considered, without prejudice to any decision the Committee might make. This will only be considered if there are no safeguarding or public safety implications to issuing a temporary licence.
87. The licence is issued to you but it can be transferred to another individual, partnership or limited company. Notification of any transfer must be made in writing and indicate the consent of all interested parties. The Council will then issue a revised licence identifying the new licensee(s).
88. Following any transfer of licence to another person, on expiry of that licence, renewal will be at the Council's discretion.

Plates and Additional Signage

89. The licence plates and other additional signage required by the Council must be displayed on the vehicle at all times. In addition, wheelchair accessible Private Hire Vehicles will be required to display "Wheelchair" stickers at all times.

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90. If you lose or damage the plates or additional signage, replacements must be purchased from the Council.

Vehicle substitution

91. If you wish to change the vehicle that is licensed the following procedures must be followed:
- a) If the licence relates to a wheelchair accessible vehicle, the replacement vehicle must also be a wheelchair accessible vehicle; Non-wheelchair accessible vehicles will only be accepted as replacements for licences which have acquired rights;
 - b) You must pay the stated fee for a 12-month period;
 - c) You must surrender the original licence. Any refund against a licence will be calculated by the Council;
 - d) Your replacement vehicle must be presented for test and subsequently pass;
 - e) Written proof of consent to the change of vehicle must be provided from all interested parties;
 - f) You must maintain and produce evidence of a continuous policy of insurance, which clearly states that the vehicle is to be used as a hackney carriage. All such policies must be in the name of the licensee of the vehicle.

Letting/leasing of vehicles

92. You must not lease, let or hire a licensed hackney carriage to any other person, other than a fare paying passenger, without first notifying the Council in writing. If you do enter into a leasing arrangement you will remain the licensee and will still be responsible for the vehicle.
93. You must notify the Council in writing of anyone no longer having an interest in the vehicle within 72 hours of the event.

Advertisements

94. No advertisements may be displayed in or from the vehicle unless prior written approval of the Council has been obtained. Any advertising must comply with all legislation and the British Code of Advertising Practice.

Navigational devices

95. Any electronic navigational device which is being used must be securely located within the vehicle and must not be operated by the driver while the vehicle is moving. No handheld devices can be used unless they are securely located in a suitable cradle or other mounting device.

The taximeter and table of fares

96. The vehicle must be fitted with a tamper proof taximeter that 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 therefore be illuminated when in use.
97. The location and fixing must not be located to cause injury to passenger and the Council must test the meter before the vehicle can be used as a hackney carriage.
98. 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.
99. 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.
100. 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 Table of Fares.
101. The word "FARE" must be clearly printed on the meter so it clearly indicates the fare displayed.
102. A notice showing the current Table of Fares must be displayed inside the vehicle in a position where any passengers can easily read it.

Radios and other equipment

103. Any radio, booking systems/data heads and/or GPS equipment provided must be maintained in a safe condition and any defects must be repaired

promptly. The licensed operator/booking agent must ensure that the licence issued by Ofcom for all radio equipment used is current and valid. All equipment must only be used on the frequencies stipulated in the Ofcom licence and the licensed operator/booking agent must allow the Council access to inspect all equipment and Ofcom licenses.

104. Any radio, booking systems/data heads and/or GPS equipment provided must not interfere with any other radio or telecommunication equipment.
105. Where apparatus for the operation of a two-way radio, booking system/data heads and/or GPS systems are fitted, no part of the apparatus can be situated in a way which could cause accident or injury to a passenger, nor can it be placed in the rear boot compartment if LPG tanks are situated in there.

Signs

106. No sign or advertisement is permitted on the vehicle, and no flag or other emblem can be flown from the vehicle, except as detailed below, unless required by law, or has been agreed by the Council in writing (see above in relation to advertisements).
107. The vehicle (apart from purpose-built hackney carriages with a built in roof sign) must be fitted with the roof sign approved by the Council. The sign must be illuminated when the vehicle is available for hire and switch off automatically when the meter is operating.
108. An adhesive sign must be permanently fixed to both front doors. These signs must be a minimum of 60 cm high by 19 cm wide and all lettering must measure at least 6 cm in height. It must incorporate the Council's logo and display the vehicle licence number.
109. You may display the name and telephone number of the company operating your vehicle in its front and rear windows. However, the display must be no more than 10 cm high, must not contravene the Road Traffic (Construction and Use) Regulations, and must not be illuminated.

CCTV – Specification available as a separate document

110. All licensed vehicles must have a CCTV system capable of recording both audio and video with a monitor that meets the Council's specification for taxi camera systems and complies with ICO regulations. The system must record both audio (panic switch controlled) and video. All such systems must have been installed by a competent installer before the vehicle can

be licensed. The device must be active at all times when the vehicle is in use as a licensed vehicle.

111. The picture on the CCTV system must be clear and not obstructed by items which cover part of the lens, this includes items hanging from the rear-view mirror.
112. At least 3 approved signs must be displayed in the vehicle (2 within the rear of the vehicle and 1 in the front) warning customers that camera surveillance equipment is in operation.
113. Activation of audio recording must be capable of being triggered by the driver pressing a switch/button. Audio recording will continue until such time as the button/switch is pressed to off again. This switch will activate/deactivate audio recording. Once activated the audio recording must continue for an uninterrupted period until it is deactivated. There must be an indicator located within the vehicle that is clearly visible to the passenger/s and clearly shows that audio recording is taking place
114. The system must be checked at least weekly and a record kept of the system being operative. Any failure in the system must be notified to the Council as soon as practicable and in any event within one Business Day and a schedule of repair agreed by them. Failure to notify could result in the vehicle licence being suspended. The vehicle cannot be used as a licensed vehicle until the CCTV system is repaired and functioning correctly, and confirmation has been issued by a competent person confirming that.
115. The images and audio cannot be monitored and relevant data will only be recovered when necessary. This will include (but this is not an exhaustive list) situations following complaints or road traffic collisions, where there is any police investigation or any other investigation of a criminal offence. The Council is the data controller for the personal data collected via the CCTV system. Owners of vehicles with CCTV installed must cooperate with the Licensing Authority to discharge responsibilities under the Data Protection Act 2018, including reporting any data incidents and providing access to recordings in response to subject access requests.
116. Other than the monitor displaying live images in the vehicle, any recorded image captured by the camera can only be viewed by an authorised officer of the Licensing Authority.
117. In addition, audio recording must be used in any of the following circumstances:

- a) An unaccompanied child (under 18) or vulnerable adult is being carried in the vehicle;
 - b) Where the driver and customer are involved in a dispute or the driver feels threatened by the behaviour of a passenger.
118. If the audio switch is operated, at the end of the journey when the passenger(s) leaves the vehicle, audio recording must be deactivated before another passenger enters the vehicle. If appropriate it must be reactivated should any of the situations above arise in relation to this new journey.

Seating Arrangements

119. Any seating arrangement other than the manufacturer's original specification, or as approved by the Council, will result in the suspension of the licence until such time as either the original or approved arrangement is restored, or the new arrangement is approved by the Council.

Incident logs

120. The proprietor must maintain an incident log in an accessible format (either on a computer, other electronic device or a notebook). This must be used to record all incidents affecting the use of the hackney carriage including, but not limited to,
- a) collisions or accidents;
 - b) damage to the vehicle;
 - c) problems with the meter;
 - a) any events reported to them, circumstances or incidents which lead the driver or proprietor to suspect that a passenger is involved in or is a victim of child sexual abuse or exploitation or any other abuse, modern slavery or trafficking of people, County Lines movements of drugs, any other abuse or supply of drugs, involvement in terrorism or any other criminal activity.
121. Serious incidents must be recorded immediately, or as soon as possible thereafter and must state the date time and location of the incident, the names (if known) of any third parties and the date and time on which the incident was recorded.
122. This log must be available for inspection by an Authorised Officer of the Council or a police constable at all times on request.

CONDITIONS

123. The following Conditions are attached to your hackney carriage vehicle licence and must be complied with at all times. Failure to comply with conditions may lead to penalty points being imposed on your hackney carriage proprietor (vehicle) licence, suspension, revocation or refusal to renew the hackney carriage proprietor (vehicle) licence.
124. You must return your licence (and the plates and additional signage if requested by the Council).
125. You must notify the Council within 48 working hours of the event if you or anybody named on the licence as a joint proprietor (or any director or secretary of a limited company, or partner in a Limited Liability Partnership when the licence is held by such a body) is arrested in connection with, charged with, investigated in connection with or convicted of any criminal offence. The same requirement applies in relation to any fixed penalty notices, community protection notices, civil injunctions that you receive or have to attend.
126. If your vehicle has an accident which results in serious damage which may affect its safety, performance or appearance or the comfort or convenience of your passengers, you must report this to the Council within 48 working hours. If you are in doubt as to whether the vehicle is affected you must notify the Council.
127. Incidents must be recorded immediately, or as soon as possible thereafter and must state the date time and location of the incident, the names (if known) of any third parties and the date and time on which the incident was recorded.
128. This log must be available for inspection by an Authorised Officer of the Council or a police constable at all times on request.

Drivers

129. You must notify the Council of the details (name, address and licensed driver number) of any person who is permitted by you to drive your licensed vehicle for any purpose (this does not include mechanics undertaking vehicle maintenance). This notification must be made as soon as possible and in any event within 72 hours of that permission being given. If you no longer permit that person to drive your hackney carriage you must notify the Licensing Section in writing, using the Council's approved forms, within 72 hours.

130. Before you allow anyone to drive your licensed vehicle you must ask that person for their dual driver licence and keep a copy in your possession whilst that person is permitted to drive your vehicle. You must ensure that they understand and will observe the law, byelaws and Code of Conduct that regulate their conduct and the conditions attached to the vehicle licence.
131. No person may drive a licensed vehicle, unless they hold a dual driver licence issued by the Council. Anyone found driving a licensed vehicle without a dual driver licence, may be prosecuted.

Insurance

132. You must ensure that a valid policy of comprehensive insurance for hackney carriage work/public hire is in place for the vehicle and covers anyone who drives your hackney carriage.

Production of Documents

133. You must not obstruct any Authorised Officer of the Council or police officer. You must provide any assistance or information they may reasonably require.
134. If an Authorised Officer of the Council (or another council with whom a reciprocal arrangement is in place) or a police officer asks you, you must produce:
 - a) Your licence
 - b) The taxi driver licence of any person authorised to drive your hackney carriage
 - c) The vehicle registration document
 - d) A valid certificate of insurancewithin 5 days of the request being made.

Licence Plates

135. The licence plate and additional signage remain the property of the Council and must be returned to the Council whenever the vehicle is not licensed as a hackney carriage.
136. You must secure and display the exterior licence plate permanently to the rear part of the vehicle using the fittings provided by the Council. The method of fixing must prevent the plates being removed without the need

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for specialist tools. The plate must be displayed so that it can be clearly read by pedestrians and road users. The licence plate must not be displayed in any window of the vehicle unless expressly permitted by the Licensing Authority.

137. You must display the additional signage on the front doors and the internal signs issued by the Council inside the vehicle so that they are visible to front and rear passengers at all times. All wheelchair accessible vehicles must display a wheelchair sticker on the rear doors.
138. You must report the theft or loss of the licence plates or additional signage to the Council and in any event within 24 hours of becoming aware of the theft or loss, to the Council by email. You must then obtain duplicate licence plates and/or additional signage for which a charge will be made. The vehicle cannot be driven until the replacement plates are in place.
139. You must not wilfully or negligently cause or suffer any plates or additional signage on your vehicle to be concealed from public view at any time.
140. You must return the licence plates and additional signage to the council if the hackney carriage proprietor (vehicle) licence is suspended, revoked or not renewed.

Vehicle inspection

141. You must allow an Authorised Officer of the Council, or police officer, to inspect your vehicle at any reasonable time.
142. You must ensure the vehicle is presented for test in accordance with instructions from the Council
143. You must produce the vehicle registration document, last MOT, and certificate of insurance to the Authorised Officer at the test.

Specification to be maintained during the duration of a licence for a hackney carriage

144. No change in the specification, design, condition or appearance, or any modification, conversion or alteration of the vehicle can be made unless prior written approval has been given by the Council.
145. The vehicle must fully comply with all relevant Road Traffic legislation and in addition:
 - a) All doors must function correctly and be capable of being opened from outside and within the vehicle;

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- b) All opening windows must function correctly and be capable of being opened from within the vehicle;
- c) All luggage must be properly secured inside a vehicle that does not have a separate and self-contained boot;
- d) 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. The additional signs must be correctly fitted to the front and rear of the roof rack (or roof box). 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;
- e) If a trailer is being used (and a trailer can only be used in connection with pre-booked hiring or for personal use when not on duty) the driver must ensure that the lights on the trailer are working correctly and that the trailer plate is properly displayed on the rear of the trailer. A waterproof cover must be used to protect any luggage;
- f) Passengers must be able to communicate with the driver via a sliding screen, mesh, intercom or hole in any division which may be fitted between the drivers and passenger compartments;
- g) If the vehicle is a convertible, the driver must close the roof and raise the side windows if requested to do so by any passenger;
- h) The vehicle and all seats, door handles and trim, and all internal and external parts of the vehicle must be maintained at all times in a clean, comfortable, safe, and mechanically sound condition and be in every way suitable for public service;
- i) The floor covering must not be torn or frayed;
- j) The vehicle must have an adequate functioning internal light to enable passengers to enter and leave the vehicle safely;
- k) The vehicle's bodywork and paintwork must be maintained to an acceptable standard free of dents or rust;
- l) The vehicle must carry a spare wheel to fit the vehicle, and the wheel together with equipment to change the wheel, jack and wheel brace must be securely stored. This does not apply if the manufacturers' specification when new did not include a spare wheel, in which case the manufacturer's alternative (e.g. spray can) will be acceptable;
- m) The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating. All tyres must have at least the statutory minimum of tread across the entire contact surface;
- n) The vehicle must be fitted with nearside and offside exterior rear view mirrors which must be maintained in a serviceable condition;

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- o) The glass in the vehicle must not be replaced with glass that is different from the glass fitted when the vehicle passed the Council's vehicle test. Any unapproved (by the Council) self-adhesive material (tinted or clear) must not be affixed to any part of the glass;
- p) In the case of a replacement engine, the Council must be notified of that within 72 hours of the fitting, and the revised V5 must be presented to the Council as soon as it is received;
- q) 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;
- r) At all times the vehicle must carry a first aid kit in a suitable container, with the licence number permanently marked on it;
- s) 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 Council.

Additional Conditions for wheelchair accessible hackney carriages

146. At all times, the vehicle must carry in a safe, usable condition suitable ramps for a wheelchair user. If the alternative tail lift or some other mechanical means of access is fitted it must be maintained in a safe, functioning condition.
147. The driver must ensure before the commencement of the journey that the passenger is correctly seated and the wheelchair is correctly secured and the passenger is correctly restrained, and at the end of the journey must ensure that the passenger is delivered safely on to the pavement.
148. The door entrance and any steps must always be conspicuously marked where appropriate, to help visually impaired passengers.
149. All grab handles or rails must always be conspicuously marked to help visually impaired passengers.

Sliding doors

150. Where sliding doors are an integral part of a vehicle and a locking device has not been fitted, the child locking systems must be engaged by the driver when carrying unaccompanied children, or upon request of a passenger.

Lost property

151. The driver must search the vehicle after each hiring has been completed, and any lost property found must be recorded. If the driver knows the identity and/or whereabouts of the last passenger, they can return the property to them. If not it must be delivered to the vehicle proprietor within 48 hours.

The meter / table of fares

152. The vehicle must be fitted with a tamper proof taximeter that 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 therefore be illuminated when in use.
153. 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.
154. 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 demonstrating that it is not showing any fare or that the meter is in operation.
155. 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 Table of Fares.
156. The word "FARE" must be clearly printed on the meter so it clearly indicates the fare displayed.
157. 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.
158. If the meter fails or does not comply with the conditions, you must ensure the vehicle is not used as a hackney carriage.
159. A notice showing the current Table of Fares must be displayed inside the vehicle in a position where any passengers can easily read it.

Navigational devices

160. Any electronic navigational device which is being used must be securely located within the vehicle and must not be operated by the driver while the vehicle is moving. No devices can be used unless they are securely located in a suitable cradle or other mounting device.

Signage

161. No sign or advertisement is permitted on the vehicle, and no flag or other emblem can be flown from the vehicle, except as detailed below, unless required by law, or has been agreed by the Council in writing.
162. The vehicle must at all times be fitted with a sign with the word "TAXI" on its roof if it is not built in to the vehicle. This can be combined with a "For Hire" sign if required. A "For Hire/taxi" sign must be fitted, in a conspicuous position on the roof of the vehicle. The sign(s) must be illuminated when the vehicle is available for hire and switch off automatically when the meter is operating.

No Smoking

163. The vehicle must have at least 3 "no smoking" signs displayed inside the vehicle clearly visible to passengers.

BYELAWS**COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL BYELAWS RELATING TO HACKNEY
CARRIAGES**

BYELAWS made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the County of Herefordshire District Council with respect to hackney carriages in the County of Herefordshire.

INTERPRETATION

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

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed.

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to, in respect of the carriage, to be displayed on the outside and the inside of the carriage only by means of the plates supplied by the Council.
(b) A proprietor or driver of a hackney carriage shall not:
 - (i) wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - (ii) cause or permit the carriage to stand or ply for hire with any such plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided.

3. The proprietor of a hackney carriage shall:
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept watertight;

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- (c) provide any necessary windows and a means of opening and closing not less than in window in each side;
 - (d) cause the seats to be properly cushioned or covered;
 - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
 - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - (g) provide means for securing luggage;
 - (h) provide an efficient fire extinguisher to be carried in such a position as to be readily available for use; and
 - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached, and maintained as to comply with the following requirements, that is to say:
- (a) the taximeter shall be fitted with a key, flag or other device, the operation of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
 - (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;
 - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly apply to the fare recorded thereon;
 - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and

figures shall be capable of being suitably illuminated during any period of hiring; and

- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in the several employments, and determining whether such drivers shall wear any and what badges

5. The driver of a hackney carriage shall:

- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
- (b) before beginning a journey for which a fare is charged for distance and time bring the machinery of the taximeter into action by operating the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
- (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is between half-an-hour after sunset and half-an-hour before sunrise and also at any other time at the request of the hirer. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof or the seals affixed thereto.

6. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:

- (a) proceed with reasonable speed to one of the stands appointed by the Council;
- (b) If a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
- (c) on arriving at a stand, other than an angled parking stand, not

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- already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand so as to face in the same direction; and
- (d) from time to time when the carriage immediately in front is driven off or moved forward, cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
7. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
8. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of every person conveyed in or entering or alighting from the vehicle.
9. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at the appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
10. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such a carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
11. A driver shall when standing or plying for hire and when hired wear the badge provided by the Council in such position and manner as to be plainly and distinctly visible.
12. The driver of a hackney carriage shall, when requested by any person hiring or seeking to hire the carriage:
- convey a reasonable quantity of luggage;
 - afford reasonable assistance in loading and unloading; and
 - afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

Provisions fixing the rates or fares to be paid for hackney carriages within the district, and securing the due publication of such fares.

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

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

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

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof.

15. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.
16. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:
 - (a) carry it as soon as possible and in any event within 48 hours, if

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- not sooner claimed by or on behalf of its owner, to the offices of the Council, and leave it in the custody of the officer in charge of the offices on his giving a receipt for it; and
- (b) be entitled to receive from any person to whom the property shall be redelivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than ten pounds.

Penalties

17. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 and, in the case of a continuing offence, to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefore.

Repeal of Byelaws

18.

- (a) The following byelaws are hereby repealed:

The byelaws relating to hackney carriages which were made by the Hereford City Council on the 21st day of July 1997 and which were confirmed by one of the Majesty's Principal Secretaries of State on the 26th day of August 1997.

The byelaws relating to hackney carriages which were made by the South Herefordshire District Council on the 17th day of December 1986 and which were confirmed by one of her Majesty's Principal Secretaries of State on the 18th day of February 1987.

- (b) The following byelaws inasmuch as they relate to the County of Herefordshire only are hereby repealed:

The byelaws relating to hackney carriages which were made by the Malvern Hills District Council on the 6th day of March 1987 and which were confirmed by one of her Majesty's Principal Secretaries of State on the 27th day of April 1987.

Up to date table of fares

164. These are available from the Licensing Section.

LEGAL REQUIREMENTS (contained in national legislation) relating to a hackney carriage

165. It is an offence to provide false information when applying for a hackney carriage proprietors licence (section 40 of the 1847 Act).
166. The hackney carriage proprietor must notify the Council of any change of address of yourself or any other Hackney Carriage proprietor (section 44 of the 1847 Act).
167. The proprietor of a hackney carriage commits an offence if the vehicle is used to ply or stand for hire other than in the zone or district in which it is licensed (section 45 of the 1847 Act).
168. The hackney carriage proprietor must not employ an unlicensed driver (section 47 of the 1847 Act).
169. The hackney carriage proprietor must hold the driver licence of those driving the vehicle, and must produce that licence if requested to do so by a magistrates' court (section 48 of the 1847 Act).
170. The hackney carriage proprietor must ensure that at all times the vehicle displays the hackney carriage plate (section 52 of the 1847 Act).
171. The hackney carriage proprietor must notify any transfer of the vehicle licence to another proprietor within 14 days (section 49 of the 1976 Act).
172. The hackney carriage proprietor must present the hackney carriage for inspection as required by the Council (section 50(1) of the 1976 Act).
173. The hackney carriage proprietor must inform the Council where the hackney carriage is stored if requested to do so (section 50(1) of the 1976 Act).
174. The hackney carriage proprietor must report any collision that has caused damage to the safety performance or appearance of the vehicle to the Council within 72 hours (section 50(3) of the 1976 Act).

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175. The hackney carriage proprietor must produce the vehicle licence and insurance if requested to do so by an Authorised Officer of the Council (sections 50(4) of the 1976 Act).
176. The hackney carriage proprietor must return the plate to the Council once you receive notice to do so after expiry, revocation or suspension of the proprietor licence (section 58(2) of the 1976 Act).
177. It is an offence to interfere with a taximeter (section 71 of the 1976 Act).
178. The hackney carriage proprietor must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an Authorised Officer of the Council, an authorised officer of another council with which there is a reciprocal enforcement arrangement, or a police constable (section 73 of the 1976 Act).
179. The hackney carriage proprietor must not conceal or obscure the number of the hackney carriage whilst standing or plying for hire, or use the vehicle with a defaced or damaged plate (Hackney Carriage Byelaw 2).
180. The hackney carriage proprietor must provide a means of communication between passenger and driver (Hackney Carriage Byelaw 3).
181. The hackney carriage proprietor must ensure that the vehicle is watertight (Hackney Carriage Byelaw 3).
182. The hackney carriage proprietor must ensure that the windows open and close (Hackney Carriage Byelaw 3).
183. The hackney carriage proprietor must ensure that the seats are properly covered (Hackney Carriage Byelaw 3).
184. The hackney carriage proprietor must ensure that the floor is properly covered (Hackney Carriage Byelaw 3).
185. The hackney carriage proprietor must ensure that the vehicle is clean, well maintained and fit for public service (Hackney Carriage Byelaw 3).
186. The hackney carriage proprietor must ensure that there is a means for securing luggage if required (Hackney Carriage Byelaw 3).
187. The hackney carriage proprietor must ensure that the fire extinguisher is a readily available location (Hackney Carriage Byelaw 3).

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188. The hackney carriage proprietor must ensure that the taximeter is plainly visible to passengers and illuminated (Hackney Carriage Byelaw 4).
189. The hackney carriage proprietor must not tamper with the taximeter (Hackney Carriage Byelaw 6).
190. The hackney carriage proprietor must display the table of fares in the vehicle and not conceal it or render it illegible (Hackney Carriage Byelaw 15).
191. The hackney carriage proprietor must search the vehicle after every hiring (usually the responsibility of the driver, but also applies to the proprietor) (Hackney Carriage Byelaw 16).
192. The hackney carriage proprietor must deliver any lost property to the Council or the police station within 48 hours of finding it (Hackney Carriage Byelaw 17).

PRIVATE HIRE VEHICLE (PROPRIETOR) LICENCES**Local Government (Miscellaneous Provisions) Act 1976**

This document contains the policy, conditions and legislation relating to your Private Hire Vehicle (proprietor) licence. The legislation uses both of the terms "vehicle" and "proprietor" in relation to private hire vehicle licences, but as these are often referred to as private hire vehicle licences, for the avoidance of doubt the term "Private Hire Vehicle (proprietor)" will be used throughout this policy.

1. As Private Hire Vehicle (proprietor) licences can be held by limited companies, limited liability partnerships (LLP) and conventional partnerships as well as individuals, this policy must be read to give effect to that. Any reference to a "person", "you", "licensee" or "proprietor" is taken to mean the proprietor of the private hire vehicle.
2. There is a power to attach conditions to Private Hire Vehicle (proprietor) licences, and the Council has standard conditions which attach to these licences. These are contained within this document.
3. There is also a list of the main legislation that applies to Private Hire Vehicle proprietors.

Introduction

4. The purpose of licensing private hire vehicles is to protect the public, including passengers and others who may otherwise be placed at risk from unlicensed and potentially dangerous vehicles.
5. It is a privilege to hold a Private Hire Vehicle (proprietor) licence and licensees have responsibilities to their drivers, passengers and customers, other road users and the public generally. The Council has been satisfied that when you applied for your licence the vehicle was suitable and safe for use as a private hire vehicle and that you were a safe and suitable person to have that licence granted. In assessing that, the Council took into account the type of the vehicle, the condition of the vehicle and your entire character and behaviour.
6. As a vehicle proprietor this assessment of your character not only includes times when you are working within the private hire trade, but at all other times as well. This can include your use of social media as well as other forms of communication. The requirement to satisfy the Council that you are a

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safe and suitable person continues throughout the duration of the licence. If at any time the standard of the vehicle or your behaviour falls below the standards expected for new applications, the Council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence. In relation to your personal actions, it is no defence to argue that your actions took place when you were not working within the Private Hire trade. You should appreciate that under the Previous Convictions Policy, if the unacceptable or criminal behaviour took place whilst you were working within the private hire trade that will be viewed as an aggravating feature by the Council.

7. In many cases a private hire vehicle is the first vehicle that a visitor to the County will encounter following arrival at a railway station or bus station. As a consequence, the appearance of private hire vehicles can affect a person for their entire visit. Private hire vehicle proprietors should be aware of this and ensure that their vehicle is maintained to the highest standard at all times.
8. Please note, this section reminds you of some of the important legal requirements with which you must comply. This is not a comprehensive list. You should familiarise yourself with the Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation.
9. The Council has decided to attach conditions to Private Hire Vehicle (proprietor) licences that it considers reasonably necessary under the powers contained in section 48(2) of the 1976 Act. The conditions are in addition to the statutory requirements of the legislation. Section 48(7) of the 1976 Act gives the right of appeal to the Magistrates' Court to any person aggrieved by any of the conditions attached to their licence within 21 days of receipt of the licence.
10. You must understand and comply with the legal requirements relating to the private hire vehicle licensed in your name, a limited company in which you are a director or secretary, a limited liability partnership in which you are a partner, or in joint names when you are one of the named individuals. Failure to comply with the requirements may result in your Private Hire Vehicle (proprietor) licence being suspended or revoked.
11. The Council office for private hire and hackney carriage licensing purposes is The Licensing Section, Herefordshire Council, 8 St Owen Street, Hereford HR1 2PJ, telephone: 01432 261761, email:[taxi-](mailto:taxis@herefordshire.gov.uk)

licensing@herefordshire.gov.uk. This is the address to which all applications, notices, reports of incidents and any other communications with the Council must be sent.

Sanctions against the Private Hire Vehicle (proprietor) licence

12. Where a proprietor breaches any legislation or condition of the licence, they may be referred to Committee/Panel.
13. The Council also runs its own Penalty Points Scheme as a method of enforcing the requirements for private hire and hackney carriage licensees.
14. Whenever, and in what circumstances a proprietor is brought before Committee, the Committee/Panel will decide each case on its merits, after hearing the facts.
15. The Committee may also suspend or revoke the Private Hire Vehicle (proprietor) licence (see below) or impose further penalty points.

Power to take action against a Private Hire Vehicle (proprietor) licence

16. Under section 60 of the 1976 Act, the Council may suspend, revoke or refuse to renew a Private Hire Vehicle (proprietors) licence on the following grounds:
 - a) that the private hire vehicle is unfit for use as a private hire vehicle;
 - b) any offence under, or non-compliance with, this Part of this Act by the operator or driver; or
 - c) any other reasonable cause.
17. An Authorised Officer of the Council, an authorised officer of another council where there may be a reciprocal arrangement, or a police constable can immediately suspend a Private Hire Vehicle (proprietor) licence under section 68 of the Local Government (Miscellaneous Provisions) Act 1976 on the grounds of
 - a) the vehicle is unfit;
 - b) the faremeter is inaccurate.
18. Failure to comply with any private hire vehicle legislation or other road traffic legislation is an offence and you may be liable to prosecution. In addition (irrespective of whether you were prosecuted or convicted of the offence(s)), the Council may take action against your licence which could

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- lead to your Private Hire Vehicle (proprietor) licence being suspended, revoked or the renewal refused.
19. Failure to comply with the Council's conditions may result in your Private Hire Vehicle (proprietor) licence being suspended, revoked or the renewal refused.
 20. If any information given by you on the application form for this licence proves to be false, or you fail to disclose any relevant information on your application form, the licence may be revoked, and you may also be prosecuted under section 57(3) of the 1976 Act.
 21. The Private Hire Vehicle (proprietor) licence remains the property of the Council.
 22. In the event that you lose your proprietor licence, Private Hire Vehicle (proprietor) licence plates or additional signage, or if they are damaged or defaced, you must get a replacement licence or plates on payment of a fee determined by the Council, and you cannot use the private hire vehicle until such replacements are obtained and fitted.
 23. It must be understood that a decision to grant a Private Hire Vehicle (proprietor) licence is made on the basis of the condition and suitability of the vehicle and the suitability of the proprietor(s) on the particular facts of the case on the day of the decision. That suitability can be lost at any time in the future and you must ensure that the condition of your vehicle and your behaviour remains of the highest standard to protect your vehicle licence and therefore your livelihood.

POLICY

Applicants

24. Private Hire Vehicle (proprietor) licences can be held by individuals, partnerships (two or more people in business together) or limited companies. Usually the vehicle must be registered to one of those, 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 the vehicle, a financial interest in the vehicle or permission to use the vehicle on an extended basis (in the case of a lease or hire). A V5 registration document

is not proof of ownership and other documentation will be required. This can include, but is not limited to:

- a) Receipt for the purchase of the vehicle,
- b) Lease/hire contract,
- c) Partnership agreement between 2 or more individuals.

Character of the applicant

25. The licensee of a private hire vehicle can exert control over those who drive that vehicle, and as a consequence it is essential that they satisfy the Council that they are a suitable person to hold a Private Hire Vehicle (proprietor) licence.
26. All applicants (new and on renewal), who are not also dual badge holders will be required to provide a Basic Disclosure and Barring Service (DBS) check at their own expense, as part of the application process. The same will be required of all partners in a limited liability or conventional partnership and all directors and secretary of a limited company when the application is made, or the licence is held, by a limited liability or conventional partnership or limited company.
27. The application will then be considered in the light of the Council's Previous Convictions Policy.
28. In addition, the Council will take into account the compliance and maintenance history of previous and existing vehicles licensed by the applicant. The Council does not regard licensees whose vehicles fail regular tests as being a safe and suitable person to have responsibility for private hire vehicles. All vehicles must be maintained to a satisfactory standard at all times and should pass any test at any point.

Convictions

29. If you or anybody else with an interest in the vehicle or who is named on the licence is arrested in connection with, charged with or convicted of any criminal offence, that must be reported to the Council within 72 hours (including weekends and bank holidays). The same requirement applies in relation to any fixed penalty notices, Community Protection Notices, civil injunctions or Criminal Behaviour Orders that you receive or have to attend.

Vehicles

30. It is the applicant's responsibility to ensure that any vehicle presented for licensing as a private hire vehicle meets the Council's criteria which are detailed below. As the Council will not be liable for any loss as a result of a vehicle not being licensed, it is vital that applicants ensure that any vehicle that they are considering purchasing meets these criteria.

Licensed Vehicle Type, Age and Emissions

31. Any vehicle submitted to be licensed as a private hire vehicle must be of Category M1 (as shown on the registration document) unless either of the M2 or N1 cases below apply:

Category M2 or N1 vehicles (as shown on the registration document) will be acceptable provided the vehicle has passed an IVA test and there is evidence to show that no modification has been made to that vehicle since the date of that test.

32. Licences will not be granted in respect of vehicles that were first registered (or, in the case of imported vehicles, manufactured) more than 2 years for non WAV vehicles and 5 for WAV vehicles, prior to the date that the application was made. Vehicles first registered (or, in the case of imported vehicles, manufactured) after 1 April 2020 must meet or exceed Euro 6 emission standards.
33. From 21st October 2024, WAV or five or more passenger seated vehicle licences will not be renewed in respect of vehicles that were first registered more than 15 years prior to the date of renewal. For non WAV or five or more seated vehicles licences this will be 10 years.
34. A vehicle that does not comply with these emissions requirements may be considered for licensing if it is in 'exceptional condition'. The criteria for 'exceptional condition' are set out below.

Exceptional Condition Criteria for vehicles outside standard conditions

35. A vehicle will be considered to be in 'exceptional condition' if all of the following apply:
- a) The mileage for the vehicle is no higher than the average mileage that could be expected for a similar vehicle if that vehicle was used solely for social, domestic and pleasure purposes;
 - b) The vehicle passes the Council's vehicle inspection;

- c) The bodywork is in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips, or rust or any other abrasions that may detract from the overall appearance of the vehicle;
- d) The general paint condition should show no signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle;
- e) The interior trim, panels, seating and carpets and upholstery are in excellent condition, clean and free from damage and discolouration;
- f) The boot or luggage compartment is in good condition, clean and undamaged;
- g) Passenger areas are free from damp or any other odours that may cause passenger discomfort;
- h) The vehicle must be in excellent mechanical condition and in all respects safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or bodywork;
- i) The vehicle shall ideally have a service record to show that it has been properly serviced and maintained.

Vehicle specification

36. There are 3 different types of vehicle that can be licensed as private hire vehicles: those which are Wheelchair Accessible Vehicles (WAV), those which are not and stretched limousines.
37. The Council maintains a list of all WAV (both private hire vehicles and hackney carriages). Drivers of those vehicles must then provide mobility assistance to wheelchair-bound passengers.
38. The following specifications detail the minimum requirements for each type of vehicle, together with the requirements for all private hire vehicles.

Non-Wheelchair accessible vehicles

39. If the vehicle is to be licensed as a Non-WAV (saloons, estate cars, people carriers (MPV), sports utility vehicles (SUV) and any other vehicle that cannot carry a passenger whilst they remain in their wheelchair excluding stretched limousines) it must be approved by the Council and comply with the following specification:

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- a) Be a right-hand drive vehicle;
- b) Have at least four doors that can be opened from both inside and outside the vehicle. Each door (except the driver's door) must be capable of being opened by passengers;
- c) Have a minimum seating capacity for one adult passenger; Must be so constructed as to provide adequate space within its structure for the safe carriage of each passenger's luggage or any equipment. If that is not possible or practical then the below will apply;
- d) Roof racks, tow bars and trailers will be permitted. Any luggage carried on the roof rack must be protected from the elements by a waterproof cover and properly secured. A properly fitted roof box is an acceptable alternative;
- e) Tow bars (if fitted) must be fitted in accordance with the manufacturer's instructions;
- f) Any trailer that is used must meet the following requirements and be tested by the Council (the charge to be paid by the licensee) and will be issued with a "trailer plate" which must be displayed on the rear of the trailer and clearly visible whenever the trailer is being used by the private hire vehicle. The trailer can only be used on the specified private hire vehicle. Trailers must comply with the following standards:
 - i. Unbraked trailers must be less than 750kgs gross weight;
 - ii. Trailers over 750kgs gross weight must be braked, acting on at least two road wheels;
 - iii. The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer;
 - iv. A suitable lid or other approved means of enclosure must be fitted to secure the contents within the trailer whenever in use;
 - v. The maximum permissible length of the trailer cannot exceed 7 metres, including the drawbar and coupling;
 - vi. The width of the trailer must not be greater than width of the towing vehicle, subject to no trailer being wider than 2.3m;
 - vii. The maximum length for braked twin axle trailers is 5.54m;
 - viii. The trailer must at all times comply with all Road Traffic legislation requirements;
 - ix. The vehicle insurance must cover towing a trailer;
 - x. Trailers must not be left unattended anywhere on the highway;

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- xi. The speed restrictions applicable to trailers must be observed at all times;
 - xii. The registration number plate of the hackney carriage and the Council issued "trailer plate" must be attached to the rear of the trailer;
 - xiii. The trailer must be inspected annually and must be considered to be satisfactory by the Licensing Authority;
 - xiv. Only drivers with the appropriate DVLA driving licence category may drive a vehicle with a trailer. The vehicle proprietor must check any driver's DVLA licence for the required category, prior to allowing the use of a trailer.
- g) Passengers must be able to communicate with the driver via a sliding screen, intercom, mesh or hole in any division between the drivers and passenger compartments.
 - h) Any vehicle which is a convertible must meet all other requirements and have a waterproof roof and side windows which must be raised at the request of any passenger.
 - i) After 31 March 2025 any application to renew a non-WAV vehicle must relate to a vehicle that complies with Euro 6 standards.

Additional requirements for minibus and MPV type vehicles

40. In order to be licensed as a private hire vehicle, any Minibus/MPV-type vehicles must be fitted, in addition to the front driver and passenger doors, with at least:
- a) one other side loading door plus a rear door/doors or tailgate that can be opened from inside the vehicle; or
 - b) two side loading doors that can be opened from the inside.

Wheelchair Accessible Vehicles (WAV)

41. The vehicle must be capable of carrying a wheelchair bound passenger which meets the following specification. It cannot look like a hackney carriage, so may not have a roof sign.
42. Any vehicle, before it can be considered to be licensed as a Wheelchair Accessible Vehicle, must have European Community Whole Vehicle Type Approval (ECWVTA), or Individual Vehicle Type Approval, including an inspection certificate issued by the Driver and Vehicle Standards Agency (DVSA) as **a minimum standard**:

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- a) The interior of the vehicle must be able to accommodate a wheelchair and its user riding seated within the wheelchair itself;
- b) The passenger compartment must have a minimum unobstructed available width of 0.74 metres (including at the point of entry);
- c) The passenger compartment must have a minimum unobstructed available length of 1.2 metres for a wheelchair and user;
- d) The passenger compartment must have a minimum unobstructed available height for a wheelchair and user of 1.3 metres at the point of entry and 1.4 metres when in the travelling position;
- e) The passenger compartment must be fitted with suitable wheelchair anchorages, either chassis or floor linked;
- f) The passenger compartment must be fitted with a suitable 3-point belt or harness, either chassis or floor linked, for a wheelchair and its user. The belt/harness must be independent of the wheelchair anchorages;
- g) The vehicle must have suitable ramps for a wheelchair user. The vehicle must have a secure and safe place for the ramps to be stored when they are not being used. Alternatively, the vehicle may be fitted with a tail lift or some other mechanical means of access, approved by the Council;
- h) Where the vehicle is a rear loading wheelchair accessible vehicle, a suitable ramp will be carried in the vehicle to be used at the commencement and end of a journey to ensure that the passenger is delivered safely onto the pavement;
- i) At least one door entrance must be designed and constructed to help elderly and disabled passengers get in and out of the vehicle. The door entrance and any steps must be conspicuously marked where appropriate, to help visually impaired passengers;
- j) All passenger door entrances must have grab handles or rails suitably located to help elderly and disabled passengers. All handles/rails must be conspicuously marked to help visually impaired passengers;
- k) To assist elderly and disabled passengers, at least one passenger seat must be of a "swivel" or other design and construction, approved by the Council.

Stretched Limousines

43. The term "stretched limousine" in this policy will be taken to mean any vehicle that has been manufactured as such.
44. Any vehicle, before it can be considered to be licensed as a stretched limousine, must have European Community Whole Vehicle Type Approval (ECWVTA), or Individual Vehicle Type Approval, including an inspection certificate issued by the Driver and Vehicle Standards Agency (DVSA) as a minimum standard.
45. Stretched limousines will only be licensed to carry a maximum of 8 passengers. Any vehicle which has the capability to carry more than 8 passengers would be subject to PCV licensing.
46. All passenger seats must be equipped with a 3 point seat belt.

All vehicles

47. The following are the minimum requirements for all Private Hire Vehicles, irrespective of their type:
 - a) The vehicle must be wind and water-tight (with the roof raised and properly secured and fastened in the case of a convertible vehicle);
 - b) The vehicle must have a floor properly covered with carpet or other suitable covering;
 - c) The vehicle must have an adequate internal light to enable passengers to enter and leave the vehicle safely;
 - d) The vehicle's bodywork and paintwork must be in good condition, free from dents or other damage or rust;
 - e) The vehicle must not be fitted with any additional external accident protection devices (e.g. bull bars or additional bumpers);
 - f) The vehicle must carry a spare wheel and tyre of the correct size to fit the vehicle, together with equipment to change the wheel including a spare wheel and tyre, jack and wheel brace, all of which must be securely stored. If the manufacturer's specification when the vehicle was new did not include a spare wheel, the manufacturers alternative puncture device will be acceptable;

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- g) The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating. They must comply with the legal requirement of tread depth;
- h) The vehicle must be fitted with nearside and offside exterior rear view mirrors;
- i) The vehicle must have at least one window on each side of the passenger compartment which is capable of being opened and closed;
- j) All seats must be permanently fixed to the vehicle and must be factory fitted with a 3-point seat belt or, where that was not a manufacturer's option when the vehicle was manufactured, a factory fitted lap belt. Any retrospectively fitted seat belts must be approved by the Council;
- k) The vehicle must be fitted with glass which complies with current Construction and Use Regulations (the Road Vehicles (Construction and Use) Regulations 1986 as amended). These regulations require that the front windscreen allows 75% of light to be transmitted and the front door windows allow 70% of light to be transmitted. In addition, the remaining glass within the vehicle must have a minimum light transmittance of not less than 70%. The rear of the vehicle must be fitted with at least one window (or one window per rear door fitted), the light transmission capacity of which must be a minimum of 70%. No self-adhesive material (tinted or clear) can be affixed to any part of the glass without the approval of the council;
- l) The vehicle must carry a 1kg dry powder extinguisher or a 2 litre AFFF extinguisher approved to BS EN3: 1996, with the licence number permanently marked on it. The fire extinguisher be properly maintained in accordance with BS 5306: Part 3 and be secured in such a position in the vehicle as to be accessible for immediate use in an emergency, including the boot. There must also be adequate signage visible to all passengers to identify the location of the fire extinguisher;
- m) The vehicle must carry a first aid kit in a suitable container, with the licence number painted on it. There must also be adequate signage visible to all passengers to identify the location of the first aid kit;
- n) 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 Council;

- o) The minimum unobstructed distance between the seat back and the foot well bulkhead/facing seat back must be 0.95 metres in relation to the front passenger and driver seats, and 0.6 metres in relation to any other passenger seats;
 - p) The minimum unobstructed interior width of the vehicle must be 1.3 metres (excluding any arm rests);
 - q) Any vehicle that has been converted to run on liquid petroleum gas (LPG) must be accompanied by a certificate stating that the conversion was undertaken in accordance with the LPG gas Association's code of practice, and if the conversion was undertaken more than one month before the application for the licence, an annual installation check which is not more than one month old.
48. In addition, in all types of Private Hire Vehicle the following requirements must be met.

Seating

49. In any vehicle all exits must be easily accessible and not obstructed by another seat. Access to all doors must be free from obstruction. Any seats that require passengers to move any part of another seat to gain access or egress will not be licensed for carrying passengers. The seating configuration and number of passengers that can be carried is subject to assessment by the Council. Seats can only be removed to facilitate this, if the vehicle is designed at manufacture to remove seats as part of its design.

Documents

50. A vehicle licence will only be issued where the vehicle has evidence of:
- a) A valid vehicle insurance certificate specifically stating that the vehicle is to be used for private hire use;
 - b) An MOT Certificate issued by an approved MOT garage approved by the Council which is less than 1 calendar month old;
 - c) A V5 vehicle registration document. In case of a new vehicle, the sales invoice, which must show engine and chassis numbers, shall be produced at the time of application and the registration document when it is received from DVLA. The registration document must in all cases be produced within 6 weeks of the licence being issued;

51. Before or on the date of expiry of any certificate, the certificate about to expire must be produced together with the relevant renewal certificate to the Council.
52. All documentation must be originals unless it has been seen previously, in which case a copy will be accepted. Online copies will be accepted directly from the original issuer.

Engine/Chassis Numbers

53. The Chassis/Vehicle Identification Number Plates and engine numbers must match the numbers recorded with the DVLA as detailed on the V5 Document. Vehicle applications cannot be accepted without a copy of the vehicle registration document, or in the case of new vehicle purchase, the sales documentation indicating the engine and chassis numbers. In the event of a vehicle being presented with numbers that do not correspond to the paperwork the Council will inform the Police Vehicle Identification Section who may undertake checks to ensure the vehicle is not stolen. If the engine is changed at any time whilst the vehicle is a licensed private hire vehicle, the Council must be notified within 72 hours of that change and the updated V5 must be produced as soon as it is received from DVLA.

Maintenance and servicing

54. Vehicles must be maintained correctly and serviced in accordance with the manufacturer's recommendations. The service history of the vehicle will be inspected at first application and on every renewal of the licence. Evidence must show the competence of any individual engaged in the service or repair of the vehicle if requested. If servicing and/or maintenance is to be carried out by any other person than a qualified mechanic, a record of work must be available upon request, to include date, work/checks undertaken and who has done the work. For non-routine repairs the work must be carried out by a competent person.

Vehicle tests

55. A licence will be granted or renewed only if the vehicle is considered by the Council to be roadworthy, fit for purpose and meets the criteria specified.
56. Vehicles will be tested before the licence is initially granted, then every 12 months for vehicles up to 6 years old and every 6 months for vehicles older than that. For vehicles over 12 years 3 test will be required. The anniversary

date for interim MOT's will remain the same, this will avoid loss of time between tests.

57. Compliance tests in relation to new applications and renewals are to be carried out at the Council's testing Centre at Rotherwas in Hereford.
58. If required by age the vehicle must have an interim MOT certificate from the Council approved garage or any DVLA MOT testing centre, which is less than 4 weeks old.
59. The applicant or licensee must make an appointment for the vehicle to be tested as part of the application process. It is the responsibility of the applicant/licensee to do this and then to ensure that the vehicle is presented at the specified location and time. If the vehicle is presented late, there is no guarantee that the test will be able to be conducted on that day and a further test must be arranged. In that case the initial test fee will be forfeited and a second fee must be paid for the rearranged test.
60. A test appointment can be cancelled only if at least two clear working days' notice (excluding Saturday, Sunday and Bank Holidays, the day on which notice is given and the day of the test) is given to the Council.
61. If the consequence of missing the test means that the licence cannot be renewed before expiry, this will result in the renewal application being treated as a new application for a hackney carriage/private hire proprietor licence, in which case any acquired rights will be lost.

Dual Plating

62. Once a vehicle has been licensed as a private hire vehicle by the Council, it cannot be licensed as a private hire vehicle (or hackney carriage) by any other local authority or Transport for London during the duration of the Herefordshire licence.
63. The council will not licence a vehicle that is licensed as a private hire vehicle or hackney carriage by another local authority or Transport for London.

Insurance "write-offs"

64. The Council will not licence any vehicle as a private hire vehicle that has been written off by an insurance company.

Vehicle Use

65. You must maintain a policy of insurance for your licensed vehicle in accordance with section 143 of the Road Traffic Act 1988.
66. If your private hire vehicle has an accident which results in damage which may affect its safety, performance, appearance or the comfort or convenience of your passengers, you must report this to the Council within 72 hours (including weekends and bank holidays) (section 50)(3) of the 1976 Act).
67. You must not obstruct any Authorised Officer of the Council or police officer. You must provide any assistance or information they may reasonably require (section 73 of the 1976 Act).
68. Any person driving a private hire vehicle at any time, for any purpose and anywhere in the United Kingdom, must be licensed to drive a private hire vehicle under section 51 of the 1976 Act, even if the vehicle is not being used for private hire purposes. Any person driving a private hire vehicle without the required private hire driver's licence will be committing an offence under section 46(1)(b) of the 1976 Act. There are exceptions to this when a qualified mechanic is road testing the vehicle.
69. If any private hire vehicle proprietor permits a person who does not hold a private hire vehicle driver licence to drive the vehicle for any purpose the proprietor commits an offence under s46(1)(c) of the 1976 Act and the Council will consider this a serious matter and action may be taken against the Private Hire Vehicle (proprietor) licence (whether or not a criminal prosecution or conviction ensued).
70. Once a vehicle has been licensed as a private hire vehicle by the Council, it retains that status at all times for the duration of the licence (24 hours a day, 7 days a week). In addition to the requirement that it is only driven by a private hire driver licensed by the Council (see above) the proprietor must ensure that at all times and wherever it may be located it complies with all requirements contained within the legislation and conditions. This includes the cleanliness of the vehicle, display of licence plates and additional signage.
71. If the Private Hire Vehicle (proprietor) licence is suspended, revoked or not renewed, the proprietor must return the licence plates and additional signage to the Council. This must be done immediately after the end of the appeal period (21 days from the written notification of the decision, or after any such appeal is determined or abandoned). If the suspension is immediate (under section 68 of the 1976 Act) this requirement must be complied with immediately.

72. If the proprietor refuses to surrender the vehicle plates and additional signage, tamperproof "Vehicle Licence Suspended" stickers will be affixed to the vehicle plates. These will destroy the plates, and replacements must be purchased from the Council if and when the suspension is lifted.

Warning Notice

73. If there is anything in the design, construction, form or working appearance of a vehicle which, in the opinion of the Council or its authorised officers or testers, renders the vehicle unfit for use as a private hire vehicle then the Council will not licence that vehicle.
74. The Council is not liable for any expense incurred in preparing or testing a vehicle which cannot be licensed for whatever reason.
75. Any unauthorised modifications made since a previous licence was issued may lead to the suspension, revocation or refusal to renew a licence.

Taximeters

76. There is no requirement for a private hire vehicle to be fitted with a taximeter. If there is a meter fitted, then this must be approved by the Council.

Duration and renewal of the licence

77. The licence expires 12 months from the date of issue. Any application for renewal must be made at least one month before the licence expires. If you do not apply to renew the vehicle licence in time there may be a period when you will be unable to use the vehicle as a private hire vehicle. If the renewal application is not received before the expiry of the current Private Hire Vehicle (proprietor) licence, it will be treated as a new application rather than a renewal and you will have to provide all the information that is required for a new application.
78. Renewals are generally dealt with by officers under delegated powers, and can be processed quite quickly. However, if there have been any changes since the last grant of the licence (e.g. if the vehicle's age or emissions exceed the policy or you or any of your joint proprietors (or directors or secretary in the case of a limited company) have been convicted of any offence, or there have been complaints or causes for concern about your behaviour) the renewal application may need to be considered by Committee/Panel. If this is the case, then a 2 month temporary licence will be considered, without prejudice to any decision the Committee/Panel might make.

79. The licence is issued to you but it can be transferred to another individual, partnership or limited company. Notification of any transfer must be made in writing and indicate the consent of all interested parties. The Council will then issue a revised licence identifying the new licensee(s).
80. Following any transfer of licence to another person, on expiry of that licence, renewal will be at the Council's discretion.

Plates and Additional Signage

81. The licence plates and other additional signage required by the Council must be displayed on the vehicle at all times. In addition, wheelchair accessible Private Hire Vehicles will be required to display "Wheelchair" stickers at all times.
82. If you lose or damage the plates or additional signage, replacements must be purchased from the Council.

Vehicle substitution

83. If you wish to change the vehicle that is licensed, the following procedures must be followed:
 - a) You must complete an application form for the "replacement" vehicle;
 - b) You must pay the stated fee for a 12 month period;
 - c) You must surrender the original licence. Any refund against a licence will be calculated by the Council, taking into account the period of time for which the licence has been held and the administration costs incurred, and will be subject to a minimum level of £50, below which no refund will be made;
 - d) Your replacement vehicle must be presented for test and subsequently pass;
 - e) Written proof of consent to the change of vehicle must be provided from all interested parties (joint proprietors);
 - f) You must maintain and produce evidence of a continuous policy of insurance, which clearly states that the vehicle is to be used as a private hire vehicle. All such policies must be in the name of the licensee of the vehicle.

Letting/leasing of vehicles

84. You must not lease or let or hire a licensed private hire vehicle to any other person, other than a fare paying passenger, without first notifying the

Council in writing. If you do enter into a leasing arrangement you will remain the licensee and will still be responsible for the vehicle.

85. You must notify the Council in writing of anyone no longer having an interest in the vehicle within 48 hours of the event.

Advertisements

86. No advertisements may be displayed in or from the vehicle unless prior written approval of the Council has been obtained. Any advertising must comply with all legislation and the British Code of Advertising Practice.

Navigational devices

87. Any electronic navigational device which is being used must be securely located within the vehicle. No handheld devices can be used unless they are securely located in a suitable cradle or other mounting device.

The taximeter (if fitted)

88. If a meter is fitted it must be accurate, be capable of showing that the vehicle is or is not hired, 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.
89. If the meter is in use, the fare must be clearly legible on the face of the meter. This fare must be unambiguous.
90. The word "FARE" must be clearly printed on the meter so it clearly indicates the fare displayed.

Radios and other equipment

91. Any radio, booking systems/data heads and/or GPS equipment provided must be maintained in a safe condition and any defects must be repaired promptly. The licensed operator/booking agent must ensure that the licence issued by Ofcom for all radio equipment used is current and valid. All equipment must only be used on the frequencies stipulated in the Ofcom licence and the licensed operator/booking agent must allow the Council access to inspect all equipment and Ofcom licenses.
92. Any radio, booking systems/data heads and/or GPS equipment provided must not interfere with any other radio or telecommunication equipment.
93. Where apparatus for the operation of a two-way radio, booking system/data heads and/or GPS systems are fitted, no part of the apparatus can be situated in a way which could cause accident or injury to a

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passenger, nor can it be placed in the rear boot compartment if LPG tanks are situated in there.

Signs

94. No sign or advertisement is permitted on the vehicle, and no flag or other emblem can be flown from the vehicle, except as detailed below, unless required by law, or has been agreed by the Council in writing (see above in relation to advertisements).
95. The vehicle must not be fitted with any sign on the roof of the vehicle.
96. You may display the name and telephone number of the company operating your vehicle in its front and rear windows. However, the display must be no more than 10 cm high, must not contravene the Road Traffic (Construction and Use) Regulations, and must not be illuminated.

CCTV

97. All licensed vehicles must have a CCTV system capable of recording both audio and video with a monitor that meets the Council's specification for taxi camera systems and complies with ICO regulations. The system must record both audio (panic switch controlled) and video. All such systems must have been installed by a competent installer before the vehicle can be licensed. The device must be active at all times when the vehicle is in use as a licensed vehicle.
98. The picture on the CCTV system must be clear and not obstructed by items which cover part of the lens, this includes items hanging from the rear-view mirror.
99. At least 3 approved signs must be displayed in the vehicle (2 within the rear of the vehicle and 1 in the front) warning customers that camera surveillance equipment is in operation.
100. Activation of audio recording must be capable of being triggered by the driver pressing a switch/button. Audio recording will continue until such time as the button/switch is pressed to off again. This switch will activate/deactivate audio recording independent of the passenger's audio activation button/switch. Audio recording will continue until such time as the button/switch is pressed again. Once activated (by the driver), the audio recording must continue for an uninterrupted period until it is deactivated. There must be an indicator located within the vehicle that is clearly visible to the passenger and clearly shows that audio recording is taking place.

101. The system must be checked at least weekly and a record kept of the system being operative. Any failure in the system must be notified to the Council as soon as practicable and in any event within one business day and a schedule of repair agreed by them. Failure to notify could result in the vehicle licence being suspended. The vehicle cannot be used as a private hire vehicle until the CCTV system is repaired and functioning correctly. If it has been necessary to be repaired by a competent person confirming that.
102. The images and audio cannot be monitored and relevant data will only be recovered when necessary. This will include (but this is not an exhaustive list) situations following complaints, road traffic collisions, where there is any police investigation or any other investigation of a criminal offence. The Council is the data controller for the personal data collected via the CCTV system. Owners of vehicles with CCTV installed must cooperate with the Council to discharge responsibilities under the Data Protection Act 2018, including reporting any data incidents and providing access to recordings in response to subject access requests.
103. Other than the monitor displaying live images in the vehicle, any recorded image captured by the camera can only be viewed by an authorised officer of the Licensing Authority.
104. In addition, audio recordings must be used in any of the following circumstances:
 - a) An unaccompanied child (under 18) or vulnerable adult is being carried in the vehicle.
 - b) Where the driver and customer are involved in a dispute or the driver feels threatened by the behaviour of a passenger.
105. If the audio switch is operated at the end of the journey when the passenger(s) leaves the vehicle, the audio recording must be deactivated before another passenger enters the vehicle. If appropriate it must be reactivated should any of the situations above arise in relation to this new journey.

Seating Arrangements

106. In any vehicle all exits must be easily accessible and not obstructed by another seat. Access to all doors must be free from obstruction. Any seats that require passengers to move any part of another seat to gain access or egress will not be licensed for carrying passengers. The seating

configuration and number of passengers that can be carried is subject to assessment by the Council.

Incident logs

107. The proprietor must maintain an incident log in an accessible format (either on a computer, other electronic device or a notebook). This must be used to record all incidents affecting the use of the Private Hire Vehicle including, but not limited to:
 - a) collisions or accidents;
 - b) damage to the vehicle;
 - c) problems with the meter;
 - d) any events reported to them, circumstances or incidents which lead the driver or proprietor to suspect that a passenger is involved in or is a victim of child sexual abuse or exploitation or any other abuse, modern slavery or trafficking of people, County Lines movements of drugs, any other abuse or supply of drugs, involvement in terrorism or any other criminal activity.
108. Serious incidents must be recorded immediately, or as soon as possible thereafter and must state the date time and location of the incident, the names (if known) of any third parties and the date and time on which the incident was recorded.
109. This log must be available for inspection by an Authorised Officer of the Council or a police constable at all times on request.

Stretched limousines

110. Any stretched limousine (any vehicle which has been modified to be longer than the manufacturer's original specification) which is presented for licensing as a private hire vehicle must be covered by:
 - a) A UK Single Vehicle Approval Certificate; or
 - b) A European Whole Vehicle Approval Certificate; or
 - c) A UK Low Volume Type Approval Certificate.

Conditions

111. The following Conditions are attached to your Private Hire Vehicle (Proprietor) licence and must be complied with at all times. Failure to comply with conditions may lead to penalty points being imposed on your Private Hire Vehicle (Proprietor) licence, suspension, revocation or refusal to renew the Private Hire Vehicle (Proprietor) licence.

112. You must return your licence (and the plates and additional signage if requested by the Council):
113. You must notify the Council within 48 hours of the event (including weekends and bank holidays) if you or anybody named on the licence as a joint proprietor (or any director or secretary of a limited company, or partner in a Limited Liability Partnership when the licence is held by such a body) is arrested in connection with, charged with, investigated in connection with or convicted of any criminal offence. The same requirement applies in relation to any fixed penalty notices, community protection notices, civil injunctions that you receive or have to attend.
114. If your vehicle has an accident which results in serious damage which may affect its safety, performance or appearance or the comfort or convenience of your passengers, you must report this to the Council within 48 hours (including weekends and bank holidays). If you are in doubt as to whether the vehicle is affected you must notify the Council.
115. You must maintain an incident log in an accessible format (either on a computer, other electronic device or a notebook). In this you must record all incidents affecting the use of the private hire vehicle including, but not limited to:
 - a) collisions or accidents;
 - b) damage to the vehicle;
 - c) problems with the meter;
116. Incidents must be recorded immediately, or as soon as possible thereafter and must state the date time and location of the incident, the names (if known) of any third parties and the date and time on which the incident was recorded.
117. This log must be available for inspection by an Authorised Officer of the Council or a police officer at all times on request.

Drivers

118. You must notify the Council of the details (name, address and taxi driver licence number) of any person who is permitted by you to drive your private hire vehicle for any purpose (this does not include mechanics undertaking vehicle maintenance). This notification must be made as soon as possible and in any event within 48 hours of that permission being given. If you no longer permit that person to drive your private hire vehicle you must notify the Licensing Section in writing, using the Council's approved forms, within 48 hours.

119. Before you allow anyone to drive your private hire vehicle you must ask that person for their dual driver licence and keep a copy in your possession whilst that person is permitted to drive your vehicle. You must ensure that they understand and will observe the law, conditions and Code of Conduct that regulate their conduct and the conditions attached to the vehicle licence.
120. Note - No person may drive a private hire vehicle, unless they hold a taxi driver licence issued by the Council. Anyone found driving a private hire vehicle without a taxi driver licence, may be prosecuted.

Insurance

121. You must ensure that a valid policy of comprehensive insurance for private hire work is in place for the vehicle and covers anyone who drives your private hire vehicle.

Production of Documents

122. You must not obstruct any Authorised Officer of the Council or police officer. You must provide any assistance or information they may reasonably require.
123. If an Authorised Officer of the Council (or a named officer from another council with whom a reciprocal arrangement is in place) or a police officer asks you, you must produce:
 - a) Your licence;
 - b) The dual driver licence of any person authorised to drive your private hire vehicle;
 - c) The vehicle registration document;
 - d) A valid certificate of insurance.within 5 days of the request being made.

Licence Plates

124. The licence plates and additional signage remain the property of the Council and must be returned to the Council upon request whenever the vehicle is not licensed as a private hire vehicle.
125. You must secure and display the exterior licence plates permanently to the outmost front and rear part of the vehicle using the fittings provided by the Council. The method of fixing must prevent the plates being removed without the need for tools. Both plates must at all times be displayed so that it can be clearly read by pedestrians and road users. The licence plates

must not be displayed in any window of the vehicle, unless expressly permitted by the Licensing Authority.

126. You must display the additional signage on the near side and off side front doors and the internal signs issued by the Council inside the vehicle so that they are visible to front and rear passengers at all times.
127. You must report the theft or loss of the licence plates or additional signage to the Council and in any event within 24 hours of becoming aware of the theft or loss, to the Council by email. You must then obtain duplicate licence plates and/or additional signage for which a charge will be made. The vehicle cannot be driven until the replacement plates are in place.
128. You must not wilfully or negligently cause or suffer any plates or additional signage on your vehicle to be concealed from public view at any time.
129. You must return the licence plates and additional signage to the Council if the Private Hire Vehicle (Proprietor) licence is suspended, revoked or not renewed.

Vehicle inspection

130. You must allow an Authorised Officer of the Council, or police officer, to inspect your vehicle at any reasonable time.
131. You must ensure the vehicle is presented for test in accordance with instructions from the Council
132. You must produce the vehicle registration document and last MOT, and certificate of insurance to the Council Officer at the test.

Specification to be maintained during the duration of a licence for a Private Hire Vehicle

133. No change in the specification, design, condition or appearance, or any modification, conversion or alteration of the vehicle can be made unless prior written approval has been given by the Council.
134. The vehicle must fully comply with all relevant road traffic legislation and in addition:
 - a) All doors must function correctly and be capable of being opened from the outside and within the vehicle.
 - b) All opening windows must function correctly and be capable of being opened from within the vehicle.

Section 6 of Taxi Policy

- c) All luggage must be properly secured inside a vehicle that does not have a separate and self-contained boot.
- d) 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.
- e) If a trailer is being used, the driver must ensure that the lights on the trailer are working correctly and that the trailer plate is properly displayed on the rear of the trailer. A waterproof cover must be used to protect any luggage.
- f) Passengers must be able to communicate with the driver.
- g) If the vehicle is a convertible, the driver must close the roof and raise the side windows if requested to do so by any passenger.
- h) The vehicle and all seats, door handles and trim, and all internal and external parts of the vehicle must be maintained at all times in a clean, comfortable, safe, and mechanically sound condition and be in every way suitable for public service.
- i) The floor covering must not be torn or frayed.
- j) The vehicle must have an adequate functioning internal light to enable passengers to enter and leave the vehicle safely.
- k) The vehicle's bodywork and paintwork must be maintained to an acceptable standard, free of dents or rust.
- l) The vehicle must carry a spare wheel to fit the vehicle, and the wheel together with equipment to change the wheel, jack and wheel brace must be securely stored. This does not apply if the manufacturer's specification when new did not include a spare wheel, in which case the manufacturer's alternative puncture repair kit will be acceptable.
- m) The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating. All tyres must have at least 1.6 mm of tread across the entire contact surface.
- n) The vehicle must be fitted with nearside and offside exterior rear view mirrors which must be maintained in a serviceable condition
- o) The glass in the vehicle must not be replaced with glass that is different from the glass fitted when the vehicle passed the Council's

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- vehicle test. Any unapproved (by the Council) self-adhesive material (tinted or clear) must not be affixed to any part of the glass
- p) In the case of a replacement engine, the Council must be notified of that within 48 hours of the fitting, and the revised V5 must be presented to the Council as soon as it is received.
 - q) 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 permanently marked 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.
 - r) At all times the vehicle must carry a first aid kit in a suitable container, with the licence number permanently marked on it.
 - s) The vehicle must not be fitted with any additional lights other than those originally fitted by the manufacturer unless they have been approved or requested by the Council.

Additional Conditions for wheelchair accessible Private Hire Vehicles

- 135. At all times, the vehicle must carry in a safe, usable condition suitable ramps for a wheelchair user. If the alternative tail lift or some other mechanical means of access is fitted it must be maintained in a safe, functioning condition.
- 136. The driver must ensure before the commencement of the journey that the passenger is correctly seated and the wheelchair is correctly secured and the passenger is correctly restrained, and at the end of the journey must ensure that the passenger is delivered safely onto the pavement
- 137. The door entrance and any steps must always be conspicuously marked where appropriate, to help visually impaired passengers.
- 138. All grab handles or rails must always be conspicuously marked to help visually impaired passengers.

Sliding doors

- 139. Where sliding doors are an integral part of a vehicle and a locking device has not been fitted, the child locking systems must be engaged by the driver when carrying unaccompanied children, or upon request of a passenger.

Lost property

140. The driver must search the vehicle after each hiring has been completed, and any lost property found must be recorded. If the driver knows the identity and/or whereabouts of the last passenger, they can return the property to them. If not it must be delivered to the operator within 48 hours.

The meter / table of fares

141. Any fare meter that is fitted to the vehicle 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 therefore be illuminated when in use.
142. 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.
143. When the meter is in use, the fare must be clearly legible on the face of the meter. This fare must be unambiguous and the word "FARE" must be clearly printed on the meter so it clearly indicates the fare displayed.
144. If this is the arrangement for charging for a private hire journey (as agreed between the operator and the hirer), the meter must only be brought into action and the fare or charge must only commence from the point at which the hirer starts their journey if within the licensing area.
145. If the meter fails or does not comply with the conditions, the meter must be removed from the vehicle before it is used as a private hire vehicle.

Navigational devices

146. Any electronic navigational device which is being used must be securely located within the vehicle

Signage

147. No sign or advertisement is permitted on the vehicle, and no flag or other emblem can be flown from the vehicle, except as detailed below, unless required by law, or has been agreed by the Council in writing.
148. No sign can be displayed on or above the roof of the vehicle.

No Smoking

149. The vehicle must have at least 3 “no smoking” signs displayed inside the vehicle clearly visible to passengers.

LEGAL REQUIREMENTS (contained in national legislation) relating to a Private Hire Vehicle

150. The private hire vehicle proprietor must ensure that the vehicle is always displaying the plate in accordance with the conditions (section 48 (6) of the 1976 Act).
151. The private hire vehicle proprietor must notify any transfer of the vehicle licence to another proprietor within 14 days (section 49 of the 1976 Act).
152. The private hire vehicle proprietor must present the private hire vehicle for inspection as required by the Council (section 50(1) of the 1976 Act).
153. The private hire vehicle proprietor must inform the Council where the private hire vehicle is stored if requested to do so (section 50(1) of the 1976 Act).
154. The Private Hire Vehicle proprietor must report any collision that has caused damage to the safety performance or appearance of the vehicle to the Council within 72 hours (section 50(3) of the 1976 Act).
155. The private hire vehicle proprietor must produce the vehicle licence and insurance if requested to do so by an Authorised Officer of the Council (section 50(4) of the 1976 Act).
156. The private hire vehicle proprietor must return the plate to the Council once you receive notice to do so after expiry revocation or suspension of the proprietors licence (section 58(2) of the 1976 Act).
157. The private hire vehicle proprietor must ensure that the vehicle is not permitted to stop or wait on or near any hackney carriage stand (section 64 of the 1976 Act).
158. It is an offence to interfere with a meter (section 71 of the 1976 Act).
159. The private hire vehicle proprietor must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an Authorised Officer of the Council, an authorised officer of another Council with which there is a reciprocal enforcement arrangement, or a police constable (section 73 of the 1976 Act).

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PRIVATE HIRE OPERATOR LICENCES

Local Government (Miscellaneous Provisions) Act 1976

1. This document contains the policy, conditions and legislation relating to your Private Hire Operator licence.
2. As Private Hire Operator licences can be held by limited companies, limited liability partnerships (LLP) and conventional partnerships as well as individuals, this policy must be read to give effect to that. Any reference to a "person", "you", "licensee" or "operator" is taken to mean the Private Hire operator.
3. There is a power to attach conditions to Private Hire Operator licences, and the Council has standard conditions which are attached to these licences. These are contained within this document.
4. There is also a list of the main legislation that applies to Private Hire Operators.

Introduction

5. The purpose of licensing Private Hire Operators is to protect the public, ensuring that passengers are not exploited, abused or otherwise affected by unlicensed and potentially unscrupulous or dangerous booking agents.
6. It is a privilege to hold a Private Hire Operator licence and licensees have responsibilities to their passengers and customers, drivers, vehicle proprietors and the public generally. The Council has been satisfied that when you applied for your Private Hire Operator licence you were a safe and suitable person to have that licence granted. In assessing that, the Council took into account your entire character and behaviour.
7. As a private operator, this assessment of your character not only includes times when you are working within the private hire trade, but at all other times as well. This can include your use of social media as well as other forms of communication. The requirement to satisfy the Council that you are a safe and suitable person continues throughout the duration of the licence. If at any time your behaviour falls below the standards expected for new applications, the Council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence. In relation to your personal actions, it is no defence to argue that your actions took place when you were not working within the private hire trade. You should appreciate that under the Council's Previous Convictions Policy, if the unacceptable or criminal behaviour took place whilst you were working within the private hire trade that will be viewed as an aggravating feature by the Council.

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8. In many cases a Private Hire Operator is almost the first person that a visitor to the County will encounter following arrival at a railway station or bus station. As a consequence, the experience of booking a private hire vehicle via the operator can affect a person for their entire visit. Private Hire Operators should be aware of this and ensure that their business is conducted to the highest standard at all times.
9. Please note, this section reminds you of some of the important legal requirements with which you must comply. This is not a comprehensive list. You should familiarise yourself with the Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation.
10. The Council has decided to attach conditions to Private Hire Operator licences that it considers reasonably necessary under the powers contained in section 55(3) of 1976 Act. The conditions are in addition to the statutory requirements of the legislation. Section 55(4) of the 1976 Act gives the right of appeal to the Magistrates' Court to any person aggrieved by any of the conditions attached to their licence within 21 days of receipt of the licence.
11. You must understand and comply with the legal requirements relating to the Private Hire Operator licence in your name, a limited company in which you are a director or secretary, a limited liability partnership in which you are a partner, or in joint names when you are one of the named individuals. Failure to comply with the requirements may result in your Private Hire Operator licence being suspended or revoked.
12. The Council office for private hire and hackney carriage licensing purposes is The Licensing Section, Herefordshire Council, 8 St Owen Street, Hereford HR1 2PJ, telephone: 01432 261761, email: taxi-licensing@herefordshire.gov.uk. This is the address to which all applications, notices, reports of incidents and any other communications with the Council must be sent.

Sanctions against the Private Hire Operator Licence

13. Where a Private Hire Operator breaches any legislation or condition of the licence, they may be referred to Committee/Panel.
14. The Council also runs its own Penalty Points Scheme as a method of enforcing the requirements for private hire operators.
15. Whenever, and in what circumstances a Private Hire Operator is brought before Committee, the Committee will decide each case on its merits, after hearing the facts.
16. The Committee/Panel may also suspend or revoke the Private Hire Operator licence (see below) or impose further penalty points.

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Power to take action against a Private Hire Operator licence

17. Under section 62 of the 1976 Act, the Council may suspend, revoke or refuse to renew a Private Hire Operator licence on the following grounds:
 - a) any offence under, or non-compliance with, the provisions of this Part of this Act;
 - b) any conduct on the part of the operator which appears to the district council to render him unfit to hold an operator's licence;
 - c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted;
 - d) that the operator has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
 - e) any other reasonable cause.
18. Failure to comply with most Private Hire Operator legislation is an offence and you may be liable to prosecution. In addition (irrespective of whether you were prosecuted or convicted of the offence(s)), the Council may take action against your licence which could lead to your Private Hire Operator licence being suspended, revoked or the renewal refused.
19. Failure to comply with the Council's conditions may result in your Private Hire Operator licence being suspended, revoked or the renewal refused.
20. If any information given by you on the application form for a Private Hire Operator licence proves to be false, or you fail to disclose any relevant information on your application form, the licence may be revoked, and you may also be prosecuted under section 57(3) of the 1976 Act.
21. It must be understood that a decision to grant a Private Hire Operator licence is made on the basis of the suitability of the proprietor(s) on the particular facts of the case on the day of the decision. That suitability can be lost at any time in the future and you must ensure that your behaviour remains of the highest standard to protect your Private Hire Operator licence and therefore your livelihood.

Policy

Applicants

22. Private Hire Operator licences can be held by individuals, limited liability partnerships (LLP), conventional partnerships (two or more people in business together) or limited companies.

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Character of the applicant

23. A Private Hire Operator will receive personal information from those who book a private hire vehicle through that operator. That information may be sensitive or relate to people's movements or activities and as a consequence it is essential that a Private Hire Operator satisfies the Council that they are a suitable person to hold a Private Hire Operator licence.
24. All applicants (new and on renewal) will be required to provide a Basic Disclosure and Barring Service (DBS) check at their own expense, as part of the application process. The same will be required of all partners in a limited liability or conventional partnership and all directors and the secretary of a limited company when the application is made, or the licence is held, by a limited liability or conventional partnership or limited company. This will not be required for individuals who have already had a satisfactory enhanced DBS carried as part of the application to be a licensed driver in Herefordshire, which remains in date.
25. The application will then be considered in the light of the Council's Previous Convictions Policy.
26. In addition, the Council will take into account the compliance history in relation to previous hackney carriage or private hire licences held by the applicant or any partners in a partnership, all directors and secretary of a limited company and any limited company itself.

Certificate of Good Conduct

27. As DBS checks do not cover convictions in countries outside the United Kingdom, any applicant who has lived abroad for any period of more than 6 months from the age of 18 must also provide a Certificate of Good Conduct from the appropriate Embassy or High Commission and it must be in English. The Council may undertake checks to ensure the authenticity of any such documentation. If this cannot be provided then the application will be refused.
28. Nothing in this policy precludes a licence holder from being required to undergo a further DBS check at any time as directed by the Council.

Convictions

29. If you, any partner in a partnership or any director or secretary of a limited company is arrested in connection with, charged with, investigated in connection with or convicted of any criminal offence that must be reported to the Council within 48 hours (including weekends and bank holidays). The same requirement applies in relation to any fixed penalty

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notices, speed awareness courses, Community Protection Notices, civil injunctions or Criminal Behaviour Orders that you receive or have to attend.

Maintenance of the Licence and Renewals

30. Once the licence has been granted, you (including all partners in a partnership and all directors and secretary of a limited company) will be required to provide a Basic Disclosure and Barring Service Certificate annually. This will not be necessary if a DBS has previously been supplied and maintained through another application.
31. A valid application for the renewal of a licence, including all the required documentation, must be made at least 5 days prior to the expiry of the current licence. Any application received after this time will be treated as a new application. A valid application is one which is complete in all respects and can be processed immediately. If the application is not made in time to enable all the relevant processes to be completed before 5 days of expiry of the current Private Hire Operator licence, there will be a period of time during which you will be unlicensed and cannot make a provision for the invitation of bookings for a private hire vehicle. Operating Private Hire drivers and vehicles without a valid licence is a criminal offence.
32. Where a Private Hire Operator licence is found to have been obtained using false or incomplete information enforcement action may be taken and the licence revoked.

Identity

33. To prove their identity, all applicants (including all partners in a partnership and all directors and secretary of a limited company) must provide an authenticated form of photographic identification (for example photographic driving licence or national identification card).
34. Applicants from outside the UK must provide:
 - a) a passport with a valid stamp from the Home Office to say that they have permission to remain in the Country indefinitely; or
 - b) a passport with a valid UK visa, which allows the holder to work as a Private Hire Operator (student visas will not be accepted) and which has at least six calendar months remaining at the time of application.
35. A Private Hire Operator licence will only be granted until the expiry of the visa and will only be renewed or extended with the production of the passport and another valid visa issued by the Home Office. The Council reserves the right to verify, at any time, a Licensee's entitlement to remain in the UK. The Council may not accept letters issued by the Home Office when a visa application is pending.

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36. To comply with the Immigration Act 2016, the Council is required to check eligibility to live and work in the UK for all applicants for driver and operator licences. Applicants will be required to provide evidence of this on request. Examples of acceptable documentation include a British passport, EU passport with the right to stay and work in the UK, permanent residence permit, work permit with a passport with correct authorisations, a UK birth certificate together with an official document giving the NI number such as a P45 or P60, or a biometric immigration document indicating a right to stay indefinitely in the UK or a right to do the work in question.
37. For applicants with a limited time to remain in the UK, the Private Hire Operator's licence will only be granted for the period of permission to remain, and may only be granted for a shorter period. The Private Hire Operator licence may be extended should the applicant's right to remain in the UK be made permanent.
38. If an applicant has extended leave to remain (pending a decision) the Private Hire Operator licence cannot be granted for more than six months, and again may only be granted for a shorter period. The Private Hire Operator licence may be extended should the applicant's right to remain in the UK be made permanent.
39. If a Private Hire Operator licence holder loses the right to remain in the UK during the duration of a licence, the Private Hire Operator licence ceases to have effect and the Private Hire Operator licence (and badge for drivers) must be returned within 7 days.

Use of the Licence

Operator's Base

40. Your Private Hire Operator licence relates to one or more addresses (bases) within the Council area. Every address that is being used will be detailed on the Private Hire Operator licence, and if a Private Hire Operator licence does not relate to the address or addresses being used, that licence is void. Continued use of that Private Hire Operator licence will be a criminal offence.
41. If you have more than one operating office or base within Herefordshire that does not mean that you require a separate Private Hire Operator licence for each premises, but you must submit a list to the Council containing all the addresses from which you run your business, and all addresses will be detailed on the Private Hire Operator licence. You must inform the Council within 4 hours of any change of any address (ceasing to use an address, moving to a new address or adding an additional address).
42. Planning permission or a Certificate of Lawful Existing Use or Development for the use or change of use of premises, whether home or commercial, is

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not required before an application can be made for a Private Hire Operator licence. However it may be unlawful to use those premises as an operator's base and advice should be sought from the Council's Planning Department if required.

43. Anyone who is making a provision for the invitation of bookings (evidenced by a private hire office or base) in more than one local authority area will be required to hold a Private Hire Operator licence issued by the local authority in each of those areas.

Manager

44. As a Private Hire Operator, you must identify a person as the manager who has day-to-day responsibility for the private hire operation. There must also be a nominated deputy to act as holiday cover etc. You will have to ensure that one individual is responsible at any particular time.

Drivers and Vehicles

45. As a Private Hire Operator, you must ensure that any private hire driver or private hire vehicle operated, employed or used by you holds a current private hire driver or vehicle licence issued by the Council. You must hold a copy of the Private Hire Operator licence for the duration of the time that you operate that driver or vehicle.
46. If at any stage you propose dispatching a public service vehicle (PSV) to fulfil a booking, you must make the customer aware that the driver of that vehicle may only hold a PCV driver's licence and therefore not have been subjected to the same checks (criminal records and character) as a private hire driver.

Staff

47. As a Private Hire Operator, you must maintain a record of all staff (employees, independent contractors and others engaged by or utilised by you as a Private Hire Operator).
48. You must create, maintain and apply a policy in relation to previous convictions of your staff. This should be the same as the Council's Previous Convictions Policy. You should apply this policy to all staff who are involved in making bookings for or dispatching private hire vehicles, or who have access to your operator's records, and you should not engage any person in contravention of that policy unless there are truly exceptional circumstances. The reasons for such a decision must be recorded in your staff records.
49. You must require all staff to notify you within 48 working hours if they are arrested in connection with, being investigated for, charged with or

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convicted of any criminal offence. The same requirement applies in relation to any fixed penalty notices, speed awareness courses, community protection notices, civil injunctions that they receive or have to attend. You must then determine what action to take in relation to that staff member. You must also notify the Council of the event and the action that you have taken within 48 working hours of your decision and record that in the staff records.

50. All such records of staff must be available for inspection by an Authorised Officer of the Council or police officer at any reasonable time.

Booking Records

51. You must create and maintain records of all bookings received for private hire vehicles as detailed in the conditions of licence. These records must be maintained for at least 6 months and must be available for inspection by an Authorised Officer or police constable at any reasonable time. You must inform the Council of the method that you intend to use to record this information. Depending on the scale of your operation this could be handwritten records (in a bound book with sequentially numbered pages) or a computerised system. In either case the records must not be capable of being altered after they have been compiled.

Standards of service

52. You must provide a professional and reliable service to customers at all reasonable times.

Complaints

53. You must maintain and utilise a comprehensive complaints and compliments process.

Insurance

54. You must maintain public liability insurance for all premises that are open to the public.

Conditions

55. In these conditions, which are imposed under the provisions of section 55(3) of the 1976 Act, unless otherwise indicated:

“the Council” means The County of Herefordshire District Council

“You” means the operator as holder of Private Hire Operator licence issued by the Council under section 55 of the 1976 Act.

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56. The following Conditions are attached to your Private Hire Operator licence and must be complied with at all times. Failure to comply with conditions may lead to penalty points being imposed on your Private Hire Operator licence, referral to Committee/Panel, suspension, revocation or refusal to renew the Private Hire Operator licence.
57. If requested by the Council you must return your Private Hire Operator licence to the Council within 48 working hours of the request.
58. You must notify the Council within 48 working hours of the event (including weekends and bank holidays) if you (or any partner in the case of a partnership or director or secretary of a limited company) is arrested in connection with, charged with, investigated in connection with or convicted of any criminal offence. The same requirement applies in relation to any fixed penalty notices, community protection notices, civil injunctions that you receive or have to attend.

General

59. You must identify a person as the individual with day-to-day managerial responsibility (referred to in these conditions as "the manager"), and notify the Council of their identity and contact details, including a business or personal mobile telephone number. The manager will be the first point of contact between the Council and the Private Hire Operator. You must identify another person as a deputy for holiday and sickness cover and identify the deputy, together with their contact details including a business or personal mobile telephone number must also be provided to the Council. You must ensure that it is clear to all managers and deputies who is responsible for discharging that responsibility at any particular time. All references to the manager include references to the deputy when they are acting in that capacity.

DBS Checks

60. You (where the operator is a partnership or limited company, all partners or directors and secretary of the company) must submit a Disclosure & Barring Service (DBS) basic disclosure (dated within one month of the submission) on or before the anniversary of the granting of the Private Hire Operator licence. Failure to do so will result in the Private Hire Operator licence being suspended until such time as the DBS certificate is provided.
61. The cost of these checks will be covered by you.
62. Where you (or any partners or directors and secretary of the company where the operator is a partnership or limited company) hold a dual driver licence you are not required to submit a yearly basic disclosure, but the requirement will continue to apply to any partners or directors of a company who do not hold a driver's licence.

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Staff Policy

63. Where you employ or intend to employ persons involved in taking bookings or the dispatch of vehicles, you must produce and apply a policy on the employment of ex-offenders in those roles. This policy must be based on the Council's Previous Convictions Policy. The policy must be available for inspection on request of an Authorised Officer of the Council. Failure to act in accordance with this requirement, and any subsequent engagement of a person who falls outside the Council's Previous Convictions Policy standards will lead to consideration by the Council as to whether you as operator remain a fit and proper person.
64. The Private Hire Operator must require all staff employed in taking bookings or dispatching vehicles to report to them within 48 working hours of any conviction, binding over, caution, warning, reprimand, fixed penalty notice, civil injunction or arrest for any criminal matter whilst they are employed in this role.
65. You must view a basic DBS certificate (dated within one month of the check) unless they are a dual driver within Herefordshire and have a valid DBS certificate, for any staff that have access to booking records or dispatch vehicles.
66. You must maintain a register of all such staff which must include a record of when each DBS check has been undertaken. This register must be available for inspection by an Authorised Officer of the Council upon request. The register should include the following:
 - a) the date that person's employment in that role commenced;
 - b) the date the Private Hire Operator checked the DBS certificate;
 - c) the name of the person that checked the DBS certificate;
 - d) the date the person ceased to perform that role.
67. The register must be retained for 6 months in line with the booking records.
68. Should an employee cease to be on the register and later re-enter the register, a new basic DBS certificate (or use of the Update Service) must be provided to the Private Hire Operator.
69. You must require all staff to notify you within 48 hours (including weekends and bank holidays) if they are arrested in connection with, being investigated for, charged with or convicted of any criminal offence. The same requirement applies in relation to any fixed penalty notices, speed awareness courses, community protection notices, civil injunctions that they receive or have to attend. You must then determine what action to take in relation to that staff member. You must also notify the Council of the

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event and the action that you have taken within 48 hours of your decision and record that in the staff records.

70. You must ensure that any outsourced booking and dispatch functions have adequate safeguarding measures in place for the protection of children and vulnerable adults. This must meet the same requirement for a DBS as with operating dispatch staff within Herefordshire. You must have obtained evidence of this from the outsourced firm/company before outsourcing these functions.

Vehicle and driver licences

71. You must inspect and retain copies of all the private hire vehicle licences and driver licences of vehicles and drivers operated, engaged or otherwise utilised by you. Those copies must be stored securely and retained for as long as you operate the vehicle or driver. Once those drivers and/or vehicles are no longer operated by you they must be returned to the vehicle proprietor or driver as appropriate.

Records

72. You are required to keep records of bookings received and journeys undertaken under section 56(2) of the 1976 Act (referred to hereafter as the "booking records") and the following are the conditions relating to those records.
73. Booking records must be recorded in English and kept in a suitable book or in any other manner as approved by the Council.
74. You must ensure that the following details of every private hire booking that you invite or accept are recorded before the commencement of each journey:
- a) the name of the passenger or other identifying features, e.g. hotel room number;
 - b) the time of the request;
 - c) the time the vehicle is required;
 - d) the pick-up point;
 - e) the destination (if known at that time);
 - f) the name of the driver ;
 - g) the driver's licence number;
 - h) the vehicle registration number of the vehicle;
 - i) the vehicle licence number;
 - j) the name of any individual that responded to the booking request;
 - k) the name of any individual that dispatched the vehicle.

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75. You must keep these records for a period of not less than 6 calendar months from the date of the entry.
76. You must also keep records of all vehicles that you operate. These details must include:
 - a) details of the proprietor(s)/licensee;
 - b) registration number;
 - c) any radio call sign used;
 - d) maintenance history of the vehicle.
77. You must keep these records for a period of not less than 6 calendar months from the date that you cease operating that vehicle.
78. You must also keep records of the names and addresses of all licensed drivers that you use. You must notify the Council of the following:
 - a) when any driver begins working for, or being available to be operated by you;
 - b) when any driver's activity above detailed ceases;
 - c) any change of address of any driver in service;
 - d) if you become aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to safely carry out their duties.
79. If at any time you become aware of any reason which would or may prevent a driver from safely carrying out their duties (including but not limited to illness or disability) you must immediately cease using that driver until such time as the driver can demonstrate that they can drive a private hire vehicle without risk to the public.
80. You must keep these records for a period of not less than 6 calendar months from the date when you cease to be engaged or otherwise use the driver to drive private hire vehicles.
81. All records and retained licences must be available for inspection at any reasonable time by an Authorised Officer of the Council or a police officer.

Standards of Service

82. You must provide a prompt, efficient and reliable service to members of the public at all reasonable times.
83. In particular you must (but this is not an exhaustive list):
 - a) Ensure that all private hire vehicles that have been booked, attend at the appointed time and place unless delayed or prevented by

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- reasonable cause;
- b) Ensure the vehicle dispatched is a Herefordshire Council licensed private hire vehicle and the driver of the vehicle is a Herefordshire Council licensed private hire driver;
 - c) Keep any premises which you control and which are open to the public clean, adequately heated, ventilated and lit;
 - d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly;
 - e) Ensure that the correct licences are in place for any radio equipment;
 - f) Ensure that it is established at the time of booking how many passengers are to be carried and that the vehicle dispatched to fulfil the booking has an adequate number of passenger seats.

Ride Sharing/Car-pooling

84. If the journey is to be part of a ride sharing/carpooling journey, that must be made clear to the hirer before the booking is accepted, and you must ensure that individual hirers explicitly consent to that ridesharing/carpooling arrangement.

Public Service Vehicles

85. Public Service Vehicles (PSVs) may not be used to undertake a private hire vehicle booking, unless with the informed consent of the hirer. To obtain such informed consent you must make the customer aware that the driver of that vehicle may only hold a PCV driver's licence.

Complaints

86. You or the manager must initiate an investigation into any complaint received from the public within 48 hours from receipt of the complaint.
87. You must maintain a register of complaints (digital or hard copy), which must include the following information:
- a) Complainant's name, address/email address;
 - b) Details of the complaint;
 - c) Time and date of the alleged incident;
 - d) Time and date the complaint was received by you or the manager;
 - e) How the complaint was received e.g. phone, email, etc.;
 - f) Name of person that received the complaint;
 - g) Name of the alleged perpetrator;

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- h) If the complaint was referred to the Council – time and date of when it was referred and by whom;
 - i) Details of the action taken to resolve the complaint and by whom;
 - j) Date the complaint was resolved.
88. A copy of the complaints register must be available for inspection upon request by an Authorised Officer of the Council. The records must be retained for a period of 6 months.
89. You must, on receipt of a complaint concerning a licensed driver, immediately notify the complainant of their right to direct their complaint to the Council.
90. You must ensure that details of how a customer can contact yourself as the Private Hire Operator in the event of any complaint relating to a booking or other contract, are displayed on your website, booking app and (in the absence of online booking platform), at any booking office or available in the vehicle upon request.
91. Where a complaint is received by the Council, you must comply with any reasonable request for information and/or follow any reasonable directions/instructions made by an Authorised Officer or police officer in respect of the complaint.
92. You must notify the Council within 48 hours if you receive a complaint about a driver operated by you when it has been identified that the complaint relates to any of the following:
- a) allegations of sexual misconduct (including the use of sexualised language);
 - b) racist behaviour;
 - c) violence (including verbal aggression);
 - d) dishonesty including theft;
 - e) equality breaches;
 - f) any other serious misconduct (including motoring related for example dangerous driving or drink driving).

Change of Address

93. You must notify the Council in writing of any change of address (including any address or addresses from you operate or otherwise conduct your business as a Private Hire Operator) within 48 working hours of such change taking place.

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Convictions

94. You must notify the Council in writing if you have been convicted or cautioned for any offence, been arrested or are under investigation for any offence, received a fixed penalty notice, Community Protection Notice (CPN), Criminal Behaviour Order (CBO), been required to attend a speed awareness course or there have been a complaint or concerns about your behaviour or other matter imposed on you, which might affect your continuing safety within 48 working hours. The same requirement applies to any partners in the case of a partnership holding an operator's licence and to any directors and secretary of any limited company in the case of a limited company holding a Private Hire Operator licence. The same requirement applies to any manager or deputy manager.

Advertising

95. You must not display or permit to be displayed on or from your premises or from any other place, any sign or notice which consists of or includes the word "Taxi" or "CAB" whether in the singular or plural or any word of a similar meaning unless you also take bookings for hackney carriages.

Insurance

96. Any premises that you control and are open to the public must be covered by Public Liability Insurance.
97. This insurance policy (or a summary) must be clearly displayed at the premises where it can be seen by the public.
98. You must ensure that at all times there is in force a policy of insurance covering private hire use or such security as complies with the requirements of Part VI of the Road Traffic Act 1988 for all private hire vehicles operated.
99. You must ensure that where a vehicle is covered under a fleet insurance policy, drivers are aware of the content of the policy, including its limitations and exclusions. You must keep a record, signed by the driver, within each individual's record file when this has been completed. A copy of any individual's records must be produced, on request, to any Authorised Officer of the Council.

Personal data

100. The data controller must be registered with the Information Commissioner's Office as you will be holding personal data for customers and any staff that you engage.
101. You must report any loss of personal data, whether by theft or otherwise, to the Information Commissioner's Office, for more information see [here](#). In

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addition you must report to the police in the event of suspected theft. You may also need to report any such incident to Herefordshire Council if the incident involves a licence holder.

Working hours

102. You must take steps to ensure that drivers do not work excessively long hours. You must not permit drivers to drive for more than 10 hours per day and must have a break lasting at least 30 minutes after driving for 5½ hours. The driver must also have a break at the end of this period, unless it is the end of the working day.

Display of Conditions

103. You must display a copy of these conditions in any premises which you control and are open to the public. In addition, copy of the conditions attached to vehicle and driver licences must be available for inspection on request by a member of the public.

Subcontracting

104. If you subcontract any booking to another Private Hire Operator licensed in England (including Greater London), Wales or Scotland, you, as the operator who initially accepted the booking, remain liable under the contract.
105. If you do subcontract any booking, you must inform the hirer of the subcontract before the hiring commences.

Information

106. You must understand that a booking that has been accepted by whatever means, is a contract and failure to uphold that (whether by non-attendance by the vehicle, late attendance or any other shortfall in performance) may lead to a claim for breach of contract. The accurate recording of booking details is a means of protecting you if such circumstances arise.
107. Failure to adhere to any of the conditions of this licence may result in enforcement action. Any enforcement action taken will be in accordance with the Council's enforcement policies.

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LEGAL REQUIREMENTS (contained in national legislation) relating to a Private Hire operator

108. A Private Hire Operator must only operate private hire vehicles and private hire drivers licensed by the same council as the operator (section 46(1)(e) of the 1976 Act).
109. A Private Hire Operator can subcontract a booking to another private hire operator licensed in England (including Greater London but excluding Plymouth), Wales or Scotland but remains liable to the hirer under the contract (section 55A of the 1976 Act).
110. A Private Hire Operator who initially accepted booking from a hirer remains liable under that contract even if they do not ultimately fulfil that contract as a result of a subcontract (section 56(1) of the 1976 Act).
111. A Private Hire Operator who accepted a booking must maintain records of that booking in accordance with the conditions attached to the Private Hire Operator's licence and must produce those records if requested to do so by an Authorised Officer of the Council or police officer (section 56(2) of the 1976 Act).
112. A Private Hire Operator must maintain a record of all vehicles operated by him and must produce those records if requested to do so by an Authorised Officer of the Council or police officer (section 56(3) of the 1976 Act).
113. A Private Hire Operator must produce their Private Hire Operator licence if requested to do so by an Authorised Officer of the Council or police constable (section 56(4) of the 1976 Act).
114. A Private Hire Operator must not refuse to accept a booking for a private hire vehicle because the passenger will be accompanied by an assistance dog and no additional charge can be made for any such booking (section 170 (1) & (2) of the Equality Act 2010).

Licensed Vehicle CCTV

Technical Specification and System Requirements

In order to be considered suitable for installation in any licensed vehicle, a taxi camera system must meet the following requirements in the tables below:

1. Operational Technical Specifications

Ref	Specification	Details
1.1	100% solid state design or a proven vibration and shock resistant system	The system should not have any fan and the recording should be vibration and shock proof, i.e.: <ul style="list-style-type: none"> - Flash-based SSD (100% industrial grade), - Hard disk with both mechanical anti-vibration and anti-shock mechanism and self-recovery and self-check file writing system. SD cards will not be acceptable.
1.2	8 to 36 Volts DC	Operational between 8 and 36 volts DC.
1.3	Reverse polarity protected	System to be protected against reverse voltage.
1.4	Short circuit prevention	System to be protected against short circuits
1.5	Over voltage protection	System to be protected against high voltage transients likely to be encountered in the vehicle electrical system.
1.6	Automotive Electromagnetic Compatibility Requirements	The taxi camera equipment must be e-marked or CE-marked with confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles.

Ref	Specification	Details
1.7	"on/off switch	The device must be active at all times when the vehicle is in use as a private hire or hackney carriage vehicle. The switch that deactivates the system must be located within the vehicles boot or engine compartment (i.e. it must only be possible to deactivate the system from outside of the vehicle).
1.8	First-in/first-out buffer recording principle	The system must automatically overwrite to create a constant cycle recording.
1.9	Access record	A service log must be kept and maintained by the approved installer and the local authority.
1.10	Security, duration and auto-clearing of log files	Data must be available for 28 days from the date of capture.
1.11	Image recording formats and media	Images must be encrypted to a minimum of FIPS 140/2.
1.12	Image protection during power disruption	Images must be preserved in the event of loss of power. Battery back-up will not be permitted.
1.13	Unit must continue to operate after the ignition is switched off.	The Unit must have the ability to operate for at least 30 minutes without power from the ignition. The device must be hard wired to both constant and ignition supply.
1.14	Image and audio data shall be recorded and stored in a unit separate from the camera head	Self-contained storage cards within the camera head will not be acceptable.

Ref	Specification	Details
1.15	GPS capability	System must have GPS capability.
1.16	The system must be capable of recording audio time, synchronized to the recorded images.	If activated, the audio must record within the video file.
1.17	The system shall not record audio except when audio recording is activated by means of an approved trigger / panic switch	The system should have the ability to start recording audio data by means of a trigger switch.
1.18	The audio playback, when triggered, shall be in 'real time' and synchronised with the images that are captured.	All audio files must simply be added to the video files as a voiceover, not in separate files
1.19	Audio data and image data must be stored together, not in separate files, and must be protected against unauthorised access or tampering.	
1.20	The system must support testing of the audio function for installation set-up and inspection purposes.	
1.21	Recorded images by the system shall not be displayed within the vehicle.	The monitor may only display live images as clearly visible by having a glance around as per ICO specifications, it must not display recorded images

Ref	Specification	Details
1.22	The system must have a panic switch for audio activation	At least one trigger/audio activate button must be capable of being operated by the driver. Once activated, this switch must trigger the recording of video and audio in accordance with section 6.1 below.
1.23	The system must include a visual indicator that will clearly show when audio recording is taking place. This indicator must be visible to all passengers within the vehicle.	This may take the form of an indicator LED built into the audio activation switch which can clearly be seen by passengers.

2. Storage Capacity Technical Specification

Ref	Specification	Details
2.1	Minimum of 28 days i.e. (28 x 24 hours) of recording capacity	The camera system must be capable of recording and storing a minimum of twenty eight days of images of HD1 (720/288) size or better.
2.2	Images must be clear in all lighting conditions	System to provide clear images in bright sunshine, shade, dark and total darkness. Also, when strong back light is present without the need for additional components.

3. Camera Head Technical Specification

Ref	Specification	Details
3.1	Camera installation non-obstructive	The camera and all system components shall be installed in a manner that does not interfere with the driver's vision or view of mirrors or otherwise normal operation of the vehicle.

Ref	Specification	Details
3.2	Protected camera disconnect	The camera head shall be designed to disconnect for ease of removal and replacement only by maintenance personnel.
3.3	Special tools for adjustment/removal	To prevent inappropriate interference only tools supplied to authorised fitters should be capable of carrying out adjustments or removal.
3.4	Field of view to capture all passengers in the vehicle	The lens or the position of the camera must be of a type that captures the driver and all passengers of the vehicle on the recorded image. The lens must be of a style not to create a “fishbowl” effect.
3.6	Compatible for use in vehicles with a partition (shield)	The camera system must be adaptable to provide clear images when a vehicle is equipped with a shield. This may be accomplished with the use of multiple camera heads.
3.7	Number of cameras	The unit shall be capable of supporting up to four (4) cameras. Four cameras may be required to provide adequate coverage in larger vehicles and/or certain purpose built vehicles or external images.

4. Storage Device Technical specification

Ref	Specification	Details
4.1	Impact and shock resistance	The recorder shall be impact resistant, sufficient to withstand a typical car accident, or striking with a large, heavy object such as a suitcase.

Ref	Specification	Details
4.2	Controller in concealed location	The storage unit shall be concealed from within the passenger compartment and effectively inaccessible except by authorised personnel. For example in the luggage area.
4.3	Download port provision	The recorder shall be equipped with a communication port within the hard drive housing for downloading by authorised officer.
4.5	Download port cable length (1 foot minimum)	Download port shall be at least one foot in length for ease of download.
4.6	Recorder to be securely affixed to the vehicle	
4.7	Log to register each user access	
4.8	Log to register camera system parameter modifications	
4.9	Log to register each image download session	
4.10	Log to register modification/manipulation of downloaded images	
4.11	Log to register exporting of downloaded images	
4.12	Log to register exporting of downloaded clips	
4.13	Log file protected against unauthorised access	
4.14	Time/date stamp	All stored images must be time and date stamped.

Ref	Specification	Details
4.15	Vehicle ID number stamp	All stored images must have vehicle identification (VIN & or number plate).
4.16	Controller non-modifiable ID code stamp	Each recorded image shall be automatically stamped with a unique and non-modifiable code that identifies the controller that was used to record the image.
4.17	Controller (Storage Recorder)	Manufacturer to supply the Council with a supply of specialised tools to allow for removal of the controller and download of data when required

5. Specifications for video and audio recording rate

Ref	Specification	Details
5.1	Video image recording on system activation (when audio is not activated).	The system shall record images at a minimum rate of twenty five (25) images per second.
5.2	Video image recording when audio is activated.	The system shall record images at the rate of twenty five images per second during periods when audio recording is activated (either due to time requirement, or through activation by the driver trigger switch or passenger audio button).
5.3	When activated, audio recording must be in real time and synchronised with the video recording.	When activated, audio recording must be in real time and synchronised with the video recording.
5.4	System to continue to record images (and audio when applicable) for 30 minutes after engine / ignition or override switch is switched off.	System must continue to record images (and audio when applicable) for 30 minutes after engine / ignition or override switch is switched off.

Ref	Specification	Details

6. Specification for activation via driver or passenger trigger/ audio button

Ref	Specification	Details
6.1	The activation of a trigger button when activated by driver or passenger.	The system must be fitted with at least one trigger button that once activated will trigger synchronised audio and video recording.

7. Downloading Technical Specification

Ref	Specification	Details
7.1	Provision of necessary software, cables, security keys to the Council Licensing Team.	
7.2	Windows compatible.	Once downloaded and converted.
7.3	Downloaded images stored in non-volatile media	
7.4	Downloaded images stored in secure format	
7.5	Verifiable image authenticity	Each image shall be watermarked with vehicle ID, and time and date, and be tamperproof.

Ref	Specification	Details
7.1	Provision of necessary software, cables, security keys to the Council Licensing Team.	
7.6	Wireless Download Prohibited	All wireless hardware to be disabled.
7.8	Filter the specific images for events and times for the approximate time of the crime committed.	The playback software must list the files in date and time slot order for ease of location of required file.

8. Requirements in relation to System Information

Ref	Specification	Details
8.1	Provision of service log	The unit manufacturer shall have a service log. The manufacturer shall also provide detailed instructions for the drivers with each unit.
8.2	Serial number indication on service log	The unit will be marked with a serial number.
8.3	Installation date indication	A certificate of installation must be provided which will indicate the installation date.
8.4	Clarity of operating instructions	The system shall be provided with clear and concise operation instructions which are written or presented with due consideration to varying levels of literacy.
8.5	Installation by authorised agents	The unit shall only be installed by manufacturer's authorised agents.

Ref	Specification	Details
8.6	Provision of authorised agents list to the Council Licensing Team	The manufacturer or supplier shall provide a list of all authorised agents to the Council Licensing Team.
8.7	Documentation	The manufacturer must provide clear and concise operating instructions which are written or presented in layman's terms. (Details on how the system operates)
8.8	Image Protection	All captured images must be protected using encryption software that meets or exceeds the current FIPS 140-2 (level 2) standard or equivalent.

9. System requirements in relation to Vehicle Inspection Facility – Inspections

Ref	Specification	Details
9.1	Provision of system status/health indicator	The driver shall have an indicator showing when the system is operational and when there is a malfunction. This should include the images as shown to verify the status of each camera.
9.2	Mounting location of system status/health indicator to be seen	The indicators shall be mounted in such a way so as to allow for ease of view.
9.3	Design and or installation to be testable as part of the vehicle compliance test (or persons acting on behalf of the council – such as vehicle inspectors)	The system shall be designed and installed such that the system may be easily tested as part of vehicle compliance test as prescribed.

10. General System Requirements

Ref	Specification	Details
10.1	Vandal and tamper resistance	All component parts must be securely mounted, hard wired and small and discreet enough to remove the risk of tampering.
10.2	Provision of statement of compliance	In addition to a formal test of all aspects of this requirement specification, a statement of compliance shall be provided and signed by an officer of the company.
10.3	Reliability in operational and environmental conditions	The system shall provide reliable and full functionality in all operational and environmental conditions encountered in the operation of taxis.
10.4	Programmability of image timing parameters	It shall be possible to change timing and parameters without the requirement to change components.
10.5	Training and Technical Support and Equipment	Manufacturer must provide the Council Licensing Team and West Mercia Police with a Training and Technical support
10.6	Software and Hardware	Manufacturer to supply the Council Licensing Team and West Mercia Police with a supply of cables and software to be installed under the supervision of the council's authorised staff.
10.7	Agreement between the Camera Manufacturer and the Council	Agreement to allow the Council and West Mercia Police access to the relevant software from the supplier so that in the event the manufacturer goes out of business, council will be able to support the system.

Policy change	Reason for change or retain
1 Knowledge test for existing drivers	<p>Consultation response and inability to deliver over 400 knowledge tests within current team resource. The knowledge test will be reviewed to make simpler the section on roads and routes. The revised test will remain in place for all new drivers and include all other sections. The need for existing drivers who have not taken the test previously will be removed. The authority retains the right to request drivers take and pass the knowledge test if there is a breach of licence condition or complaints from members of the public regarding drivers not knowing how to get to destinations.</p> <p>The current test has been reviewed and sections on roads have been removed. Routes has been simplified to only include destinations such as hospitals, railway stations etc.</p>
2 Vehicle age for new vehicles	<p>Consultation response and officer recommendation. The ages of the vehicle at first registration will revert to what is in the existing policy, 2 for new private hire and 5 for hackney carriage WAV vehicles. All vehicles manufactured before April 2020 must meet or exceed euro 5 emission standards, vehicles manufactured after 1 April 2020 must meet or exceed Euro 6 emission standards.</p> <p>Amended wording in vehicles to include 5 or more seated vehicles. Included them in the 15 year replacement category.</p>
3 Vehicle age for replacement	Consultation response and officer recommendation. The age of a non WAV vehicle for replacement shall be 10 years and for a WAV vehicle 15 years.
4 Length of time to comply with the age rule	Consultation and officer recommendation. The time given to comply with this condition is 2 years from the date of policy implementation.

5	MOT frequency	<p>Consultation and officer recommendation. The age and frequency of testing will revert back to the existing conditions. Age of vehicle 1-6 annually, 6-12 x 2 and any over 12 by the exceptional standard rule will be x 3.</p> <p>The due date on interim MOTs will remain as an anniversary date. This has been amended in vehicles.</p>
6	CCTV	<p>Consultation and officer recommendation. CCTV will be mandatory in all licensed vehicles. The current systems are likely to comply, except for the audio switch. 12 months will be given for compliance. All licensed vehicles will be required to have systems installed including private hire.</p> <p>Funding for any amendment or new system will be met by the vehicle proprietors to whom the licence is attached. The Local Authority does not subsidise business.</p> <p>However, grant funding will be explored. CCTV is a complex issue and the local authority will seek specialist advice regarding the development of policies and procedures to become the RA for the systems. The systems themselves will also need research. The condition relating to this can be put on hold if this cannot be undertaken by October 2022.</p>
7	Tyre depth	Consultation and officer recommendation. Returned requirement to statutory minimum.
8	Consultation process	Consultation has been extended twice and once the responses have been fully considered, the revised document will be re-consulted upon with the trade.
9	Door signage	Consultation and officer recommendation. The adhesive door signs will remain on the front door of the hackney carriages as per the current policy.
10	Medical Certificate	Occupational Health Specialist and evidence. Medical certificates will continue to be referred to Occupational Health due to on-going evidence that

		<p>medical are not fit for purpose. Other Authorities employ the services of an occupational health expert to assist with reviewing medicals.</p> <p>This has been amended to give the local authority the option not to refer all medicals, so it will not be done routinely but only in circumstances where there are identified issues with the form or content. The additional fee will only be charged if required and a fee must be paid before the referral. Any additional costs on top of the referral will be paid by the applicant. Officers will return all medicals which have identified issues to the applicant who can choose to pay the fee for Occupational Health review or take up any issues with the person who completed the form directly. No licence will be issued until the matter is satisfactorily resolved.</p>
11	Medical carried out by other Dr's not own GP.	Medicals can be carried out by other Doctors, as stated in the current policy.
12	Officer Panel	<p>Government guidance and best practice. Consideration of Fit and Proper and 'out of policy' decisions will move to a Committee structure. This will take place after the policy is adopted, when the Council's constitution is amended and when the scheme of delegation is changed to reflect this change. In the interim the Officer Panel will continue to operate.</p> <p>As agreed at the meeting, the decision regarding Officer Panel will be taken at the earliest opportunity and it is hoped the change in scheme of delegation can be undertaken at the October meeting at the same time as the adoption of the policy.</p>
13	Electric taxis – do they need to be replaced at 10 years old also?	Officer recommendation. Electric taxis will be subject to the same age restriction as other vehicles. They can achieve the exceptional condition specification if they meet these standards.

14	Penalty points scheme	Consultation and officer recommendation. This is being reviewed in light of the new policy but will retain the same format. Appeals will go to Committee for consideration. The scheme is under review and once completed this will be circulated to the attendees of the meeting with a copy of an example of a matrix method of enforcement which could be used as an alternative.
15	Road Atlas kept in vehicle	Consultation responses. This requirement has been removed.
16	Selling alcohol and cigarettes	Consultation, this cannot be undertaken from the vehicle and purchasing it for customers is not advised in view of age restricted sales etc. If purchases are made care should be taken that the recipient looks age 25 or over.
17	Length of time to hold a driver licence before application	Consultation and officer recommendation. This has been amended to reflect the national minimum standards of 21. The conditions were checked and it reflects the requirement to have held a driving licence for 12 months.
18	Eating in vehicles	Consultation and officer recommendation. This has been amended to read not to eat or drink when the vehicle has passengers in.
19	Seat belt wearing	This is a national standard. The recommendation to wear a seatbelt is guidance from Cllrs only.
20	Use of plastic steps on non WAV	Consultation and officer recommendation. No steps can be used other than the fixed steps securely fitted to the vehicle.
21	Low emission vehicles	Government guidance and Council recommendation. An emissions policy for taxi and private hire vehicles will be developed which will indicate how the Council intends to work towards a zero emissions position for its licensed vehicles.
22	Annual self-declaration fee	Legislation. All fees must be charged at the time of application, therefore, the annual cost of administering and ensuring compliance of a 3 year licence will be charged at the application stage.

		A full fee review will take place. Comments made during the meeting have been taken on board and any calculations will be retained and available for inspection when requested.
23	Driver assessments	Consultation and officer recommendation. At this time the Council is not introducing a driving standards test. However, this will be kept under review.
24	Taxi zones and limit on numbers	Previous research and results of the unmet demand survey. Herefordshire is not considering limiting the number of taxis or introducing separate licence zones. The council is a unitary authority and taxi and private hire licencing will remain as it has been since 1998. Comments regarding holding areas and ranks have been understood and all possible improvements will be considered, although this falls outside of the policy.
25	Licence plates on vehicles	Consultation and officer recommendation. The condition will remain as the current policy with one licence plate required on the rear of the vehicle.
26	Dual driver licences	Consultation and officer recommendation. The authority will only issue a dual driver licence. Separate licensing is not being considered due to resource implications of enforcing different types of licence.
27	Certificate of lawfulness	Legal advice. There is no such provision within the legislation for licensing a temporary vehicle, therefore this has been removed.
28	Drink/drug drive convictions	Legislation and guidance. The time limits for considering applicants after convictions is taken from the national standard.
29	Expecting revisions to existing policy, not a new more oppressive one.	The decision was taken to employ an external expert to provide advice on the policy following a request made by taxi association members at a meeting with the Council. Legal advice cannot be ignored once sought, therefore, any legal requirements cannot be disregarded or have any subjectivity to amend, therefore, the proposed draft policy will be used as a basis for the new policy.

	30	Taxi and Private Hire income	Consultation. Taxi and private hire income is kept separately from any other budget. Money is not used to support other areas.
	31	Retention of driver licences by Operator	Consultation and officer decision. This has been amended to state that copies of the original licence must be retained by the proprietor and not the originals.
	32	Charge for referral at officer panel	<p>Legislation and legal advice. Historically the cost of officer panel was met by the person being referred. The fee for this was stopped some 12 months ago. This will now be amended to be averaged out and added to the new and renewal cost at application.</p> <p>The charging system for referrals is no longer used. Costs of this will be spread out amongst all applications. Historically the charge was made directly to individuals as the trade did not think it was fair for all to pay for individual breaches.</p>
222	33	Safeguarding training	This is already mandatory and all drivers have undertaken it over the past 24 months. New drivers at application and existing drivers have taken it. It is available as an on-line course and will continue for new drivers.
	34	Deposit for plate	Consultation and officer recommendation. This has been removed as we do not collect expired plates.
	35	Age of applicant for first application	Consultation and officer recommendation, this will revert to the legal minimum age of 21 and held for 12 months.
	36	Byelaws	Consultation. Confirmation of the adoption by Secretary of State of the Byelaws has been raised to legal services. We have been assured that they were.
	37	Social Media	Consultation and officer recommendation. Use of social media is appropriate in some circumstances to determine fit and proper, for example in the instance of a complaint or harassment.
	38	DBS for vehicle proprietors	Consultation. Amended to state that not needed if they have one as part of the dual driver application.

39	Intercom in vehicles	Consultation and officer recommendation. This provision has been added in.
40	Swivel seats	Consultation and officer recommendation. Further opinion being sought.
41	Marking of first aid kit and fire extinguisher	Consultation and officer recommendation. Amended to permanently marked
42	Exits in vehicles facilitated to facilitate access and egress	Consultation and officer recommendation. All seats to have access to a door without moving other seats has been in since 2012 and is key to passenger comfort Added in wording that only vehicles designed to have removable seats in original manufacture can remove seats.
43	Age of MOT certificate	Consultation and officer recommendation. Amended to four weeks from 2.
44	Maintenance and servicing of vehicles	Consultation and officer recommendation. Amended to state than the council can consider an acceptable explanation if this is not done by a garage etc.
45	Interim MOT tests	Consultation and officer recommendation. This has been amended to include any garage
46	Complaints process	Consultation and officer recommendation. This has been amended to include compliments
47	Capability of audio in vehicles	Consultation and officer recommendation. Amended to state when vehicle is plying for hire
48	Incident logs	Consultation and officer recommendation. Removed some sections not relevant to vehicle proprietors
49	Use of trailer	Consultation and officer recommendation. Amended to state for personal use
50	Use of child locks	Consultation and officer recommendation. Left that they should be engaged when in use Amended in vehicles to reflect appropriate use, i.e. not all the time.

51	Amending Byelaws	Consultation and officer recommendation. Unable to amend Byelaws in anyway
52	Exceptional condition criteria	Consultation and officer recommendation. Decision to leave in as the age of vehicles and time to comply has been increased.
53	Convertible vehicles	Consultation. Convertible vehicles can have full rear seats so condition is being left in.
54	Separate driver types	Consultation. This has been rejected as the dual driver licence has worked well for many years. Enforcement would be more difficult and there is no advantage to having one licence type
55	Frequency of safeguarding training	Consultation. We will consult with safeguarding on this matter for their advice.
56	Consideration on non-conviction information	Consultation. It is clear that non conviction information can be considered and is left in.
57	Speed awareness	This has been removed from the requirement to notify list as it is not a conviction. It is also recognised that this can only be undertaken once so is not a significant consideration on non-conviction information which can be used to determine fit and proper.

Appendix 10

Consultation response 1

Herefordshire Council Hackney Carriage and Private Hire Policy (166 pages in total)

(Conditions must be “reasonably necessary” under the powers contained in section 47(1) of the 1976 Act) (*Use this as a bench mark for all conditions*)

2.9. The Council will consider all new and renewal applications in the light of this policy. There will be situations where a licence was granted under a previous policy, and this policy may differ from the previous policy. In those circumstances the fact that a licence was granted previously will be a factor that will be taken into account when the Council consider an application to renew, but there is no guarantee that any licence will be renewed. There is no legitimate expectation that any hackney carriage or private hire licence will be renewed (*There is a legitimate expectation that licenses will be renewed*)

1. This policy will also be used to inform action that may be taken against any existing licence.

8. Objectives

e) to support all hackney carriage and private hire businesses by ensuring a consistent and fair approach. (*This is a useful phrase to use at Officer Panel*) noted

Section 1 of Taxi Policy

d) assessing knowledge of the County, highway code and licensing policy as well as driving ability (at the time of application); (*We were told that there would be no ‘driving test’*)

12. Applications and licences

12.4. If a grant application is made which is not complete, the applicant will be contacted and given an opportunity to rectify the problems. Any such application will be held on file for 3 months during which time additional and/or updated information can be provided to enable the application to proceed. After 3 months a new application would need to be made in its entirety. (*Isn’t this contradicted elsewhere by stating that an application must be in full?*)

12.8. Licensees must ensure that they notify the Council within 48 working hours of any change of address, change of name, or alterations to means of contact (change of telephone numbers or email addresses). Failure to do this may lead to important communications not being received which in turn may lead to licences expiring or action being taken against licences without the knowledge of the licensee. Any notice required to be served by the Council under this licence or under any statutory provision shall be deemed to have been properly served if sent by pre-paid post to, or left at the last known address of, the licensee. (*Take note that to properly serve any notice it must be sent by pre post or posted through letter box, currently everything is being done via email*)

14.2. In almost every case the right of appeal is to the local magistrates’ court and contact should therefore be made with that court for details on how the appeal is commenced. The one exception to that is a refusal to grant a new hackney carriage proprietor licence where the right of appeal is directly to the Crown Court. Again, in

those circumstances contact should be made with the court for details on how the appeal is commenced. (*Is that correct surely it should be the Magistrates Court which has happened in the past*)

14.4. Such appeals are fresh hearings with the court in the position that the Council was, and the court will reconsider the decision. In such appeals, the Council will invariably resist the appeal as they have already made a decision on the matter. As part of the appeal, the court will take account of the decision that the Council made, but other evidence can be presented by both the appellant and the Council. The court will come into its own independent decision. If the appeal is unsuccessful the Council is likely to make an application to the court for its full costs to be paid by the unsuccessful appellant. If the appeal is successful, the Council is likely to resist any application that is made to the court for an award by the appellants that the Council should pay their costs. (*They might resist but it could be used against the council that their policy is to apply for full costs despite the fact that no officer has to pay personally so it follows that it would only be fair if the defendant was to get costs allowed*)

17.1. In any situation where there has been non-compliance with any requirement, or behaviour which fall short of the requirement to remain a safe and suitable person to hold a licence, the Council will consider enforcement action. In addition, action will be taken in respect of vehicles that do not comply with either the Council's requirements or road traffic laws. Any enforcement action will be guided by the Council's enforcement policy, and may result in one or more of the following (this is not an exhaustive list): a) Take no action; b) Issue warning letters c) Issue penalty points; d) Use statutory notices (suspension of a vehicle licence using section 68 of the 1976 Act); e) Suspension of a licence; f) Revocation of a licence; g) Issue of a simple caution in respect of criminal offences; h) Prosecution in respect of criminal offences. (*The licensing office wrongly consider that penalty points are the first course of action because they deem points to be a warning but that is not in accordance with the written policy*)

18.3. When the Council's constitution is amended, the following matters will be reserved to Committee: a) Applications for new licences where approval would be outside of this policy; b) An appeal by a licensee against the award of penalty points under the Penalty Points Scheme; (*Does this allow for an appeal against less than 12 points?*)

23.7. The Council does not attach conditions to a taxi driver licence. Although the legislation allows conditions to be attached to a private hire driver licence, they cannot be attached to a hackney carriage driver licence. To ensure that the standards of behaviour are the same when drivers are driving either type of vehicle, the Council has decided to adopt a Code of Conduct. These are not conditions attached to the licence but rather this is the standard of behaviour expected from all taxi drivers. (*So when a driver is brought in front of a panel it cannot be for a breach of conditions*)

PENALTY POINTS SCHEME

1.5. Licensees involved will be given the opportunity to respond to the imposition of penalty points once the letter is received detailing the circumstances that led to the points being awarded. The outcome of any investigation may result in officers determining that: no further action be taken; penalty points be imposed; a formal warning be issued, and/or prosecution. (*Points, in keeping with the law must be received via letter and again there are other options to being given points*)

1.6. If a licensee wishes to challenge the imposition of penalty points, an appeal will be referred to the Service Manager or Head of Service to review the information. At that review the officers can remove the penalty points, uphold the penalty points, increase the penalty points (and this includes imposing more points than displayed on the tariff), suspend or revoke the licence, or recommend prosecution. (*Any appeal according to Natural Justice and to Human Rights must be carried out independently so the officer might review but that is not a proper appeal process*)

(First few are solely for wheelchair and should say so)

Failure to maintain seat belts in a safe condition V8 12

Displaying incorrect signs i.e., wrong wording or magnetic V14 2

(*What about insurance replacement vehicles they would have magnetic signs*)

Private hire displaying the word “taxi” V20 4 (*That is breaking a law not just a condition so should be harsher*).

Failure to notify Licensing of accidents or damage affecting the safety, performance or appearance of the vehicle V31 4

Failure to get authorisation for a temporary transfer vehicle or leaving the vehicle on for more than two weeks without prior consent from the Licensing Authority V33 12
(*Are temporary transfer vehicles still allowed?*)

Failure to provide assistance to an authorised officer V50 4(*I would refuse to do their ironing, gardening etc and by so doing would receive 4 penalty points*)

Failure to provide evidence of insurance or interim MOT/compliance test prior to V51 12 (*Not having insurance cover or in date MOT is different to not showing proof so should be far less points if there was actually no lapse in the cover*)

Carry a member of family/friend in a licensed vehicle when it is for hire/hired D18 2
(*Why can't we charge a family member or friend for a taxi trip that they have ordered?*)

Failure to ensure insurance cover for driver to drive vehicle D38 4
(*That is serious merits and 12 points unlike simply not showing proof of cover as above*)

Failure to ensure vehicle is licensed by Licensing Authority for the purpose used D39 2 (*If vehicle is unlicensed for HC or PH use then the insurance is not valid it follows an uninsured vehicle merits 12 points*)

Failure to notify Licensing Authority of motoring offences over 3 penalty points or criminal convictions during the period of licence D41 12 (*The two categories should be separated and lesser points for motoring as opposed to criminal convictions*)

Failure to notify Licensing Authority of motoring convictions up to 3 penalty points during the period of licence D42 6 (*Contradicts the one above and we believe that 3 points would only have to be notified on renewal*)

Failure to notify Licensing Authority of involvement in incidents which the Police are involved and may lead to a caution/conviction D43 12 (*There is never any certainty even on a minor accident that the police will take any further action. I'm aware of at least one incident where the police said that they would take no further action and then did at a later date*)

Failure to notify Licensing Authority in writing within specified times of serious injury or illness D44 12 (*I've had three drivers stop driving through serious illness and the last thing on their list was to notify the council. Once they have stopped driving you can give them as many points as you like it would make no difference*)

Failure to notify the Licensing Authority of a DVLA notifiable condition D45 12 (*If that condition would not prevent them from driving the points should be less*)

Operating more vehicles than stated on licence O1 2 (*Surely that merits more than 2 points because those vehicles would be operating without a proper licence*)

Failure to operate the business in a manner which does not cause nuisance to the public or to persons in nearby premises O7 4 (double negative)

Failure to comply with planning permission or licence conditions for number of vehicles permitted O15 4 (*Again operating without a proper licence is serious*)

Displaying the word Taxi or Cab on a private hire vehicle O24 4
(*In breach of the law is serious*)

Failure to have or produce evidence of a Licence issued by the Department of Trade and Industry licence for all radio equipment O28 2 (*There is a marked difference between failing to produce from failing to have that should be split the one is far more serious than the other*)

Late to provide evidence of insurance or interim MOT O31 12 (*Again the difference between not having insurance and not showing proof of insurance are two separate issues one less serious than the other*)

12. Failure by driver to carry the badge provided by the Licensing Authority when plying for hire B12 2 (*I thought we had to wear the badge not just carry it*)

17. Failure to notify lost property to the Police within 48 hours of discovery B15 2
(*We were told this had been taken out the police no longer accept lost property from taxis*)

DRIVER LICENCES (Hackney Carriage and Private Hire) Town Police Clauses Act 1847 Local Government (Miscellaneous Provisions) Act 1976

21. The licence, badge and armband remain the property of the Council.

Duration 23.

The dual driver licence usually expires 3 years (36 months) from the date of issue, unless a two or one year licence is applied for at the time of application. The cost of a one or two year licence will reflect the additional administration charge for shorter licences. (*Just to highlight the change to everyone*)

38. All applicants (new and on renewal) will be required to provide an enhanced Disclosure and Barring Service (DBS) check with a check of both the Adult and Children Barred Lists, at their own expense, as part of the application process. This is conducted via the Council, but the DBS Certificate is sent to the applicant's home address. Once a licence has been 2 available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/675533/A_Licensing_Authority_guide_to_right_to_work_checks_-_England_and_Wales.pdf Section 4 of Taxi Policy 7 granted, all licensees will be required to subscribe to the DBS Update Service. Once a licensed driver has subscribed to the update service then, provided the applicant maintains the subscription to the service and there are no changes to the DBS status, the applicant is not required to repeat the DBS application process, but instead merely provide the update service reference number and original DBS certificate. If at any time during the duration of a licence, the DBS Update Service is not maintained, that licence will cease to have effect and the licensed driver must immediately notify the Council and return the licence and badge.

(*I would like more information on this*)

61. Any behaviour which would lead to a licence not being granted under this policy, where a driver acquires 6 or more penalty points on their DVLA licence, or any breach of any legislation, byelaw or requirement of the Code of Conduct, may lead to the driver being subject to enforcement action. (*I thought there was an agreement that we would revert to DVLA points for losing a licence*)

(f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances. (*Again I thought seals were not to be imposed*)

6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the

fittings thereof or the seals affixed thereto (*Again issue with the seals*)

14. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance and time, unless the hirer expresses at the commencement of the hiring a desire to engage by time. (*It was agreed to amend this to take out hiring by time alone*)

17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him: (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the offices of the Council, and leave it in the custody of the officer in charge of the offices on his giving a receipt for it; (*It was agreed that the council would not be accepting lost property*)

68. You have been issued with 1 copy of your driver's badge and a coloured armband. You must wear the driver's badge in the armband on your left upper arm at all times when you are driving or working with a private hire vehicle or hackney carriage and failure to do so is a criminal offence (under section 54 of the 1976 Act when using a private hire vehicle and Byelaw 12 when using a hackney carriage). You must display the second copy of your badge in a position which is plainly and clearly visible to your passengers at all times whilst you are working as a licensed driver. 69. You must return your licence, badge and armband to the Licensing Section within 48 working hours if: a) you change your home or business address (*It would appear that we would be committing a criminal offence if we do not wear the licence in an arm band when it was agreed that it could be worn without an arm band*)

86. When driving a hackney carriage, you must not demand a fare greater than that shown on the meter for a journey within the Council's area. Where a journey ends outside the Council's area, you must not demand a fare greater than that shown on the meter. (*Other than in accordance with the tariff sheet*)

99. You must at all times treat passengers, any potential passenger, members of the public, Police Officers and PCSOs, Council officers and all other public servants (NHS staff, firefighters, HMRC staff etc.) with courtesy and respect. (*It should go without saying that we should treat everybody including other licence holders with respect there should not be anyone left off the list for respect so why have a list at all?*)

108. You must maintain a logbook in which to record any incidents that you feel are of concern (including but not limited to concerns about child abuse, abuse of any other person, people trafficking, drug carrying, violence or criminal behaviour) or which may result in a complaint being made about you. Such incidents must be recorded promptly with as much detail as possible (date, time, location, nature of the incident, names of the parties (if known) and identifying features). This logbook must be kept securely in the vehicle and the details must be transferred to a storage medium which is not contained within the vehicle (i.e. a copy of the pages stored on a computer) as soon as possible. When you are driving a private hire vehicle all such incidents must be reported to your operator as soon as possible. If you are driving a

hackney carriage that has been booked via a booking agent, all such incidents must be reported to that agent as soon as possible. Where you suspect that the incident involves criminal behaviour you must report this to the police and Council immediately. (*It was agreed to remove the need for the incident log*)

109. You must maintain a logbook of any complaints that are made to you as a driver. All complaints must be recorded promptly with as much detail as possible (date, time, location, nature of the complaint, names of the parties (if known) and identifying features). This logbook must be kept securely in the vehicle and the details must be transferred to a storage medium which is not contained within the vehicle (i.e. a copy of the pages stored on a computer) as soon as possible. When you are driving a private hire vehicle all such complaints must be reported to your operator as soon as possible. If you are driving a hackney carriage that has been booked via a booking agent, all such complaints must be reported to that agent as soon as possible. (*This should be for operators*)

112. Collared shirts, blouses, polo shirts, or sweat shirts must cover the shoulders and be capable of being worn tucked inside trousers, shorts or skirts. (*I believe the NPHTA said that this would be quite comical if enforced*)

126. You must not carry more than one person in the front seat unless the vehicle is furnished with manufacturer fitted seats for more than one passenger in the front of the vehicle and provided with seat belts for all front seat passengers. In this case no more than 2 passengers may be carried. (*So if there are two passengers in the front no passengers can be carried in the back*)

130. Before using a hackney carriage or private hire vehicle for the first time each day, you must undertake a “walk around check” and keep a note of this in a logbook kept for that purpose which must be available for inspection by the Council or a police constable. This requires that you ensure that the vehicle is roadworthy and fit for use as a hackney carriage or private hire vehicle. The check must include the tyres (pressure and tread depth), checking the lights are functioning (so far as is possible with one person – all lights except brake lights), checking all glass (lights and windows) is intact and ensuring there is no obvious damage to the vehicle. Any defects that are detected must be rectified before the vehicle is used to carry passengers. (*The walk around test is necessary to check for no obvious faults before going on the road but there is no need for a log book*)

135. If any property is found or handed to you, you must, unless it is claimed, take it to Hereford Police Station within 48 working hours. Following agreement with the owner of any lost property (and you must take reasonable steps to ensure the person concerned is the rightful owner) you may agree to return the property personally to the owner, and charge the metered fare from your office/business premises (or home address where you do not have business premises) to an agreed meeting point, or £10, whichever shall be greater. (*The police do not accept lost property from the taxi trade any longer*)

142. You must not (nor may you 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. (*Again issue with seals*)

147. When driving a hackney carriage you must wear one copy of your badges in the issued armband on your left upper arm or on a lanyard at all times whilst you are working as a hackney carriage driver and you commit a criminal offence if you do not do so, for which you might be prosecuted (Hackney Carriage Byelaw 12). Another copy must be displayed in the vehicle in a place which is visible to passengers. (*Are we being issued with arm bands?*)

152. In vehicles equipped with a taximeter, the meter must not be activated until the wheelchair bound passenger has been properly loaded and secured for the journey, all loading ramps or other equipment have been properly stowed and the vehicle is ready to commence the journey. At the end of the journey the meter must be stopped before any unloading activity commences. (*What if the hiring has been booked by time/distance and the passenger is late? For example the vehicle is booked for 10am and the passenger doesn't answer the door until 10 mins past 10*)

178. When driving a hackney carriage you must carry a reasonable quantity of luggage for the hirer and assist them in loading and unloading, including taking it from or to any building (Hackney Carriage Byelaw 13). (*Does that mean that you cannot carry a passenger if they don't have a reasonable amount of luggage?*)

180. When driving a Hackney Carriage you must take any lost property which is not been claimed within 48 hours to the Council's offices (Hackney Carriage Byelaw 17). (*Is that still the case?*)

193. You must not tamper with any seal on a taximeter also the taximeter with any intent to mislead (section 71 of the 1976 Act). (*Again seals?*)

HACKNEY CARRIAGE PROPRIETOR (VEHICLE) LICENCES Town Police Clauses Act 1847 Local Government (Miscellaneous Provisions) Act 1976

Convictions 32. If you or anybody else with an interest in the vehicle or who is named on the licence is arrested in connection with, charged with or convicted of any criminal offence, that must be reported to the Council within 48 hours (including weekends and bank holidays). The same requirement applies in relation to any fixed penalty notices, speed awareness courses, Community Protection Notices, civil injunctions or Criminal Behaviour Orders that you receive or have to attend. (*It was agreed to take speed awareness courses off the list*)

39. From xxxx, non WAV or five or more passenger seated vehicle licences issued before 2002, licences will not be granted in respect of vehicles that were first registered more than 15 years prior to the date of renewal. (*Which will come into force ???*)

Exceptional Condition Criteria 41.

a) vehicle will be considered to be in 'exceptional condition' if all of the following apply: a) The mileage for the vehicle is no higher than the average mileage that

could be expected for a similar vehicle if that vehicle was used solely for social, domestic and pleasure purposes; (*Surely the mileage should be less than the average of a 10 or possibly 5 year old taxi not likened to a private vehicle*)

- i) The vehicle must have a complete service record to show that it has been properly serviced and maintained in accordance with the manufacturer's service specification. (*It was agreed to take this out*)

Non-Wheelchair accessible vehicles

- c) Have a minimum seating capacity for at least four adult passengers based on a width of not less than 410 mm per person across the rear seat; (*a number of vehicles currently do not comply with this already existing condition and the council are fully aware of that fact*)
- h) Any vehicle which is a convertible must meet all other requirements and have a waterproof roof and side windows which must be raised at the request of any passenger. (*Are these vehicles licensed and if so where does the roof sign fit?*)
- g) The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating. They must have at least 2 mm of tread across the entire contact surface; (*It was agreed to go back to MOT regulations and this has already been written in to the PH vehicle conditions*)
- l) The vehicle's power output must not be less than 100 bhp or 74.5 kw; (*Would need to check bhp of modern vehicles*)
- m) The vehicle must carry a 1kg dry powder extinguisher or a 2 litre AFFF extinguisher approved to BS EN3: 1996, with the licence number permanently marked on it. The fire extinguisher must have been properly maintained in accordance with BS 5306: Part 3 and be secured in such a position in the vehicle as to be accessible for immediate use in an emergency. There must also be adequate signage visible to all passengers to identify the location of the fire extinguisher; (*The signage is a new requirement there has been no problem without the signage in the past so is it reasonable and necessary?*)
- n) The vehicle must carry a first aid kit in a suitable container, with the licence number permanently marked on it. There must also be adequate signage visible to all passengers to identify the location of the first aid kit; (*The signage is a new requirement there has been no problem without the signage in the past so is it reasonable and necessary?*)
- o) 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 Council; (*Quite often cabin lights are added for back seat passengers so that they can distinguish coins at night*)

Section 5 of Taxi Policy

58. In any vehicle all exits must be easily accessible and not obstructed by another seat. Access to all doors must be free from obstruction. Any seats that require passengers to move any part of another seat to gain access or egress will not be licensed for carrying passengers. The seating configuration and number of passengers that can be carried is subject to assessment by the Council. Seats can only be removed to facilitate this, if the vehicle is designed at manufacture to remove seats as part of its design. (*This could be a problem with all saloon cars if the middle passenger in the back seat wants to get out before the ones sat to the side of them*)

Maintenance and servicing

63. Vehicles must be maintained correctly and serviced in accordance with the manufacturer's recommendations. The service history of the vehicle will be inspected at first application. If the service history is not available, then an acceptable explanation for this must be provided to the authorised officer of the Council. If servicing and/or maintenance was carried out by any other person than a qualified mechanic, a record of work must be available upon request, to include date, work/checks undertaken and who has done the work. For non-routine repairs the work must be carried out by a competent person, the qualification of this person to be made available upon request (*It was agreed that this would be removed*)

65. Vehicles will be tested before the licence is initially granted, then every 6 months for vehicles up to 5 years old and every 4 months for vehicles older than that. The anniversary date for interim MOT's will remain the same, this will avoid loss of time between tests. (*Is this reasonable and necessary currently vehicles over 6 years old have two MOT's per year and that has never been a problem*)

66. Tests in relation to new applications, renewals and interims are to be carried out at the Council's testing centre at Rotherwas in Hereford. 67. The vehicle must have an interim MOT certificate from an approved garage (which is less than 4 weeks old. (*Not clear, tests, including interim tests, are to be carried out at Rotherwas but the vehicle MUST have an interim MOT certificate from an approved garage*)

70. If the consequence of missing the test means that the licence cannot be renewed before expiry, this will result in the renewal application being treated as a new application for a hackney carriage/private hire proprietor licence, in which case any acquired rights will be lost.

(If the test cannot be carried out before expiry through no fault of the owner as in the case of the vehicle having been in an accident and is at a garage for repairs, or any other unforeseen circumstance then it should not be treated as a new application with the loss of any acquired rights. There is case law to support this view)

74. If your vehicle has an accident which results in damage which may affect its safety, performance, appearance or the comfort or convenience of your passengers, you must report this to the Council within 48 working hours (section 50(3) of the 1976 Act). The vehicle must not be driven, apart from to a garage for assessment, repair or testing until the council confirm that it is satisfactory

(If the vehicle is involved in a slight accident with only superficial damage that would not compromise the MOT status of the vehicle it would be very harsh not to be able to drive that vehicle until the council can confirm that it is satisfactory. That could take quite a lot of time waiting to get in touch with the department, currently 10 working days)

89. If you lose or damage the plates or additional signage, replacements must be purchased from the Council. *(What additional signage can be purchased from the council?)*

CCTV *(The whole of the CCTV condition needs to be checked to see if it complies with what is available)*

109. All licensed hackney carriage vehicles must have a CCTV system capable of recording both audio and video with a monitor that meets the Council's specification for taxi camera systems and complies with ICO regulations. The system must record both audio (panic switch controlled) and video. All such systems must have been installed by a qualified and competent installer before the vehicle can be licensed. The system must be capable of working at all times and must be switched on when plying or standing for hire, awaiting or travelling to or from a pre-booked hiring, and when carrying passengers. *(We require a refund for the systems installed at the request of the department that does not meet legal requirements)*

111. At least 3 approved signs must be displayed in the vehicle (2 within the rear of the vehicle and 1 in the front) warning customers that camera surveillance equipment is in operation. There must also be clear signage indicating where the passenger audio switch(s) are located together with a notice or notices explaining the system where it/they can be easily read by passengers in the front and rear seats. *(I understood there was to be one switch for the driver)*

112. Activation of audio recording must be triggered by the driver pressing a switch/button. Audio recording will continue until such time as the button/switch is pressed again. This switch will activate/deactivate audio recording independent of the passenger's audio activation button/switch. Audio recording will continue until such time as the button/switch is pressed again. Once activated the audio recording must continue for an uninterrupted period until it is deactivated. There must be an indicator located within the vehicle that is clearly visible to the passenger and clearly shows that audio recording is taking place

114. The images and audio cannot be monitored and relevant data will only be recovered when necessary. This will include (but this is not an exhaustive list) situations following complaints or road traffic collisions, where there is any police investigation or any other investigation of a criminal offence. The Council is the data controller for the personal data collected via the CCTV system. Owners of vehicles with CCTV installed must cooperate with the Licensing Authority to discharge responsibilities under the Data Protection Act 2018, including reporting any data incidents and providing access to recordings in response to subject access requests. *(This needs discussion and clarity as to who can be delegated as a data controller)*

115. Other than when being played live in the vehicle, any recorded image captured by the camera can only be viewed by an authorised officer of the Licensing Authority, by the Police, or by the dedicated System Operator. The dedicated system operator must have a valid DBS enhanced certificate, with the details of the operator being notified in writing to the Licensing Authority. (*Need clarity on who can be the data controller*)

116. Video recording must be used at all times the hackney carriage is plying or standing for hire, awaiting or travelling to or from a pre-booked hiring, and when carrying passengers. The only time the system does not need to be used is when the hackney carriage is being used for domestic purposes.

Incident logs 120. The proprietor must maintain an incident log in an accessible format (either on a computer, other electronic device or a notebook). This must be used to record all incidents affecting the use of the hackney carriage including, but not limited to, a) collisions or accidents; b) damage to the vehicle; c) problems with the meter; d) refusals by any driver to carry a passenger (including the date, time, location, and reason for the refusal); (*It was agreed to take this out*)

121. Incidents must be recorded immediately or as soon as possible thereafter and must state the date time and location of the incident, the names (if known) of any third parties and the date and time on which the incident was recorded. (*There are numerous incidences on a daily basis when working to log them all would be unreasonable and unnecessary*)

122. This log must be available for inspection by an Authorised Officer of the Council or a police constable at all times on request (*Again it was agreed no log needed*)

125. You must notify the Council within 48 working hours of the event if you or anybody named on the licence as a joint proprietor (or any director or secretary of a limited company, or partner in a Limited Liability Partnership when the licence is held by such a body) is arrested in connection with, charged with, investigated in connection with or convicted of any criminal offence. The same requirement applies in relation to any fixed penalty notices, speed awareness courses, community protection notices, civil injunctions that you receive or have to attend. (*Again speed awareness course mentioned when it was agreed to take it out*)

130. Before you allow anyone to drive your licensed vehicle you must ask that person for their dual driver licence and keep a copy in your possession whilst that person is permitted to drive your vehicle. You must ensure that they understand and will observe the law, byelaws and Code of Conduct that regulate their conduct and the conditions attached to the vehicle licence. (*That only applies to PH*)

136. You must secure and display the exterior licence plate permanently to the outmost rear part of the vehicle using the fittings provided by the Council. The method of fixing must prevent the plates being removed without the need for tools. The plate must at all times must be displayed so that it can be clearly read by pedestrians and road users. The licence plate must not be displayed in any window

of the vehicle. (*Grammar issue and why is it that the department regularly tells proprietors to display the temporary plate in the rear window?*)

138. You must report the theft or loss of the licence plates or additional signage to the Police immediately and as soon as possible, and in any event within 24 hours of becoming aware of the theft or loss, to the Council by email. You must also obtain a crime or lost property number from the Police and present this to the Council. You must then obtain duplicate licence plates and/or additional signage for which a charge will be made. (*The vehicle cannot be driven until the replacements are in place*)

m) The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating. All tyres must have at least the statutory minimum of tread across the entire contact surface; (*This was contradicted earlier when it was written that a minimum of 2mm across the tread*)

p) The vehicle's power output must not be less than the power output when the vehicle was new, and any replacement engine must be of the same or greater power output. In the case of a replacement engine, the Council must be notified of that within 72 hours of the fitting, and the revised V5 must be presented to the Council as soon as it is received; (*It's questionable whether the power output should be in line with the general condition for engine size*)

s) 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 Council.
(Again cabin interior lights are often fitted when a vehicle is first fitted out to be a taxi)

Lost property 151. The driver must search the vehicle after each hiring has been completed, and any lost property found must be recorded. If the driver knows the identity and/or whereabouts of the last passenger, they can return the property to them. If not it must be delivered to the Council's offices within 48 hours (*I thought the council had said not to return items to them*)

152. The vehicle must be fitted with a calendar controlled and tamper proof taximeter that 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 therefore be illuminated when in use.
(A lot of meters are not calendar controlled for very good reasons which are for the customers benefit)

154. 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. (*Not sure how to get the meter to not work*)

162. The vehicle must at all times be fitted with a sign with the word "TAXI" on its roof if it is not built in to the vehicle. This can be combined with a "For Hire" sign if

required. A “For Hire/taxi” sign must be fitted, in a conspicuous position on the roof of the vehicle. The sign(s) must be illuminated when the vehicle is available for hire and switch off automatically when the meter is operating. (*A For Hire sign MUST be fitted? It would be unnecessary and unreasonable to change the current condition for roof signs*)

(f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances. (*Seals again*)

(c) cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is between half-an-hour after sunset and half-an-hour before sunrise and also at any other time at the request of the hirer. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof or the seals affixed thereto. (*Seals again*)

13. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance and time, unless the hirer expresses at the commencement of the hiring a desire to engage by time. (*This was supposed to have been removed the council do not accept lost property*)

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof.

15. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.

16. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him: (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the offices of the Council, and leave it in the custody of the officer in charge of the offices on his giving a receipt for it; (*This was supposed to have been removed the council do not accept lost property*)

167. The hackney carriage proprietor must notify the Council of any change of address of yourself or any other Hackney Carriage proprietor (section 44 of the 1847 Act). (*Personally I doubt if I'll be informed when any particular proprietor chooses to change their address so this is both unreasonable and unnecessary*)

170. The hackney carriage proprietor must hold the driver licence of those driving the vehicle, and must produce that licence if requested to do so by a magistrates' court (section 48 of the 1847 Act). (*Should this only apply to PH*)

193. The hackney carriage proprietor must deliver any lost property to the Council or the police station within 48 hours of finding it (Hackney Carriage Byelaw 17).
(The police do not take in lost property and the council have said they also don't want it)

PRIVATE HIRE VEHICLE (PROPRIETOR) LICENCES Local Government (Miscellaneous Provisions) Act 1976

- c) Have a minimum seating capacity for one adult passenger, and vehicles that seat more passengers must provide at least four adult passengers based on a width of not less than 410 mm per person across the rear seat; *(That is not currently being enforced)*
- g) The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating. They must have at least 2 mm of tread across the entire contact surface *(It was agreed to return to MOT requirement 1.6)*
- l) The vehicle's power output must not be less than 100 bhp or 74.5 kw; *(Check on new vehicle engines)*
- m) The vehicle must carry a 1kg dry powder extinguisher or a 2 litre AFFF extinguisher approved to BS EN3: 1996, with the licence number permanently marked on it. The fire extinguisher be properly maintained in accordance with BS 5306: Part 3 and be secured in such a position in the vehicle as to be accessible for immediate use in an emergency, including the boot. There must also be adequate signage visible to all passengers to identify the location of the fire extinguisher; n) The vehicle must carry a first aid kit in a suitable container, with the licence number painted on it. There must also be adequate signage visible to all passengers to identify the location of the first aid kit; *(Currently no signage and it has never been a problem therefore Unreasonable and unnecessary)*
- d) The complete service history for the vehicle. *(It was agreed that this was unreasonable and unnecessary)*

54. Vehicles must be maintained correctly and serviced in accordance with the manufacturer's recommendations. The service history of the vehicle will be inspected at first application and on every renewal of the licence. Evidence must show the competence of any individual engaged in the service or repair of the vehicle if requested. If servicing and/or maintenance is to be carried out by any other person than a qualified mechanic, a record of work must be available upon request, to include date, work/checks undertaken and who has done the work. For nonroutine repairs the work must be carried out by a competent person, the qualification of this person to be made available upon request. *(It was agreed to take this out)*

56. Vehicles will be tested before the licence is initially granted, then every 6 months for vehicles up to 5 years old and every 4 months for vehicles older than that. The anniversary date for interim MOT's will remain the same, this will avoid loss of time between tests. (*Again unnecessary and unreasonable*)

97. An adhesive sign must be permanently fixed to both front doors. These signs must be a minimum of 19 cm high by 60 cm wide and all lettering must measure at least 6 cm in height. It must incorporate the Council's logo and display the vehicle licence number. (*This means all PH vehicles must have signs on doors, that is not currently the situation. The current PH condition for door signs is totally adequate and should not be changed. Numerous PH vehicles carry out contract work and specialist work where the customers do not want signage*)

98. You may display the name and telephone number of the company operating your vehicle in its front and rear windows. However, the display must be no more than 10 cm high, must not contravene the Road Traffic (Construction and Use) Regulations, and must not be illuminated. (*Is that correct, signs in front window? The condition for signage on PH does not need changing*)

101. At least 3 approved signs must be displayed in the vehicle (2 within the rear of the vehicle and 1 in the front) warning customers that camera surveillance equipment is in operation. There must also be clear signage indicating where the passenger audio switch(s) are located that can be easily read by passengers in the front and rear seats. (*Grammar issue and CCTV remarks will be the same for HC as for PH*)

102. Activation of audio recording may be triggered by the driver pressing a switch/button. Audio recording will continue until such time as the button/switch is pressed again. This switch will activate/deactivate audio recording independent of the passenger's audio activation button/switch. There must also be the facility for the passenger to activate audio recording (independent of the driver) should the passenger wish to do so. Activation of audio recording must be triggered by the passenger pressing a switch/button, which can be illuminated. Audio recording will continue until such time as the button/switch is pressed again. This switch will activate/ deactivate audio recording independent of the driver's audio activation button/switch. Once activated (by either passenger or driver), the audio recording must continue for an uninterrupted period until it is deactivated. There must be an indicator located within the vehicle that is clearly visible to the passenger and clearly shows that audio recording is taking place. (*Same as HC issues*)

104. The images and audio cannot be monitored and relevant data will only be recovered when necessary. This will include (but this is not an exhaustive list) situations following complaints, road traffic collisions, where there is any police investigation or any other investigation of a criminal offence. The Council is the data controller for the personal data collected via the CCTV system. Owners of vehicles with CCTV installed must cooperate with the Council to discharge responsibilities under the Data Protection Act 2018, including reporting any data incidents and providing access to recordings in response to subject access requests. (*Same as HC issues*)

Incident logs

110. The proprietor must maintain an incident log in an accessible format (either on a computer, other electronic device or a notebook). This must be used to record all incidents affecting the use of the Private Hire Vehicle including, but not limited to: a) collisions or accidents; b) damage to the vehicle; c) problems with the meter; d) refusals by any driver to carry a passenger (including the date, time, location, and reason for the refusal); e) any events, circumstances or incidents which lead the driver or proprietor to suspect that a passenger is involved in or is a victim of child sexual abuse or exploitation or any other abuse, modern slavery or trafficking of people, County Lines movements of drugs, any other abuse or supply of drugs, involvement in terrorism or any other criminal activity. (*It was agreed to take this out*)

115. You must return your licence (and the plates and additional signage if requested by the Council) to the Council immediately if: a) You change your home or business address; (*Why?*)

118. You must maintain an incident log in an accessible format (either on a computer, other electronic device or a notebook). In this you must record all incidents affecting the use of the private hire vehicle including, but not limited to:

- a) collisions or accidents;
- b) damage to the vehicle;
- c) problems with the meter;
- d) refusals by any driver to carry a passenger (including the date, time, location, and reason for the refusal);
- e) any events, circumstances or incidents which lead the driver or proprietor to suspect that a passenger or passengers is involved in or is a victim of child sexual abuse or exploitation or any other abuse, modern slavery or trafficking of people, County Lines movements of drugs, any other abuse or supply of drugs, involvement in terrorism or any other criminal activity. (*It was agreed to take incident log out*)

119. Incidents must be recorded immediately or as soon as possible thereafter and must state the date time and location of the incident, the names (if known) of any third parties and the date and time on which the incident was recorded. (*It was agreed to take this out*)

120. This log must be available for inspection by an Authorised Officer of the Council or a police constable at all times on request. (*It was agreed to take this out*)

128. You must secure and display the exterior licence plates permanently to the outmost front and rear part of the vehicle using the fittings provided by the Council. The method of fixing must prevent the plates being removed without the need for tools. Both plates must at all times be displayed so that it can be clearly read by pedestrians and road users. The licence plates must not be displayed in any window of the vehicle. (*The council tell us to put temporary plate in back window despite existing condition*)

129. You must display the additional signage on the near side and off side front doors and the internal signs issued by the Council inside the vehicle so that they are

visible to front and rear passengers at all times. (*Existing condition makes far more sense unreasonable and unnecessary to change*)

130. You must display the notice referring to the complaints and compliments procedure in the vehicle where it can be clearly seen by all passengers, and copies of the complaints procedure leaflet must be available in the vehicle. (*It was agreed to take this out*)

131. You must report the theft or loss of the licence plates or additional signage to the Police immediately and as soon as possible, and in any event within 24 hours of becoming aware of the theft or loss, to the Council by email. You must also obtain a crime or lost property number from the police and present this to the Council. You must then obtain duplicate licence plates and/or additional signage for which a charge will be made. (*The vehicle should not be used until the replacements are in place*)

p) The vehicle's power output must not be less than its power output when the vehicle was new, and any replacement engine must be of the same or greater power output. In the case of a replacement engine, the Council must be notified of that within 48 hours of the fitting, and the revised V5 must be presented to the Council as soon as it is received. (*As in HC*)

146. 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 (*Don't understand having a meter that does not work*)

148. If this is the arrangement for charging for a private hire journey (as agreed between the operator and the hirer), the meter must only be brought into action and the fare or charge must only commence from the point at which the hirer starts their journey. (*If within the licensing district?*)

Licensed Vehicle CCTV Technical Specification and System Requirements

1.7 Absence of "on/off switch The system must be permanently wired to the power supply of the vehicle, and shall not be equipped with an on/off switch

1.13 Unit must operate without the ignition being turned on The Unit must have the ability to operate for at least 30 minutes without power from the ignition. The device must be hard wired to both constant and ignition supply. (*In which case we will be needed jump leads to start the vehicle if it has been stood for any length of time*)

1.22 The system must have a panic switch for audio activation At least one trigger/audio activate button must be capable of being operated by the driver AND a passenger. (*If there is only one switch how does a back seat passenger or a passenger sat in the back of a mini bus get to operate the switch?*)

3.7 Multiple cameras The unit shall be capable of supporting up to four (4) cameras. Four cameras may be required to provide adequate coverage in larger vehicles and/or certain purpose built vehicles or external images. (*What if the vehicle is a saloon or estate car that only requires one camera?*)

5.4 System to continue to record images (and audio when applicable) when engine is off. System must continue to record images (and audio when applicable) for 30 minutes after engine / ignition or override switch is switched off. (*This is ambiguous could cause battery problems and starting problems*)

Consultation response 2

Herefordshire Council Hackney Carriage and Private Hire Policy (166 pages in total)

(Conditions must be “reasonably necessary” under the powers contained in section 47(1) of the 1976 Act)

2.9. The Council will consider all new and renewal applications in the light of this policy. There will be situations where a licence was granted under a previous policy, and this policy may differ from the previous policy. In those circumstances the fact that a licence was granted previously will be a factor that will be taken into account when the Council consider an application to renew, but there is no guarantee that any licence will be renewed. There is no legitimate expectation that any hackney carriage or private hire licence will be renewed¹. This policy will also be used to inform action that may be taken against any existing licence.

This needs clarification, grandfather rights either exist, or they do not, it cannot be left open to abuse and uncertainty in this manner, a time period, a lead in period, something simply must be put in place here for assurance for those already licensed.

8. Objectives

e) to support all hackney carriage and private hire businesses by ensuring a consistent and fair approach.

Section 1 of Taxi Policy

d) assessing knowledge of the County?, highway code and licensing policy as well as driving ability (at the time of application);

All of it? For what purpose? Many do not work in the outskirts, and many of those using ranks within the centre, may never see the outskirts, this needs to be fair and proportionate on the basis that the “county” is a vast area to learn.

12. Applications and licences

12.4. If a grant application is made which is not complete, the applicant will be contacted and given an opportunity to rectify the problems. Any such application will be held on file for 3 months during which time additional and/or updated information can be provided to enable the application to proceed. After 3 months a new application would need to be made in its entirety.

This is fair and proportionate, this has to be welcomed.

12.8. Licensees must ensure that they notify the Council within 48 working hours of any change of address, change of name, or alterations to means of contact (change of telephone numbers or email addresses). Failure to do this may lead to important communications not being received which in turn may lead to licences expiring or action being taken against licences without the knowledge of the licensee. Any notice required to be served by the Council under this licence or under any statutory provision shall be deemed to have been properly served if sent by pre-paid post to, or left at the last known address of, the licensee.

This is fair and proportionate, this has to be welcomed.

14.2. In almost every case the right of appeal is to the local magistrates' court and contact should therefore be made with that court for details on how the appeal is commenced. The one exception to that is a refusal to grant a new hackney carriage proprietor licence where the right of appeal is directly to the Crown Court. Again, in those circumstances contact should be made with the court for details on how the appeal is commenced.

14.4. Such appeals are fresh hearings with the court in the position that the Council was, and the court will reconsider the decision. In such appeals, the Council will invariably resist the appeal as they have already made a decision on the matter. As part of the appeal, the court will take account of the decision that the Council made, but other evidence can be presented by both the appellant and the Council. The court will come into its own independent decision. If the appeal is unsuccessful the Council is likely to make an application to the court for its full costs to be paid by the unsuccessful appellant. If the appeal is successful, the Council is likely to resist any application that is made to the court for an award by the appellants that the Council should pay their costs.

Any such application for costs, will be resisted on the basis that if court costs are to be swayed in the favour of one party over the other, this is prejudicial to the natural cause of justice, as it would mean that the council has nothing to lose financially regardless of the outcome, but the applicant that feels aggrieved enough to launch an appeal, would not only be left with their own costs if successful, but also the council costs on top if unsuccessful, this cannot be fair, reasonable or proportionate, and as such, would be equally resisted on the basis of ECHR grounds "right to a FAIR hearing"

17.1. In any situation where there has been non-compliance with any requirement, or behaviour which fall short of the requirement to remain a safe and suitable person to hold a licence, the Council will consider enforcement action. In addition, action will be taken in respect of vehicles that do not comply with either the Council's requirements or road traffic laws. Any enforcement action will be guided by the

Council's enforcement policy, and may result in one or more of the following (this is not an exhaustive list): a) Take no action; b) Issue warning letters c) Issue penalty points; d) Use statutory notices (suspension of a vehicle licence using section 68 of the 1976 Act); e) Suspension of a licence; f) Revocation of a licence; g) Issue of a simple caution in respect of criminal offences; h) Prosecution in respect of criminal offences.

"Safe and suitable" is the institute of licensing terminology, this has no foundation on legislation, the legal term is "fit and proper" C) has the penalty points scheme received it huge overhaul as is necessary in order to make it reasonable, fair, proportionate, and workable? Or is it to be scrapped entirely due to the overhaul requiring far too much work? G) the issuing of a caution, is for licensing infringements, "simple caution" is a police term, and this is not a police caution, merely an internal council matter therefore "a caution may be offered, where the accused admits fault" but it must be clarified that a, it is not a "simple caution", and the accused must accept fault before a council caution can be issued or accepted.

18.3. When the Council's constitution is amended, the following matters will be reserved to Committee: a) Applications for new licences where approval would be outside of this policy; b) An appeal by a licensee against the award of penalty points under the Penalty Points Scheme;

Do we have a time frame for this change? Or are we going to strike it from the policy? We simply cannot have an incomplete policy being approved by any licensing committee, as by definition, it is "when amended" which means not ready for approval yet.

23.7. The Council does not attach conditions to a taxi driver licence. Although the legislation allows conditions to be attached to a private hire driver licence, they cannot be attached to a hackney carriage driver licence. To ensure that the standards of behaviour are the same when drivers are driving either type of vehicle, the Council has decided to adopt a Code of Conduct. These are not conditions attached to the licence but rather this is the standard of behaviour expected from all taxi drivers.

Sorry but this is factually incorrect, the fact that this council only issues a dual license, means that the conditions are indeed attached to the hackney drivers license, since there is no separate license for hackney carriage drivers.

PENALTY POINTS SCHEME

1.5. Licensees involved will be given the opportunity to respond to the imposition of penalty points once the letter is received detailing the circumstances that led to the points being awarded. The outcome of any investigation may result in officers determining that: no further action be taken; penalty points be imposed; a formal warning be issued, and/or prosecution.

Respond after the fact? Really, I refer back to ECHR right to a fair hearing, once punished by the imposition of penalty points, the decision has already been made

with zero opportunity for a fair hearing. This entire paragraph needs re writing in order to make sense:

They can reply after being punished...

Once the response has been received, then points may be awarded? They already have been before even being questioned, this is back to front and makes very little sense.

1.6. If a licensee wishes to challenge the imposition of penalty points, an appeal will be referred to the Service Manager or Head of Service to review the information. At that review the officers can remove the penalty points, uphold the penalty points, increase the penalty points (and this includes imposing more points than displayed on the tariff), suspend or revoke the licence, or recommend prosecution.

(First few are solely for wheelchair and should say so)

Failure to maintain seat belts in a safe condition V8 12

Displaying incorrect signs i.e., wrong wording or magnetic V14 2

Display web site address large lettering than permitted V18 2

Private hire displaying the word “taxi” V20 4

Failure to notify Licensing of accidents or damage affecting the safety, performance or appearance of the vehicle V31 4

Failure to get authorisation for a temporary transfer vehicle or leaving the vehicle on for more than two weeks without prior consent from the Licensing Authority V33 12

Authorisation? Then surely it would not be transferred...not sure what this means, as for “keeping the vehicle on for more than 2 weeks, there should be no strict time limit, as many repairs are dependent on the availability of repair shops, and parts, drivers or vehicle owners have no control over this, nor does the council, so this time frame should not exist.

Failure to provide assistance to an authorised officer V50 4

Define assistance

Failure to provide evidence of insurance or interim MOT/compliance test prior to V51 12

Carry a member of family/friend in a licensed vehicle when it is for hire/hired D18 2

What if the hirer is a family member or friend? This is not clear enough, besides which, is perfectly lawful “provided the hirer is aware and agrees to the additional passenger.”

Failure to ensure insurance cover for driver to drive vehicle D38 4

That is a prosecutable offence under the road traffic act, rendering the issue of points meaningless.

Failure to ensure vehicle is licensed by Licensing Authority for the purpose used D39
2

See above

Failure to notify Licensing Authority of motoring offences over 3 penalty points or criminal convictions during the period of licence D41 12

Failure to notify Licensing Authority of motoring convictions up to 3 penalty points during the period of licence D42 6

Unnecessary repetition! Pick one, lose the other

Failure to notify Licensing Authority of involvement in incidents which the Police are involved and may lead to a caution/conviction D43 12

Does this include being a witness in a case which leads to someone else being prosecuted? not clear enough as the licensee is still “involved” but only as a supporting witness, should all drivers refuse to get involved and support officers in order to avoid points? Oh, hang on, this would also incur points under V50 4, this is a lose lose issue here really?

Failure to notify Licensing Authority in writing within specified times of serious injury or illness D44 12

How long exactly does the council allow people to recover and get out of intensive care following “serious injury or illness”? what exactly are the “specified times” that apply here, does God himself get involved in order to ensure compliance?

Failure to notify the Licensing Authority of a DVLA notifiable condition D45 12

Operating more vehicles than stated on licence O1 2

Failure to operate the business in a manner which does not cause nuisance to the public or to persons in nearby premises O7 4 (double negative)

Failure to comply with planning permission or licence conditions for number of vehicles permitted O15 4

Unnecessary repetition again, see O1 2.....pick one, and read up on double jeopardy.

Displaying the word Taxi or Cab on a private hire vehicle O24 4

Failure to have or produce evidence of a Licence issued by the Department of Trade and Industry licence for all radio equipment O28 2

Hmmm, pretty sure you mean OFFCOM here, but hey, who are we to dictate government departments,

Late to provide evidence of insurance or interim MOT O31 12
Unreasonable repetition see V51 12

12. Failure by driver to carry the badge provided by the Licensing Authority when plying for hire B12 2

I assume you mean "wear" in accordance with the miscellaneous provisions act, as opposed to driving one handed whilst they "carry" the badge as stipulated here?

17. Failure to notify lost property to the Police within 48 hours of discovery B15 2

The police don't do lost property anymore, so licensees now get points due to the police station being closed.....sound "fair or reasonable" to you?

DRIVER LICENCES (Hackney Carriage and Private Hire) Town Police Clauses Act 1847 Local Government (Miscellaneous Provisions) Act 1976

21. The licence, badge and armband remain the property of the Council.

Actually no, they don't, under the bill of sales act, the driver has paid for it, has a bill of sale or receipt for the payment, and therefore owns the property, whilst there is an expectation that any such badges be returned on expiry, revocation, or suspension, this does not actually make the items council property at all.

Duration 23.

The dual driver licence usually expires 3 years (36 months) from the date of issue, unless a two or one year licence is applied for at the time of application. The cost of a one or two year licence will reflect the additional administration charge for shorter licences.

Fair point and reasonable.

38. All applicants (new and on renewal) will be required to provide an enhanced Disclosure and Barring Service (DBS) check with a check of both the Adult and Children Barred Lists, at their own expense, as part of the application process. This is conducted via the Council, but the DBS Certificate is sent to the applicant's home address. Once a licence has been 2 available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/675533/A_Licensing_Authority_guide_to_right_to_work_checks_-_England_and_Wales.pdf Section 4 of Taxi Policy 7 granted, all licensees will be required to subscribe to the DBS Update Service. Once a licensed driver has subscribed to the update service then, provided the applicant maintains the subscription to the service and there are no changes to the DBS status, the applicant is not required to repeat the DBS application process, but instead merely provide the update service reference number and original DBS certificate. **If at any time during the duration of a licence, the DBS Update Service is not maintained, that licence will cease to have effect and the licensed driver must immediately notify the Council and return the licence and badge.**

I was about to remove the red marking here, as the detail actually explains that due to the DBS update service, a renewal does NOT need to supply a new certificate at all, (it could have been worded much clearer (suggestion below for a reword), but there is a bigger problem within this paragraph, the last part is meaningless, if the DBS update is not maintained, then the only thing that expires and needs renewing, is the DBS certificate, the badge does not automatically expire at all, as there is absolutely zero evidence of any offences having been committed, merely evidence to suggest that a debit card has expired! An expired debit card is NOT a justifiable reason to revoke a drivers license.

Suggested re word

38. All applicants will be required to provide an enhanced Disclosure and Barring Service (DBS) check with a check of both the Adult and Children Barred Lists, at their own expense, as part of the application process. This is conducted via the Council, but the DBS Certificate is sent to the applicant's home address. Once a licence has been issued, it must be produced to the council before the license can be granted, all licensees will also be required to subscribe to the DBS Update Service. Once a licensed driver has subscribed to the update service then the certificate should be kept secure along with the DBS update service reference number, as these will be required at each subsequent renewal, provided the applicant maintains the subscription to the service and there are no changes to the DBS status, the applicant is not required to repeat the DBS application process.

61. Any behaviour which would lead to a licence not being granted under this policy, where a driver acquires 6 or more penalty points on their DVLA licence, or any breach of any legislation, byelaw or requirement of the Code of Conduct, may lead to the driver being subject to enforcement action.

(f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof or the seals affixed thereto

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

17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him: (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the offices of the Council, and leave it in the custody of the officer in charge of the offices on his giving a receipt for it;

68. You have been issued with 1 copy of your driver's badge and a coloured armband. You must wear the driver's badge in the armband on your left upper arm at all times when you are driving or working with a private hire vehicle or hackney carriage and failure to do so is a criminal offence (under section 54 of the 1976 Act when using a private hire vehicle and Byelaw 12 when using a hackney carriage). You must display the second copy of your badge in a position which is plainly and clearly visible to your passengers at all times whilst you are working as a licensed driver. 69. You must return your licence, badge and armband to the Licensing Section within 48 working hours if: a) you change your home or business address

73. You must notify the Council, in writing within 48 working days of any change in your medical condition including any treatments or medications (prescription or otherwise) that may adversely affect your ability to drive private hire or hackney carriage vehicles.

The red part needs highlighting to make it clear under what grounds such notification is required.

86. When driving a hackney carriage, you must not demand a fare greater than that shown on the meter for a journey within the Council's area. Where a journey ends outside the Council's area, you must not demand a fare greater than that shown on the meter.

This is not correct the metered fare regulation applies to fares which start AND end within the councils area,

99. You must at all times treat passengers, any potential passenger, members of the public, Police Officers and PCSOs, Council officers and all other public servants (NHS staff, firefighters, HMRC staff etc.) with courtesy and respect.

All people would be much easier to understand, or simply ." **You must at all times treat people with courtesy and respect.**"

108. You must maintain a logbook in which to record any incidents that you feel are of concern (including but not limited to concerns about child abuse, abuse of any other person, people trafficking, drug carrying, violence or criminal behaviour) or which may result in a complaint being made about you. Such incidents must be recorded promptly with as much detail as possible (date, time, location, nature of the incident, names of the parties (if known) and identifying features). This logbook must be kept securely in the vehicle and the details must be transferred to a storage medium which is not contained within the vehicle (i.e. a copy of the pages stored on a computer) as soon as possible. When you are driving a private hire vehicle all such incidents must be reported to your operator as soon as possible. If you are driving a hackney carriage that has been booked via a booking agent, all such incidents must be reported to that agent as soon as possible. Where you suspect that the incident involves criminal behaviour you must report this to the police and Council immediately.

This is actually quite dangerous and should not be written into policy in this manner, imagine if a driver was to write something down about someone, true or otherwise, and that person sees the "logbook" which includes names and identifiable informaiton, the driver is now a potential corpse!

Furthermore, drivers may not have any idea that someone is going to make a false complaint, which renders that part of this condition null and void.

109. You must maintain a logbook of any complaints that are made to you as a driver. All complaints must be recorded promptly with as much detail as possible (date, time, location, nature of the complaint, names of the parties (if known) and identifying features). This logbook must be kept securely in the vehicle and the details must be transferred to a storage medium which is not contained within the vehicle (i.e. a copy of the pages stored on a computer) as soon as possible. When you are driving a private hire vehicle all such complaints must be reported to your operator as soon as possible. If you are driving a hackney carriage that has been booked via a booking agent, all such complaints must be reported to that agent as soon as possible.

The only difference I see here is the number, 108 compared to 109? Am I missing something?

112. Collared shirts, blouses, polo shirts, or sweat shirts must cover the shoulders and be capable of being worn tucked inside trousers, shorts or skirts.

Why?, what is the actual reason for this during a heatwave? Remember, these people are not council employees, simple wording such as “must be dressed in an appropriate manner, clean and presentable” is sufficient.

But I am pleased it states “capable of being “ as opposed to “must be”

126. You must not carry more than one person in the front seat unless the vehicle is furnished with manufacturer fitted seats for more than one passenger in the front of the vehicle and provided with seat belts for all front seat passengers. In this case no more than 2 passengers may be carried.

130. Before using a hackney carriage or private hire vehicle for the first time each day, you must undertake a “walk around check” and keep a note of this in a logbook kept for that purpose which must be available for inspection by the Council or a police constable. This requires that you ensure that the vehicle is roadworthy and fit for use as a hackney carriage or private hire vehicle. The check must include the tyres (pressure and tread depth), checking the lights are functioning (so far as is possible with one person – all lights except brake lights), checking all glass (lights and windows) is intact and ensuring there is no obvious damage to the vehicle. Any defects that are detected must be rectified before the vehicle is used to carry passengers.

135. If any property is found or handed to you, you must, unless it is claimed, take it to Hereford Police Station within 48 working hours. Following agreement with the owner of any lost property (and you must take reasonable steps to ensure the person concerned is the rightful owner) you may agree to return the property personally to the owner, and charge the metered fare from your office/business premises (or home address where you do not have business premises) to an agreed meeting point, or £10, whichever shall be greater

142. You must not (nor may you 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.

147. When driving a hackney carriage you must wear one copy of your badges in the issued armband on your left upper arm or on a lanyard at all times whilst you are working as a hackney carriage driver and you commit a criminal offence if you do not do so, for which you might be prosecuted (Hackney Carriage Byelaw 12). Another copy must be displayed in the vehicle in a place which is visible to passengers.

152. In vehicles equipped with a taximeter, the meter must not be activated until the wheelchair bound passenger has been properly loaded and secured for the journey, all loading ramps or other equipment have been properly stowed and the vehicle is ready to commence the journey. At the end of the journey the meter must be stopped before any unloading activity commences.

157. When driving a hackney carriage if you have agreed to accept a fixed amount of money for a journey, you must ensure that the journey lasts until that amount is shown on the meter, unless the destination is reached before that amount is registered on the meter in which case the difference must be refunded to the hirer (section 56 of the 1847 Act).

Unless the passenger says "its ok, keep the change" all tips will be gratefully received and welcomed

178. When driving a hackney carriage you must carry a reasonable quantity of luggage for the hirer and assist them in loading and unloading, including taking it from or to any building (Hackney Carriage Bylaw 13).

180. When driving a Hackney Carriage you must take any lost property which is not been claimed within 48 hours to the Council's offices (Hackney Carriage Bylaw 17).

Have a read of condition 153, then let us know which you would like, police (153) or council (180) it cant be both as we are not magicians and cannot duplicate lost property in order to satisfy both conditions here.

192. When driving a private hire vehicle you must use the shortest available reasonable route for all journeys by private hire vehicle, subject to any directions given by the hirer (section 69 of the 1976 Act).

193. You must not tamper with any seal on a taximeter also the taximeter with any intent to mislead (section 71 of the 1976 Act).

HACKNEY CARRIAGE PROPRIETOR (VEHICLE) LICENCES Town Police Clauses Act 1847 Local Government (Miscellaneous Provisions) Act 1976

29. All applicants (new and on renewal) will be required to provide a Basic Disclosure and Barring Service (DBS) check at their own expense, as part of the application process. The same will be required of all partners in a limited liability or conventional partnership and all directors and secretary of a limited company when the application is made, or the licence is held, by a limited liability or conventional partnership or limited company. If the applicant has already provided a DBS for a dual driver licence this can be used, provided it is up to date.

Convictions 32. If you or anybody else with an interest in the vehicle or who is named on the licence is arrested in connection with, charged with or convicted of any criminal offence, that must be reported to the Council within 48 hours (including weekends and bank holidays). The same requirement applies in relation to any fixed penalty notices, speed awareness courses, Community Protection Notices, civil injunctions or Criminal Behaviour Orders that you receive or have to attend.

Speed awareness courses are none notifiable, they are not convictions or prosecutions they are training courses, nothing more.

39. From , non WAV or five or more passenger seated vehicle licences issued before 2002, licences will not be granted in respect of vehicles that were first registered more than 15 years prior to the date of renewal.

This is allowing a lead in time, which is what was asked for, thank you.

Exceptional Condition Criteria 41.

- a) vehicle will be considered to be in 'exceptional condition' if all of the following apply: a) The mileage for the vehicle is no higher than the average mileage that could be expected for a similar vehicle if that vehicle was used solely for social, domestic and pleasure purposes;

that rules out any licensed vehicle immediately

- i) The vehicle must have a complete service record to show that it has been properly serviced and maintained in accordance with the manufacturer's service specification.

Non-Wheelchair accessible vehicles

- c) Have a minimum seating capacity for at least four adult passengers based on a width of not less than 410 mm per person across the rear seat;
- h) Any vehicle which is a convertible must meet all other requirements and have a waterproof roof and side windows which must be raised at the request of any passenger.
- g) The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating. They must have at least 2 mm of tread across the entire contact surface;

2mm is above the legal requirement of 1.6mm, there is no justification for this, nor would it satisfy any reasonableness test, unless of course the council issued license plates were that heavy, it takes a forklift truck to carry them out in order to justify additional tread depth required when compared to the exact same vehicle that does not bear a taxi or private hire license plate?

- l) The vehicle's power output must not be less than 100 bhp or 74.5 kw;
- m) The vehicle must carry a 1kg dry powder extinguisher or a 2 litre AFFF extinguisher approved to BS EN3: 1996, with the licence number permanently marked on it. The fire extinguisher must have been properly maintained in accordance with BS 5306: Part 3 and be secured in such a position in the vehicle as to be accessible for immediate use in an emergency. There must also be adequate signage visible to all passengers to identify the location of the fire extinguisher;
- n) The vehicle must carry a first aid kit in a suitable container, with the licence number permanently marked on it. There must also be adequate signage visible to all passengers to identify the location of the first aid kit;

M and N are highly questionable, although we do appreciate the wording has changed, there is still no reason to carry them, especially when we consider that they cannot be used by the driver or the passenger, and we consider the fire brigade warnings of "get out, call us out, stay out!" which renders these objects nothing more than a weapon which may be used (and has been) against the driver.

- o) 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 Council;

Section 5 of Taxi Policy

58. In any vehicle all exits must be easily accessible and not obstructed by another seat. Access to all doors must be free from obstruction. Any seats that require passengers to move any part of another seat to gain access or egress will not be licensed for carrying passengers. The seating configuration and number of passengers that can be carried is subject to assessment by the Council. Seats can only be removed to facilitate this, if the vehicle is designed at manufacture to remove seats as part of its design.

Ok, this almost covered the view or answer given by James Button, who clearly stated in the webinars when questioned on this point, “seats must only be able to be moved as designed by the manufacturer” since we have a clash here between licensing and education authorities, this may need to be readdressed to allow more flexibility,

Maintenance and servicing

63. Vehicles must be maintained correctly and serviced in accordance with the manufacturer's recommendations. The service history of the vehicle will be inspected at first application. If the service history is not available, then an acceptable explanation for this must be provided to the authorised officer of the Council. If servicing and/or maintenance was carried out by any other person than a qualified mechanic, a record of work must be available upon request, to include date, work/checks undertaken and who has done the work. For non-routine repairs the work must be carried out by a competent person, the qualification of this person to be made available upon request

Not all “competent persons” are actually qualified, so the requirement to see another persons qualifications is not actually practical, besides which, the person performing the works may be offended and a little suspicious to say the least, if a client asked for a copy of the workers qualifications, I know I would.

65. Vehicles will be tested before the licence is initially granted, then every 6 months for vehicles up to 5 years old and every 4 months for vehicles older than that. The anniversary date for interim MOT's will remain the same, this will avoid loss of time between tests.

66. Tests in relation to new applications, renewals and interims are to be carried out at the Council's testing centre at Rotherwas in Hereford. 67. The vehicle must have an interim MOT certificate from an approved garage (which is less than 4 weeks old).

Not sure why an additional MOT would be required here, since the tests, including interim tests, are already to be carried out at Rotherwas? This is unnecessary repetition of roadworthiness testing.

70. If the consequence of missing the test means that the licence cannot be renewed before expiry, this will result in the renewal application being treated as a new application for a hackney carriage/private hire proprietor licence, in which case any acquired rights will be lost.

74. If your vehicle has an accident which results in damage which may affect its safety, performance, appearance or the comfort or convenience of your passengers, you must report this to the Council within 48 working hours (section 50(3) of the 1976 Act). The vehicle must not be driven, apart from to a garage for assessment, repair or testing until the council confirm that it is satisfactory

Missing wording, suggest add “for licensed purposes” since the council does not have the authority to condemn a vehicle, only suspend or revoke the taxi or private hire vehicle license. The vehicle may still be roadworthy, despite not being suitable for its licensed role.

89. If you lose or damage the plates or additional signage, replacements must be purchased from the Council.

99. 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 Table of Fares.

CCTV

109. All licensed hackney carriage vehicles must have a CCTV system capable of recording both audio and video with a monitor that meets the Council's specification for taxi camera systems and complies with ICO regulations. The system must record both audio (panic switch controlled) and video. All such systems must have been installed by a qualified and competent installer before the vehicle can be licensed. The system must be capable of working at all times and must be switched on when plying or standing for hire, awaiting or travelling to or from a pre-booked hiring, and when carrying passengers.

Sorry but that is confusing, must be capable of working at all times, but must be “switched on” when on duty? This would suggest the ability to switch the system off, which your policy does not allow.

111. At least 3 approved signs must be displayed in the vehicle (2 within the rear of the vehicle and 1 in the front) warning customers that camera surveillance equipment is in operation. There must also be clear signage indicating where the passenger audio switch(s) are located together with a notice or notices explaining the system where it/they can be easily read by passengers in the front and rear seats.

112. Activation of audio recording must be triggered by the driver pressing a switch/button. Audio recording will continue until such time as the button/switch is pressed again. This switch will activate/deactivate audio recording independent of the passenger's audio activation button/switch. Audio recording will continue until such time as the button/switch is pressed again. Once activated the audio recording must continue for an uninterrupted period until it is deactivated. There must be an

indicator located within the vehicle that is clearly visible to the passenger and clearly shows that audio recording is taking place

No issues with that part.

114. The images and audio cannot be monitored and relevant data will only be recovered when necessary. This will include (but this is not an exhaustive list) situations following complaints or road traffic collisions, where there is any police investigation or any other investigation of a criminal offence. The Council is the data controller for the personal data collected via the CCTV system. Owners of vehicles with CCTV installed must cooperate with the Licensing Authority to discharge responsibilities under the Data Protection Act 2018, including reporting any data incidents and providing access to recordings in response to subject access requests.

115. Other than when being played live in the vehicle, any recorded image captured by the camera can only be viewed by an authorised officer of the Licensing Authority, by the Police, or by the dedicated System Operator. The dedicated system operator must have a valid DBS enhanced certificate, with the details of the operator being notified in writing to the Licensing Authority.

Confusing, much easier to simply state “whilst there may be a monitor to display live images as captured, “recorded images” will be secure and only accessible to authorised persons. (since the live images are not being “played” they are being displayed, played suggests playing back footage.)

116. Video recording must be used at all times the hackney carriage is plying or standing for hire, awaiting or travelling to or from a pre-booked hiring, and when carrying passengers. The only time the system does not need to be used is when the hackney carriage is being used for domestic purposes.

See above, unless the intention is to allow for an override switch as was suggested, this section is not relevant.

Incident logs 120. The proprietor must maintain an incident log in an accessible format (either on a computer, other electronic device or a notebook). This must be used to record all incidents affecting the use of the hackney carriage including, but not limited to, a) collisions or accidents; b) damage to the vehicle; c) problems with the meter; d) refusals by any driver to carry a passenger (including the date, time, location, and reason for the refusal);

121. Incidents must be recorded immediately or as soon as possible thereafter and must state the date time and location of the incident, the names (if known) of any third parties and the date and time on which the incident was recorded.

Whilst a), b) and c) make sense, there is no reason to notify the council of all refusals to carry a passenger, or the reasons for doing so, this would only be relevant should the passenger complain and a reason be required, the drivers have a right to refuse any fare where they have reasonable cause.

122. This log must be available for inspection by an Authorised Officer of the Council or a police constable at all times on request

125. You must notify the Council within 48 working hours of the event if you or anybody named on the licence as a joint proprietor (or any director or secretary of a limited company, or partner in a Limited Liability Partnership when the licence is held by such a body) is arrested in connection with, charged with, investigated in connection with or convicted of any criminal offence. The same requirement applies in relation to any fixed penalty notices, speed awareness courses, community protection notices, civil injunctions that you receive or have to attend.

130. Before you allow anyone to drive your licensed vehicle you must ask that person for their dual driver licence and keep a copy in your possession whilst that person is permitted to drive your vehicle. You must ensure that they understand and will observe the law, byelaws and Code of Conduct that regulate their conduct and the conditions attached to the vehicle licence.

136. You must secure and display the exterior licence plate permanently to the outmost rear part of the vehicle using the fittings provided by the Council. The method of fixing must prevent the plates being removed without the need for tools. The plate must at all times must be displayed so that it can be clearly read by pedestrians and road users. The licence plate must not be displayed in any window of the vehicle.

138. You must report the theft or loss of the licence plates or additional signage to the Police immediately and as soon as possible, and in any event within 24 hours of becoming aware of the theft or loss, to the Council by email. You must also obtain a crime or lost property number from the Police and present this to the Council. You must then obtain duplicate licence plates and/or additional signage for which a charge will be made.

m) The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating. All tyres must have at least the statutory minimum of tread across the entire contact surface;

much better, I refer to the previous point about tyre tread depth, this one makes far more sense and cannot be argued, there is indeed a statutory minimum.

p) The vehicle's power output must not be less than the power output when the vehicle was new, and any replacement engine must be of the same or greater power output. In the case of a replacement engine, the Council must be notified of that within 72 hours of the fitting, and the revised V5 must be presented to the Council as soon as it is received;

sorry but, engines, and indeed batteries for EV and hybrids, deteriorate over time, so to stipulate the vehicle must perform as if it was new in this way, is not reasonable.

s) 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 Council.

Lost property 151. The driver must search the vehicle after each hiring has been completed, and any lost property found must be recorded. If the driver knows the identity and/or whereabouts of the last passenger, they can return the property to them. If not it must be delivered to the Council's offices within 48 hours

152. The vehicle must be fitted with a calendar controlled and tamper proof taximeter that 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 therefore be illuminated when in use.

153. 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.

154. 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.

155. 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 Table of Fares.

162. The vehicle must at all times be fitted with a sign with the word "TAXI" on its roof if it is not built in to the vehicle. This can be combined with a "For Hire" sign if required. A "For Hire/taxi" sign must be fitted, in a conspicuous position on the roof of the vehicle. The sign(s) must be illuminated when the vehicle is available for hire and switch off automatically when the meter is operating.

(f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

(c) cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is between half-an-hour after sunset and half-an-hour before sunrise and also at any other time at the request of the hirer. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof or the seals affixed thereto.

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

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof.

15. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.

16. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him: (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the offices of the Council, and leave it in the custody of the officer in charge of the offices on his giving a receipt for it;

I am confused this is covered in 151 onwards, why is it repeated here?

167. The hackney carriage proprietor must notify the Council of any change of address of yourself or any other Hackney Carriage proprietor (section 44 of the 1847 Act).

170. The hackney carriage proprietor must hold the driver licence of those driving the vehicle, and must produce that licence if requested to do so by a magistrates' court (section 48 of the 1847 Act).

Suggest amend to read "a copy of" since the driver must be wearing it, so it cannot be both as stated here.

193. The hackney carriage proprietor must deliver any lost property to the Council or the police station within 48 hours of finding it (Hackney Carriage Byelaw 17).

PRIVATE HIRE VEHICLE (PROPRIETOR) LICENCES Local Government (Miscellaneous Provisions) Act 1976

26. All applicants (new and on renewal), who are not also dual badge holders will be required to provide a Basic Disclosure and Barring Service (DBS) check at their own expense, as part of the application process. The same will be required of all partners in a limited liability or conventional partnership and all directors and secretary of a limited company when the application is made, or the licence is held, by a limited liability or conventional partnership or limited company.

c) Have a minimum seating capacity for one adult passenger, and vehicles that seat more passengers must provide at least four adult passengers based on a width of not less than 410 mm per person across the rear seat;

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

oh dear, and we move back to the increased tread depth, please see above, the legal requirement is 1.6mm.

- I) The vehicle's power output must not be less than 100 bhp or 74.5 kw;
- m) The vehicle must carry a 1kg dry powder extinguisher or a 2 litre AFFF extinguisher approved to BS EN3: 1996, with the licence number permanently marked on it. The fire extinguisher be properly maintained in accordance with BS 5306: Part 3 and be secured in such a position in the vehicle as to be accessible for immediate use in an emergency, including the boot. There must also be adequate signage visible to all passengers to identify the location of the fire extinguisher;
- n) The vehicle must carry a first aid kit in a suitable container, with the licence number painted on it. There must also be adequate signage visible to all passengers to identify the location of the first aid kit;

as above, why? For what purpose are these items carried around aimlessly for years in the vehicles, with no one authorised to use them? (did we miss editing one of the “painted” references?)

- d) The complete service history for the vehicle.

53. The Chassis/Vehicle Identification Number Plates and engine numbers must match the numbers recorded with the DVLA as detailed on the V5 Document. Vehicle applications cannot be accepted without a copy of the vehicle registration document, or in the case of new vehicle purchase, the sales documentation indicating the engine and chassis numbers. In the event of a vehicle being presented with numbers that do not correspond to the paperwork the Council will inform the Police Vehicle Identification Section who may undertake checks to ensure the vehicle is not stolen. If the engine is changed at any time whilst the vehicle is a licensed private hire vehicle, the Council must be notified within 72 hours of that change and the updated V5 must be produced as soon as it is received from DVLA.

54. Vehicles must be maintained correctly and serviced in accordance with the manufacturer's recommendations. The service history of the vehicle will be inspected at first application and on every renewal of the licence. Evidence must show the competence of any individual engaged in the service or repair of the vehicle if requested. If servicing and/or maintenance is to be carried out by any other person than a qualified mechanic, a record of work must be available upon request, to include date, work/checks undertaken and who has done the work. For nonroutine repairs the work must be carried out by a competent person, the qualification of this person to be made available upon request.

See above comments on this subject

56. Vehicles will be tested before the licence is initially granted, then every 6 months for vehicles up to 5 years old and every 4 months for vehicles older than that. The anniversary date for interim MOT's will remain the same, this will avoid loss of time between tests.

90. When the meter is in use, the fare must be clearly legible on the face of the meter. This fare must be unambiguous.

This should read "if" since there is no legal requirement for a private hire vehicle to be fitted with a taxi meter.

97. An adhesive sign must be permanently fixed to both front doors. These signs must be a minimum of 19 cm high by 60 cm wide and all lettering must measure at least 6 cm in height. It must incorporate the Council's logo and display the vehicle licence number.

98. You may display the name and telephone number of the company operating your vehicle in its front and rear windows. However, the display must be no more than 10 cm high, must not contravene the Road Traffic (Construction and Use) Regulations, and must not be illuminated.

101. At least 3 approved signs must be displayed in the vehicle (2 within the rear of the vehicle and 1 in the front) warning customers that camera surveillance equipment is in operation. There must also be clear signage indicating where the passenger audio switch(s) are located that can be easily read by passengers in the front and rear seats.

102. Activation of audio recording may be triggered by the driver pressing a switch/button. Audio recording will continue until such time as the button/switch is pressed again. This switch will activate/deactivate audio recording independent of the passenger's audio activation button/switch. There must also be the facility for the passenger to activate audio recording (independent of the driver) should the passenger wish to do so. Activation of audio recording must be triggered by the passenger pressing a switch/button, which can be illuminated. Audio recording will continue until such time as the button/switch is pressed again. This switch will activate/ deactivate audio recording independent of the driver's audio activation button/switch. Once activated (by either passenger or driver), the audio recording must continue for an uninterrupted period until it is deactivated. There must be an indicator located within the vehicle that is clearly visible to the passenger and clearly shows that audio recording is taking place.

104. The images and audio cannot be monitored and relevant data will only be recovered when necessary. This will include (but this is not an exhaustive list) situations following complaints, road traffic collisions, where there is any police investigation or any other investigation of a criminal offence. The Council is the data controller for the personal data collected via the CCTV system. Owners of vehicles with CCTV installed must cooperate with the Council to discharge responsibilities under the Data Protection Act 2018, including reporting any data incidents and providing access to recordings in response to subject access requests.

Incident logs

110. The proprietor must maintain an incident log in an accessible format (either on a computer, other electronic device or a notebook). This must be used to record all incidents affecting the use of the Private Hire Vehicle including, but not limited to: a) collisions or accidents; b) damage to the vehicle; c) problems with the meter; d)

refusals by any driver to carry a passenger (including the date, time, location, and reason for the refusal); e) any events, circumstances or incidents which lead the driver or proprietor to suspect that a passenger is involved in or is a victim of child sexual abuse or exploitation or any other abuse, modern slavery or trafficking of people, County Lines movements of drugs, any other abuse or supply of drugs, involvement in terrorism or any other criminal activity.

115. You must return your licence (and the plates and additional signage if requested by the Council) to the Council immediately if: a) You change your home or business address;

118. You must maintain an incident log in an accessible format (either on a computer, other electronic device or a notebook). In this you must record all incidents affecting the use of the private hire vehicle including, but not limited to:

- a) collisions or accidents;
- b) damage to the vehicle;
- c) problems with the meter;
- d) refusals by any driver to carry a passenger (including the date, time, location, and reason for the refusal);
- e) any events, circumstances or incidents which lead the driver or proprietor to suspect that a passenger or passengers is involved in or is a victim of child sexual abuse or exploitation or any other abuse, modern slavery or trafficking of people, County Lines movements of drugs, any other abuse or supply of drugs, involvement in terrorism or any other criminal activity.

119. Incidents must be recorded immediately or as soon as possible thereafter and must state the date time and location of the incident, the names (if known) of any third parties and the date and time on which the incident was recorded.

120. This log must be available for inspection by an Authorised Officer of the Council or a police constable at all times on request.

128. You must secure and display the exterior licence plates permanently to the outmost front and rear part of the vehicle using the fittings provided by the Council. The method of fixing must prevent the plates being removed without the need for tools. Both plates must at all times be displayed so that it can be clearly read by pedestrians and road users. The licence plates must not be displayed in any window of the vehicle.

129. You must display the additional signage on the near side and off side front doors and the internal signs issued by the Council inside the vehicle so that they are visible to front and rear passengers at all times.

130. You must display the notice referring to the complaints and compliments procedure in the vehicle where it can be clearly seen by all passengers, and copies of the complaints procedure leaflet must be available in the vehicle.

131. You must report the theft or loss of the licence plates or additional signage to the Police immediately and as soon as possible, and in any event within 24 hours of becoming aware of the theft or loss, to the Council by email. You must also obtain a

crime or lost property number from the police and present this to the Council. You must then obtain duplicate licence plates and/or additional signage for which a charge will be made.

p) The vehicle's power output must not be less than its power output when the vehicle was new, and any replacement engine must be of the same or greater power output. In the case of a replacement engine, the Council must be notified of that within 48 hours of the fitting, and the revised V5 must be presented to the Council as soon as it is received.

As above, this forbids any natural deterioration of the vehicle over time, which is only natural, nothing ever performs the same way as it did when it was new.

146. 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

147. When the meter is in use, the fare must be clearly legible on the face of the meter. This fare must be unambiguous and the word "FARE" must be clearly printed on the meter so it clearly indicates the fare displayed.

148. If this is the arrangement for charging for a private hire journey (as agreed between the operator and the hirer), the meter must only be brought into action and the fare or charge must only commence from the point at which the hirer starts their journey.

These are ambiguous by nature, since the whole section is cancelled by 148) which starts with the words "IF" a meter is fitted, it reads very similar to hackney carriage meter, including the words "hired", suggest a complete overhaul of this part.

Licensed Vehicle CCTV Technical Specification and System Requirements

1.7 Absence of "on/off switch The system must be permanently wired to the power supply of the vehicle, and shall not be equipped with an on/off switch

1.13 Unit must operate without the ignition being turned on The Unit must have the ability to operate for at least 30 minutes without power from the ignition. The device must be hard wired to both constant and ignition supply.

1.22 The system must have a panic switch for audio activation At least one trigger/audio activate button must be capable of being operated by the driver AND a passenger.

3.7 Multiple cameras The unit shall be capable of supporting up to four (4) cameras. Four cameras may be required to provide adequate coverage in larger vehicles and/or certain purpose built vehicles or external images.

5.4 System to continue to record images (and audio when applicable) when engine is off. System must continue to record images (and audio when applicable) for 30 minutes after engine / ignition or override switch is switched off.

Scheme of Delegated Functions - Licensing

All applications received that fall outside the Licensing Authority's standard conditions and policy will not be automatically granted/renewed. The table below indicates the likely process which will be followed, which may include review by senior officers or referral to the taxi licensing sub-committee, where the members of the committee will make a decision. This will not incur additional costs. Appeals following taxi sub-committee decisions can be made to the Magistrates Court and must be made within 21 days of the decision.

Table of delegated functions to consider applications and appropriate enforcement action to be taken:

Matter to be dealt with	Sub-committee decision required	Magistrate Court	Officers
Appeals following sub-committee decisions		Direct to Magistrate Court	
Grant/renewal of licence for dual driver			HC7 grade or above if all mandatory checks and test results are received and comply with policy and conditions.
Grant/renewal for dual driver licence with unspent cautions/convictions	All cases		
Application for dual driver licence with spent cautions/convictions not of a sexual, violent or similar nature.			Service Manager or Head of Service level. May refer to taxi sub-committee.
Application for dual driver/operator licence where the applicant is listed on a national offenders register or has spent/unspent convictions of a violent, sexual or similar nature or information is provided through the NR3 reporting system.	All cases		
Application for operator licence			HC7 grade or above if no information is received from a standard DBS, NR3 check, safeguarding or

			West Mercia Police information.
Application for operator licence with unspent convictions/cautions	All cases		
Application for vehicle licence which complies fully with licence conditions and policy			HC7 grade or above if all mandatory checks and test results are received and comply with policy and conditions.
Application for vehicle licence, which does not comply with licence conditions and policy			Service Manager or Head of Service level. May refer to taxi sub-committee.
Request to transfer vehicle licence, which complies with licence conditions and policy			HC7 grade or above if all mandatory checks and test results are received and comply with policy and conditions.
Request to transfer vehicle licence, which does not comply with licence conditions and policy			Service Manager or Head of Service level. May refer to taxi sub-committee.
Request to change vehicle on plate within standard conditions			HC7 grade or above iff all mandatory checks and test results are received and comply with policy and conditions.
Request to change vehicle on plate outside standard conditions			Service Manager or Head of Service level. May refer to taxi sub-committee.
Applications for dual driver with licence restored after disqualification under the totting up procedure i.e. speeding	All cases		
Applications for dual driver licence with isolated motoring cautions/convictions - not of a serious nature.			Service Manager or Head of Service level. May refer to taxi sub-committee.
Application for dual driver licence with	All cases		

cautions/convictions for major traffic offences which are less than 10 years old.			
If the traffic offence is a single offence and is more than 10 years old,			Service Manager or Head of Service level. May refer to taxi sub-committee.
Dual Driver application with cautions/convictions for driving without insurance	All cases		
Applications for dual driver licence with drink/drugs drive offences	All cases		
Dual driver licence application. If the offence is a single drink drive offence and is more than 10 years old.			Service Manager or Head of Service level. May refer to taxi sub-committee.
Offences/allegations committed during the term of the licence involving sexual offences, exploitation, violence or any public order/safety offences.			Immediate suspension recommended/verbally notified to licence holder by service Manager or above, to be reviewed at the next appropriate scheduled taxi sub-committee. The written suspension notice to be signed prior to issue as specified in signing of immediate suspension of dual driver.
Offences/allegations committed during the term of the licence not involving sex, exploitation, violence or public order offences.			Service Manager or Head of Service level. May refer to taxi sub-committee following suspension or for review.
Signing of immediate suspension of dual driver licence for public safety reason.			Any of the following:- Chief Executive, Corporate Director, Service Director or Head of Service.
Review of suspension of a dual driver licence following an			Service Manager or Head of Service level.

administrative suspension for failure to supply documents			May refer to taxi sub-committee.
Review of suspension of a dual driver licence as a result of being suspended after being involved in a criminal offence, where found guilty.	All cases		
Review of suspension of a dual driver licence as a result of being suspended after being involved in an investigation where found not guilty or case not pursued.			Service Manager or Head of Service level. May refer to taxi sub-committee.
Revocation of the dual driver licence	All cases		
Investigation of Minor Complaints			Licensing Team – HC7 grade or above.
Investigation of persistent /serious complaints			HC9 grade (Principal Officer) or above. May refer to taxi sub-committee for decision.
Applications for dual driver licence with unsatisfactory medical report from GP or other medical advisor i.e. Council's Medical Advisor Occupational Health.			Service Manager or Head of Service level.
Applications for dual driver licence where medical condition is now advised as satisfactory following suspension/refusal.			HC9 grade (Principal Officer) or above.
Issue of Penalty Points /Notices			Authorised Officers of the Licensing Authority. Officers will carry identification and authorisations can be checked during normal office hours. Prior to the issue of points, the HC11 service manager will review prior to issue.
Appeal for issue of Penalty Points/Notices			Head of Service. Any appeal must be made within 21 days of issue.

up to maximum permitted			
Exceeding maximum permitted penalty points or persistent offences/complaints of a similar nature	All cases		
New applicant barred on the ISA Register	All cases		
Notification of ISA barring during term of the licence	All cases		Immediate suspension issued by Service Manager or Head of Service level. To be reviewed at sub-committee.
Suspension of vehicle licence on public safety grounds			Service Manager or Head of Service level. May refer to sub-committee.
Review/re-instatement of suspension of vehicle licence on public safety grounds			Service Manager or Head of Service level. May refer to sub-committee.



Title of report: Polling Station Review

Meeting: Council

Meeting date: Friday 9 December 2022

Report by: Returning Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To approve the addition of three venues to our current scheme of polling district, polling places and polling stations, to replace venues that are no longer available.

The council has a duty to divide its area into Polling Districts and to designate Polling Places for each district and review these every 5 years. Outside of this review period, if a building becomes unavailable before an election, the polling place can be changed by the local authority in accordance with their decision making arrangements.

Recommendation(s)

That Council agrees that the following new polling stations be approved:

- **The Point 4, Royal National College for the Blind, Venns Lane, Hereford, HR1 1DT (Gardner Hall dual station is no longer available)**
- **St Barnabus Church Centre, 45 Venns Lane, Hereford, HR1 1DT (Gardner Hall – dual station is no longer available)**
- **Kinnersley Castle, Kinnersley Hereford, HR3 6QF (The Kinnersley Arms is no longer available)**

Alternative options

1. The decision maker can, if they wish, approve alternative options for polling places, but in doing so they would need to comply with statutory guidance and decisions would also need to be supported by demonstrable evidence.

Key considerations

2. Herefordshire's last review took place in 2018/2019 and was approved in December 2019.
3. The following statutory considerations have been taken into account when drawing up the proposals:
 - The council must seek to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances.
 - The council must seek to ensure that so far as reasonable and practicable every polling place is accessible to electors who are disabled.
 - Every parish shall be a separate polling district.
 - Ideally the polling place should be in its own polling district.
4. We have suggested the changes to our polling stations following the unavailability of two venues. We have undertaken site visits as set out in appendix A to review the new venues which will accommodate the number of electors in the particular area and have sufficient facilities as per the considerations above.

Community impact

5. Legislation stipulates that ideally there should be no more than 2,500 electors to each polling place.
6. The council is also required by law to ensure that all electors have access to such reasonable facilities for voting as practicable in the circumstances. These amendments aim to ensure that this requirement has been complied with as far as possible.

Equality duty

7. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
8. It is a statutory requirement that as far as it is reasonable and practicable every polling place is accessible to electors who are disabled. This review has taken this requirement into account. However, due to the ages of some of the buildings used and their location, disabled access is not always as effective as the council would normally require and whilst we ensure that there are adequate parking facilities in as many venues as possible, some special measures have

had to be put in place when the building is used as a polling place, an example of which is the provision of wheel chairs and mobile ramps.

Resource implications

9. There are no direct financial implications arising from these changes. The costs of hiring and equipping venues for voting are met from within existing budget provision. Costs incurred in relation to General, Parish, Police and Crime Commissioner elections and Neighbourhood Planning Referendums are recouped from the relevant funding body; where elections/referendums are running concurrently the costs are apportioned as appropriate.

Legal implications

10. The Representation of the People Act 1983 (RPA 1983), as amended by the Electoral Registration and Administration Act 2013, requires that local authorities conduct reviews of the Polling Districts, Polling Places and Polling Stations within their local authority area.
11. The Electoral Registration and Administration Act 2013 subsequently governs the timing of compulsory Polling District, Polling Place and Polling Station Reviews, with the next compulsory review due to commence within the sixteen-month period beginning on 1st October 2023.
12. A local authority may, however, conduct an interim review at any time, although it will still have to conduct a full review during the compulsory timeframe.
13. If a building becomes unavailable before an election, the polling place can be changed by the local authority in accordance with their decision making arrangements. If delegation procedures are in place, for example to a committee of the council, these should be followed as set out in the council's constitution and the person or persons who are entitled to make changes to polling places should be contacted.

Risk management

14. Failure to agree a polling place within the current schedule of polling districts, places and stations would mean that the council would be in breach of its statutory duty and electors would be disadvantaged. The Electoral Commission could intervene and direct the council to alter any polling arrangements and the commission could make these alterations itself if the council failed to respond.

Consultees

15. A consultation has not taken place as these changes are taking place outside of the 5 year compulsory review period. However, the following have been made aware of the proposed new venues (affected areas only):
 - Herefordshire Councillors
 - Parish Clerks
 - Local Political Parties

Appendices

Appendix A – Review of new venues (site visits)

Background papers

None identified.

Report Reviewers Used for appraising this report:

Governance	Matthew Evans	Date 21/11/2022
Finance	Louise Devlin	Date 22/11/2022
Legal	Francis Fernandes (confirmed via email)	Date 24/11/2022
Communications	Luenne featherstone	Date 24/11/2022
Equality Duty	Harriet Yellin	Date 25/11/2022
Procurement	Lee Robertson	Date 22/11/2022
Risk	Kevin Lloyd	Date 20/11/2022

Approved by Claire Porter Date 28/11/2022

Please include a glossary of terms, abbreviations and acronyms used in this report.

REVIEW OF POLLING STATION

Name of building: Point 4

Address of building (*incl* postcode):

Royal National College for the Blind, Venns Lane, Hereford, HR1 1DT

Location of building (eg. Next to church):

Name of room used for polling station:

Kindred Studio

Dimensions of room used for polling station:

9.3m X 13.6 m

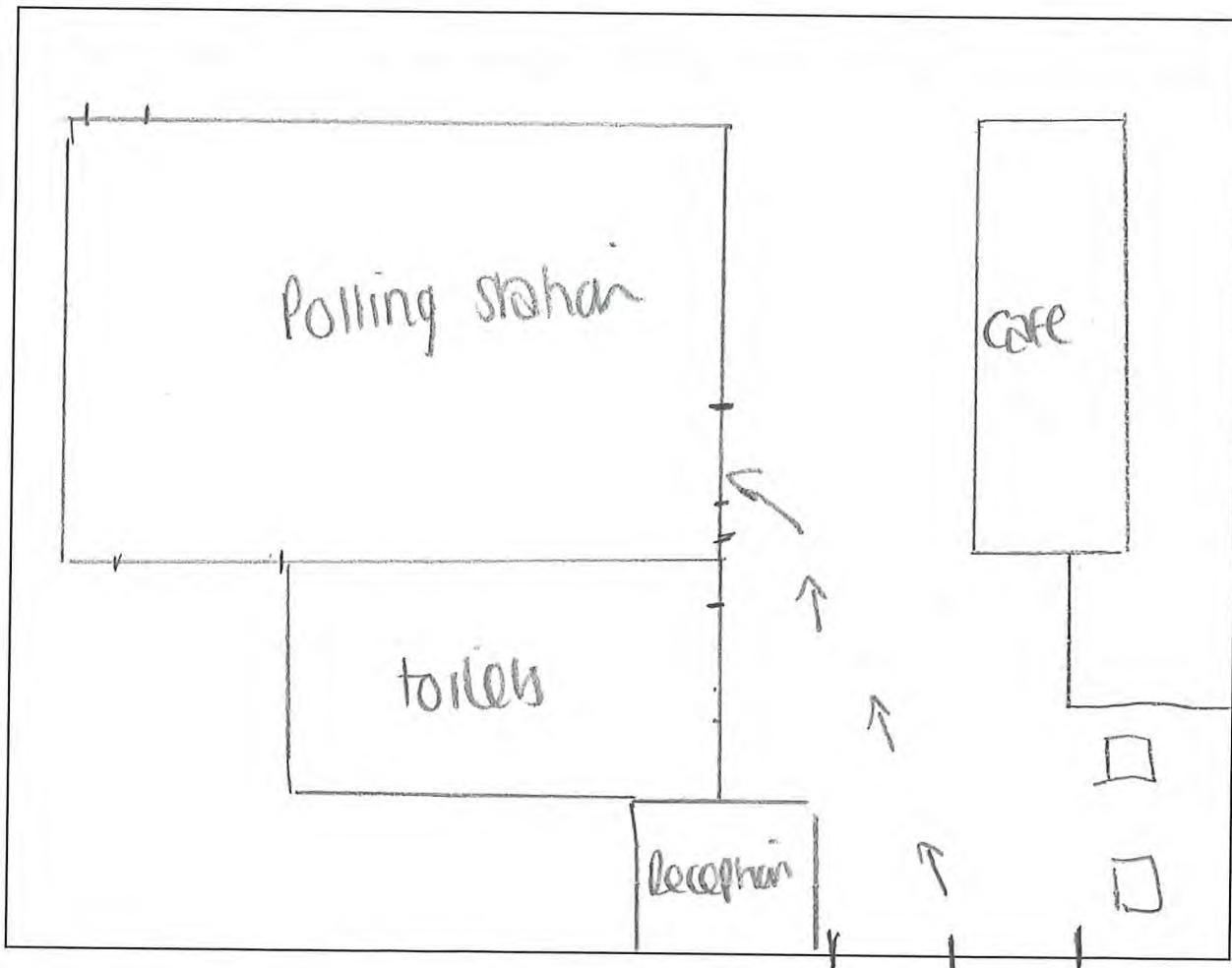
large enough to use as a dual station if required.

Please take a photograph of the outside of the building (mobile phone photo is fine) and email it to elections@herefordshire.gov.uk



Please include a plan of the building (hand drawn below is fine) and indicate the following:

1. The room used as a polling station
2. Access routes for disabled voters
3. Car parking available for electors (Show any spaces specifically designated for disabled car users)



**REVIEW OF POLLING STATION
POLLING STATION CHECKLIST**

Day Passes can be arranged for staff

Polling Station :

GROUNDS OF THE POLLING STATION		Notes or Yes/No/NA
Parking Place	Is there adequate parking?	Yes - 30 mins free parking
Conditions of Paths	Are there any obstructions on the paths?	NO
	If so what obstructions are there?	N/A
External Lighting	Are there any external lights?	Yes
	Can the external lights be switched on by Staff employed on Polling Day?	Motion activated. Point L staff are also on site from 6am.
	If the staff cannot switch the external lights on, is there someone who can be contacted to arrange for the external lights to be switched on?	see above.
Designated Entrance	Is the proposed entrance clearly seen?	yes
	Is the entrance accessible to someone in a wheelchair or with mobility problems?	yes
	Is it possible to use an alternative or more accessible entrance?	yes
Steps	Are there any steps surrounding the building?	Yes, plus ramped entrance.
	Has a temporary ramp been provided for any steps?	NO, permanent.
	Is the ramp securely fixed?	yes
Entrance Door	Can someone in a wheelchair/walking frame or with mobility/sight problems open and get through the door safely?	yes. Automatic double doors.
	Does the door open outwards onto a restricted space?	NO.
	Is there a door sill or lip which needs to be ramped?	NO.

INSIDE THE POLLING STATION		Notes or Yes/No
Entrance	Is there a door mat which is hazardous to someone with poor sight/mobility?	NO.
Access Corridors	Are access corridors wide enough to allow a wheelchair or walking frame to be easily manoeuvred?	yes.
	Are there any internal steps which need to be ramped or any obstructions or hazards which will need to be removed or arranged to have removed?	NO.
	Is the route clearly lit?	yes
Floors	Are the floors even, with a non-slip surface?	yes
Toilet Facilities	Are there adequate toilet facilities?	yes
Kitchen Facilities	Is there a Kitchen?	yes, can be arranged. also a cafe.
Heating/Lighting	Is there heating/lighting that can be turned on by the staff employed on Polling Day?	yes.
	Is the heating/lighting run on £1.00 coins?	NO.
Equipment	Is there a Polling Booth stored on site?	NO.
	If you do not store Polling Booth on site at present is it possible to store them now?	NO.
	Is there adequate table and chairs at the correct height?	yes.

REVIEW OF POLLING STATION

Name of building:

St Barnabas Church Centre

Address of building (*incl postcode*):

45 Venns Lane, Hereford, HR1 1DT

Location of building (eg. *Next to church*):

Name of room used for polling station:

Worship Hall
(Upper Hall also available)

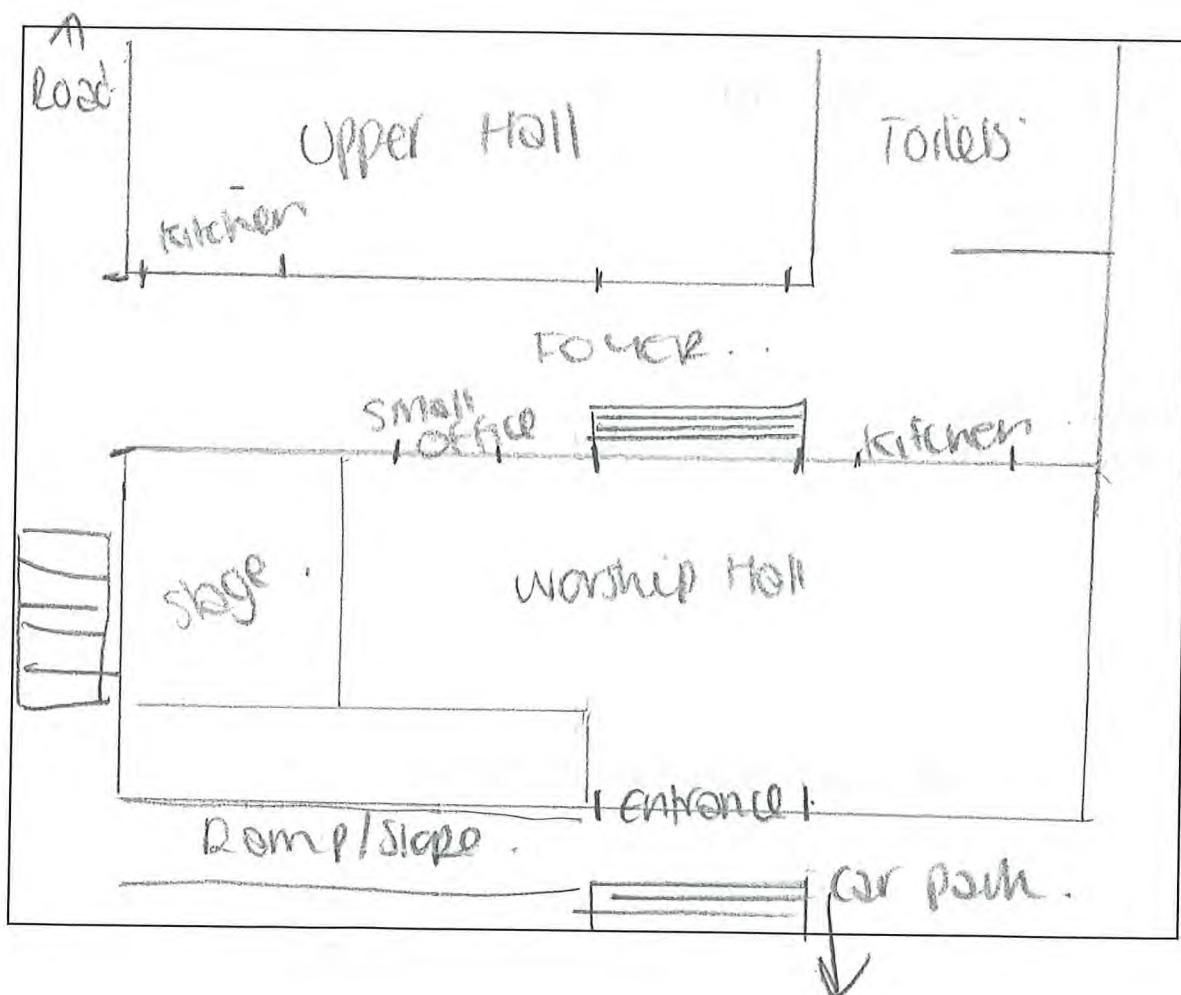
Dimensions of room used for polling station:

Please take a photograph of the outside of the building (mobile phone photo is fine) and email it to elections@herefordshire.gov.uk



Please include a plan of the building (hand drawn below is fine) and indicate the following:

1. The room used as a polling station
2. Access routes for disabled voters
3. Car parking available for electors (Show any spaces specifically designated for disabled car users)



**REVIEW OF POLLING STATION
POLLING STATION CHECKLIST**

Polling Station :

GROUND'S OF THE POLLING STATION		Notes or Yes/No/NA
Parking Place	Is there adequate parking?	Yes
Conditions of Paths	Are there any obstructions on the paths?	No
	If so what obstructions are there?	NIA
External Lighting	Are there any external lights?	Yes
	Can the external lights be switched on by Staff employed on Polling Day?	all external lights are on 24/7, or have automatic/motion sensors.
	If the staff cannot switch the external lights on, is there someone who can be contacted to arrange for the external lights to be switched on?	NIA.
Designated Entrance	Is the proposed entrance clearly seen?	yes
	Is the entrance accessible to someone in a wheelchair or with mobility problems?	yes
	Is it possible to use an alternative or more accessible entrance?	NIA
Steps	Are there any steps surrounding the building?	yes
	Has a temporary ramp been provided for any steps?	NO.
	Is the ramp securely fixed?	yes full disabled access
Entrance Door	Can someone in a wheelchair/walking frame or with mobility/sight problems open and get through the door safely?	yes, double doors
	Does the door open outwards onto a restricted space?	NO.
	Is there a door sill or lip which needs to be ramped?	NO.

INSIDE THE POLLING STATION		Notes or Yes/No
Entrance	Is there a door mat which is hazardous to someone with poor sight/mobility?	NO.
Access Corridors	Are access corridors wide enough to allow a wheelchair or walking frame to be easily manoeuvred?	yes, double doors.
	Are there any internal steps which need to be ramped or any obstructions or hazards which will need to be removed or arranged to have removed?	internal steps to toilet for staff, but can walk grand building via ramp
	Is the route clearly lit?	yes
Floors	Are the floors even, with a non-slip surface?	yes
Toilet Facilities	Are there adequate toilet facilities?	yes
Kitchen Facilities	Is there a Kitchen?	yes
Heating/Lighting	Is there heating/lighting that can be turned on by the staff employed on Polling Day?	yes, Heating is controlled on the booking desk mobile phone.
	Is the heating/lighting run on £1.00 coins?	NO.
Equipment	Is there a Polling Booth stored on site?	NO.
	If you do not store Polling Booth on site at present is it possible to store them now?	yes.
	Is there adequate table and chairs at the correct height?	yes.

REVIEW OF POLLING STATION

Name of building:

kinnersley Castle

Address of building (*incl postcode*):

kinnersley, Hereford, HR3 6QF

Location of building (eg. *Next to church*):

Next to St James Church

Name of room used for polling station:

front Hall

Dimensions of room used for polling station:

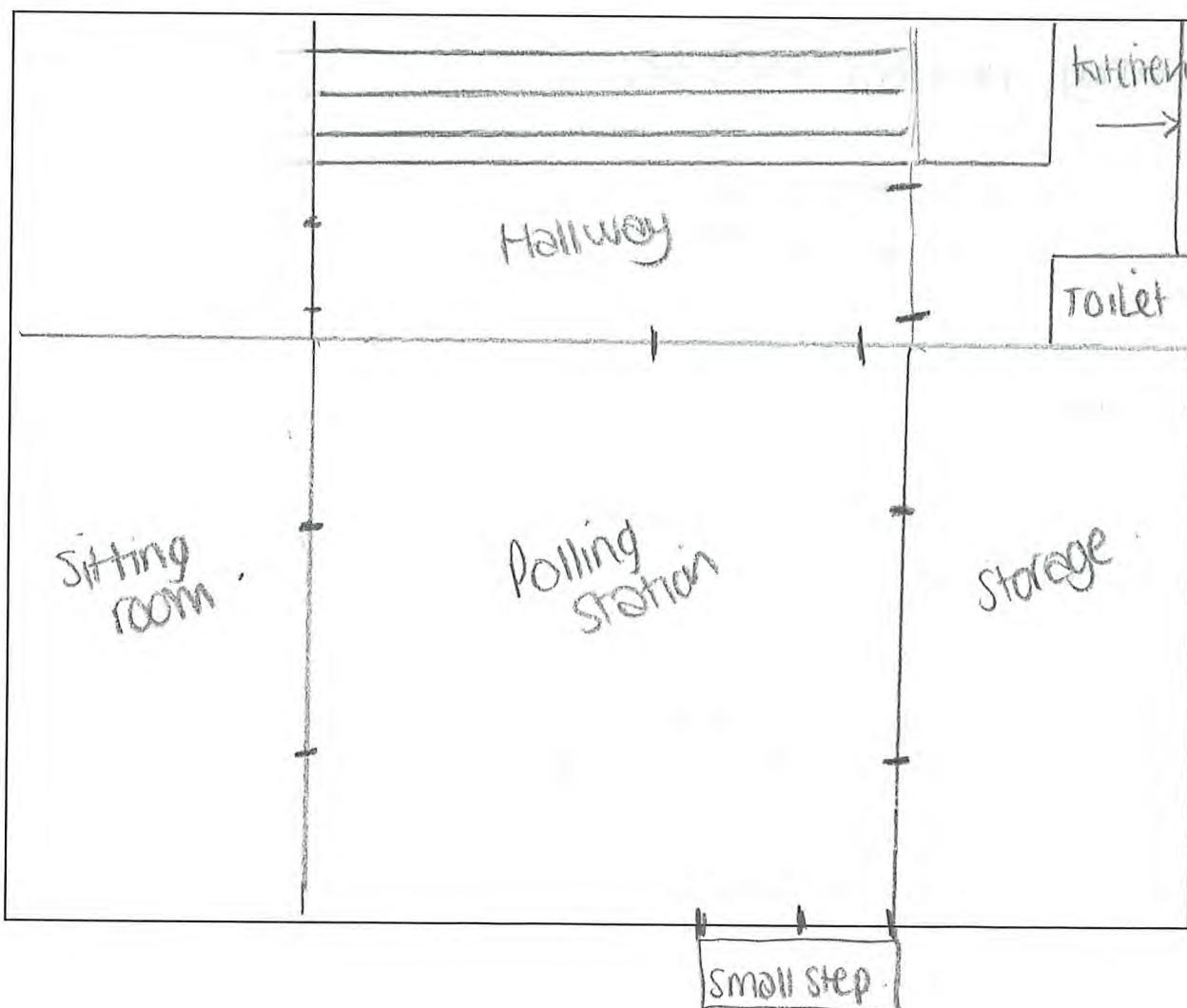
4.5m x 7m

Please take a photograph of the outside of the building (mobile phone photo is fine) and email it to elections@herefordshire.gov.uk



Please include a plan of the building (hand drawn below is fine) and indicate the following:

1. The room used as a polling station
2. Access routes for disabled voters
3. Car parking available for electors (Show any spaces specifically designated for disabled car users)



**REVIEW OF POLLING STATION
POLLING STATION CHECKLIST**

Polling Station :

GROUNDS OF THE POLLING STATION		Notes or Yes/No/NA
Parking Place	Is there adequate parking?	✓ Yes
Conditions of Paths	Are there any obstructions on the paths? If so what obstructions are there?	NO N/A
External Lighting	Are there any external lights? Can the external lights be switched on by Staff employed on Polling Day? If the staff cannot switch the external lights on, is there someone who can be contacted to arrange for the external lights to be switched on?	Yes on building, but not along access road Yes N/A
Designated Entrance	Is the proposed entrance clearly seen? Is the entrance accessible to someone in a wheelchair or with mobility problems? Is it possible to use an alternative or move accessible entrance?	Yes NO - Ramp required - will be provided. No.
Steps	Are there any steps surrounding the building? Has a temporary ramp been provided for any steps? Is the ramp securely fixed?	yes, two small steps. we will provide one. No.
Entrance Door	Can someone in a wheelchair/walking frame or with mobility/sight problems open and get through the door safely? Does the door open outwards onto a restricted space? Is there a door sill or lip which needs to be ramped?	Yes. No. No.

INSIDE THE POLLING STATION		Notes or Yes/No
Entrance	Is there a door mat which is hazardous to someone with poor sight/mobility?	No.
Access Corridors	Are access corridors wide enough to allow a wheelchair or walking frame to be easily manoeuvred? Are there any internal steps which need to be ramped or any obstructions or hazards which will need to be removed or arranged to have removed? Is the route clearly lit?	Yes No. There are a few steps for staff to use. We will bear this in mind when appointing positions. No
Floors	Are the floors even, with a non-slip surface?	Yes
Toilet Facilities	Are there adequate toilet facilities?	Yes
Kitchen Facilities	Is there a Kitchen?	Yes - steep step to access.
Heating/Lighting	Is there heating/lighting that can be turned on by the staff employed on Polling Day? Is the heating/lighting run on £1.00 coins?	Booking crew will sort heating, but fan heater required by us as it's v. cold. No.
Equipment	Is there a Polling Booth stored on site? If you do not store Polling Booth on site at present is it possible to store them now? Is there adequate table and chairs at the correct height?	No. Yes. Yes.



Title of report: Byelaws in relation to skins procedures

Meeting: Council

Meeting date: Friday 9 December 2022

Report by: Cabinet Member Housing, regulatory services and community

Classification

Open

Decision type

This is not an executive decision

Wards affected

All wards

Purpose

To introduce and approve new byelaws under Sections 14(7) and 15(7) of the Local Government (Miscellaneous Provisions) Act 1982 in relation to the cleanliness of premises and sterilization of instruments, materials and equipment used in connection with the practice of acupuncture or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis registered under sections 14(2) or 15(2) or both and fittings in such premises and of persons registered under sections 14(1) or 15(1) or both of the Act.

To revoke the existing byelaws made by Hereford City Council under the Hereford City Act 1985

Recommendation(s)

That:

- a) The new byelaws contained in appendix 1 to be adopted under Section 14(7) and 15(7) of the Local Government (Miscellaneous Provisions) Act 1982, subject to approval of the Secretary of State.
- b) The existing byelaws made under the Hereford City Act 1985 are revoked.

Alternative options

1. To reject the new byelaws and keep the existing byelaws, this is not recommended because those premises licensed outside the city would still not have to comply with the byelaws.
2. To revoke the existing byelaw only, this is not recommended as all premises within Herefordshire would have no byelaws to ensure a clean and a sterile environment.

Key considerations

3. The Local Government Act 2003 amended the Local Government (Miscellaneous Provisions) Act 1982 enables Herefordshire Council to protect public health in relation to the practice of tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis.
4. Previous Byelaws have been adopted by Hereford City Council but this only covered the city centre.
5. It is important for this industry sector to be effectively regulated due to the risks associated with the type of skin piercing treatments being offered. There is the potential risk of transmission of blood borne viruses (BBV), for example Hepatitis B and C, as well as other potentially serious skin infections, potential physical damage and bleeding if the treatment is not undertaken correctly.
6. The Department of Health has produced a single consolidated byelaw that authorities can adopt combining acupuncture, ear piercing, electrolysis and tattooing with semi-permanent tattooing and cosmetic piercing. It is now considered timely to adopt the wider hygiene controls afforded by the Local Government Act and the single consolidating byelaw.
7. The Department of Health has produced guidance on the byelaw application process, which officers are able to follow when making a byelaw submission to the Secretary of State. Once approved by Council the common seal of Herefordshire Council must be placed upon the Byelaws. Notice of the intention of this Authority to seek approval from the Secretary of State in relation to the byelaw must be advertised in a local paper and on the website for 28 days and any comments received considered.
8. A copy of the model byelaws is reproduced as Appendix A.
9. The proposed Byelaws are based on the latest Department of Health model byelaws covering tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis.
10. Section 14(7) and Section 15(7) of the Act allows the local authority to make byelaws in relation to these practices.
11. There is no requirement to renew a registration once granted and no requirement to surrender.
12. Herefordshire Council currently has 337 people/premises registered.
13. Of these, only 22 are within Hereford City and have to comply with the byelaws.
14. This means over 95% of the premises or people on the register do not have to comply with any byelaws, although the Hereford City Byelaws are issued with the licence on an advisory basis.
15. The model byelaws have been adopted by a number of other local authorities across the country.

16. The new byelaws will be advised to those registered with us.

Community impact

17. The byelaws proposed will help support the Herefordshire Health and Wellbeing Strategy by helping the strategic direction for the council, by contributing to the overarching framework to support partners to improve health and wellbeing.
18. These should have a direct effect on the lives of both current and future users involved in skins procedures.

Environmental Impact

19. Whilst this is a decision on back office functions and will have minimal environmental impacts, consideration has been made to minimise waste and resource use in line with the Council's Environmental Policy.
20. The introduction of the byelaws will help support the Environmental Policy by ensuring compliance with all relevant legislation.

Equality duty

21. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
22. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this is a decision on back office functions, we do not believe that it will have an impact on our equality duty.

Resource implications

23. There are no resource implications concerning this decision.

Legal implications

24. The process as set out in paragraph 7 above must be followed to ensure that the Byelaw is legally created.
25. The byelaw implemented by Hereford City Council can be revoked using the mechanism in Section 236B of the Local Government Act 1972. The Hereford and Worcester (Structural, Boundary and Electoral Changes) Order 1996, Para 12 provides that the effects of the structural change (the formation of Herefordshire Council in 1998) is to transfer functions to the

new Herefordshire Council (Hereford City Council is now a parish council with limited powers)- as such Herefordshire Council can apply to revoke this byelaw, however it will need to be confirmed by the Secretary of State who may revoke any byelaw which appears to them to have become “spent, obsolete or unnecessary”.

Risk management

26. The proposed byelaws will ensure a consistent approach across the county in relation to skin procedures. The outcome being that the health risk to the public will be reduced, as the byelaws will reduce the risk of transmission of blood borne viruses (BBV), for example Hepatitis B and C, as well as other potentially serious skin infections.
27. Any relevant risks will be managed at a service level.

Consultees

28. There has been a public consultation between 17th October to 13th November 2022 in relation to the byelaws, undertaken through the council's website and also by emailing those registered with us, who had provided email addresses.
29. One response was received which asked for a separate set of byelaws in relation to ear piercing. If the council were to do this, 5 separate set of byelaws would be required, which would cause confusion.
30. This is a statutory function under the act and following approval by Council requires consultation and sign off by the Secretary of State.

Appendices

Appendix 1 – Proposed model bylaws

Background papers

None identified

Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published		
Governance	Matthew Evans	Date 07/10/2022
Finance	Alternative Reviewer	Date 04/10/2022
Legal	Lorna Lucas	Date 07/10/2022
Communications	Luenne Featherstone	Date 05/10/2022
Equality Duty	Carol Trachonitis	Date 07/10/2022
Procurement	Mark cage	Date 07/10/2022
Risk	Kevin Lloyd	Date 03/10/2022

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Risk	Kevin Lloyd	Date 03/10/2022

Approved by	Ross Cook	Date 07/11/2022
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Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis

Byelaws for the purposes of securing the cleanliness of premises registered under sections 14(2) or 15(2) or both of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in such premises and of persons registered under sections 14(1) or 15(1) or both of the Act and persons assisting them and of securing the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the practice of acupuncture or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis, or any two or more of such practice and businesses made by Herefordshire Council in pursuance of sections 14(7) or 15(7) or both of the Act.

Interpretation

1. (1) In these byelaws, unless the context otherwise requires—

“The Act” means the Local Government (Miscellaneous Provisions) Act 1982;

“client” means any person undergoing treatment;

“hygienic piercing instrument” means an instrument such that any part of the instrument that touches a client is made for use in respect of a single client, is sterile, disposable and is fitted with piercing jewellery supplied in packaging that indicates the part of the body for which it is intended, and that is designed to pierce either—

(a) the lobe or upper flat cartilage of the ear, or

(b) either side of the nose in the mid-crease area above the nostril;

“operator” means any person giving treatment, including a proprietor;

“premises” means any premises registered under sections 14(2) or 15(2) of the Act;

“proprietor” means any person registered under sections 14(1) or 15(1) of the Act;

“treatment” means any operation in effecting acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis;

“the treatment area” means any part of premises where treatment is given to clients.

- (2) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

2. (1) For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that—
- (a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;
 - (b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;
 - (c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilized for each treatment, is suitably stored after treatment and is disposed of in accordance with relevant legislation and guidance as advised by the local authority;
 - (d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;
 - (e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected—
 - (i) immediately after use; and
 - (ii) at the end of each working day.
 - (f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;
 - (g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, and “No Eating or Drinking” is prominently displayed there.
- (2) (a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;
- (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.
- (3) (a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;
- (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.
3. (1) For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment—

- (a) an operator shall ensure that—
 - (i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—
 - (aa) is clean and in good repair and, so far as is appropriate, is sterile;
 - (bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.
 - (ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;
 - (iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;
 - (iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;
 - (v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilized before re-use.
- (b) a proprietor shall provide—
 - (i) adequate facilities and equipment for—
 - (aa) cleansing; and
 - (bb) sterilization, unless only pre-sterilized items are used.
 - (ii) sufficient and safe gas points and electrical socket outlets;
 - (iii) an adequate and constant supply of clean hot and cold water on the premises;
 - (iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.

4. (1) For the purpose of securing the cleanliness of operators, a proprietor—

- (a) shall ensure that an operator—
 - (i) keeps his hands and nails clean and his nails short;
 - (ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;
 - (iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);
 - (iv) wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with another client;
 - (v) does not smoke or consume food or drink in the treatment area; and

- (b) shall provide—
- (i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and
 - (ii) suitable and sufficient sanitary accommodation for operators.
- (2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities that the proprietor provides need not be for the sole use of the operator.
- (3) Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable examination gloves that have not previously been used with another client if—
- (a) the client is bleeding or has an open lesion on an exposed part of his body; or
 - (b) the client is known to be infected with a blood-borne virus; or
 - (c) the operator has an open lesion on his hand; or
 - (d) the operator is handling items that may be contaminated with blood or other body fluids.
5. A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).
6. The byelaws made by Hereford City Council on [insert date] and confirmed by Secretary of State for Health on [insert date of confirmation] relating to acupuncture, tattooing, ear piercing and electrolysis are hereby revoked under section 236B(2) of the Local Government Act 1972.

**THE COMMON SEAL of)
HEREFORDSHIRE COUNCIL)**

The foregoing byelaws are hereby confirmed by the Secretary of State for Health on **TBA** and shall come into operation on **TBA**

**Member of the Senior Civil Service
Department of Health and Social Care**

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on premises. Section 16(9) of the Local Government (Miscellaneous Provisions) Act 1982 provides that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act. A person who contravenes section 16(9) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale (see section 16(10)).

Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 also provides that any person who contravenes these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under Part VIII of the Act is found guilty of contravening these byelaws the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of the person's registration. A court which orders the suspension of or cancellation of a person's registration may also order the suspension or cancellation of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under the relevant sub-sections of section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

Nothing in these byelaws extends to the practice of acupuncture, or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis by or under the supervision of a person who is registered as a medical practitioner, or to premises in which the practice of acupuncture, or business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis is carried out by or under the supervision of such a person.

Nothing in these byelaws extends to the practice of acupuncture by or under the supervision of a person who is registered as a dentist, or to premises in which the practice of acupuncture is carried out by or under the supervision of such a person.

The legislative provisions relevant to acupuncture are those in section 14. The provisions relevant to treatment other than acupuncture are in section 15.

The key differences in the application of requirements in respect of the various treatments are as follows:

The references in the introductory text to provisions of section 14 (acupuncture) of the Local Government (Miscellaneous Provisions) Act 1982 only apply to acupuncture.

*The references in the introductory text to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Local Government (Miscellaneous Provisions) Act 1982 **do not apply to acupuncture**.*

*The references in paragraph 1(1) in the definition of “premises” to provisions of section 14 (acupuncture) **only apply to acupuncture**.*

*The references in paragraph 1(1) in the definition of “premises” to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) **do not apply to acupuncture**.*

*The requirement in paragraph 2(2) that treatment is given in a treatment area used solely for giving treatment **applies to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis but not to ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirement in paragraph 2(3) that the floor of the treatment area be provided with a smooth impervious surface **applies to tattooing, semi-permanent skin-colouring and cosmetic piercing but not to acupuncture or electrolysis or ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirements relating to dye or a container used to hold dye used for treatment in paragraphs 3(1) (a) (iv) and (v) **apply to tattooing and semi-permanent skin-colouring.***

*The requirement in paragraph 4(1)(a)(iii) that an operator wears disposable examination gloves that have not previously been used with another client **does not apply to acupuncture otherwise than in the circumstances described in paragraph 4(3).***

*The provisions of paragraph 4(2) in relation to washing facilities **apply to cosmetic piercing using only a hygienic piercing instrument.***

*The exception whereby the byelaws do not apply to treatment carried out by or under the supervision of a dentist **applies only to acupuncture (see section 14(8) of the Act).***



Title of report: Leaders report to Council

Meeting: Council

Meeting date: Friday 9 December 2022

Report by: The Leader of the Council

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To provide an update on the work of the Cabinet since the meeting of Council held on 21 October 2022.

Recommendation(s)

That:

- (a) the report be noted.

Alternative options

1. There are no alternative options; the constitution requires the Leader to provide Council with reports on the activities of the executive.

Key considerations

2. It is a constitutional requirement that the Leader of the Council provides a report to each ordinary council meeting, other than the budget meeting, on the work of cabinet since the last meeting. In my report I include a summary of the matters decided by the cabinet and the cabinet members, any decisions taken under the urgency provisions and those subject to call in.
3. It is customary for all of the decisions to be listed in an annex to this report (appendix A). These decisions have been made available on the council's website. All councillors and members of the public have the opportunity to review these decisions as they are being made.
4. Of the decisions taken since my last report to Council, one key decisions was taken under the general exception provisions (giving more than five but less than 28 calendar days' notice) and none were taken under the urgency provisions (less than five days' notice).

5. Included in my report is a summary of what I consider the most significant decisions supporting the achievement of the County Plan, as well as some additional subjects that I hope will be of interest. Each is themed around our County Plan commitment 'Respecting our past, shaping our future'.

Cabinet Commission - Restoring the River Wye Catchment

6. The Cabinet Commission, given formal approval to proceed in September, is now mobilising its work programme. I am pleased to say Powys, Monmouthshire and Forest Dean Councils have all nominated Executive Members to join the Commission so that the entire Catchment is represented. The Commission has now met twice and will continue to meet monthly. At the last meeting of the Commission there was a presentation from the Wye Agri Partnership which is working with WRAP (The Waste Resources Action Programme) and all of the major national retailers and suppliers who are each developing their own programmes and action plans to manage waste created by their supply chains.
7. Preparatory work has commenced for the governance review of the Nutrient Management Plan Delivery Board (NMB). Herefordshire's commitment to hosting the Board and the efforts of members across all parties here, and with our partner councils, demonstrates our clear leadership and commitment to addressing this most pressing of issues in our and surrounding counties within the Wye catchment areas. However, it is increasingly important for the Environment Agency and Natural England to bring meaningful progress to the present plan to a level needed to make the difference the plan was supposed to deliver when it was formed 8 years ago. This makes the work of our Commission even more significant. We all want to see a rapid shift from research and analysis to tangible delivery.
8. A working group has been established with representatives of Farm Herefordshire, the National Union of Farmers and the Country Landowners Association who are meeting fortnightly to develop plans to better manage manure on farms themselves. The working group has no decision making authority and informs the work of the Commission. I am pleased to see that there is growing commitment from the sector to investigate and champion changed farm practices for themselves and I am very keen we provide them with all the support we can through the work of Cabinet Commission.
9. Alongside this a review of enforcement practice has commenced and Commissioners will be receiving proposals and recommendations on enforcement. Our Agricultural Supplementary Planning Document is now [out for consultation¹](#) which represents the limited steps we can take to achieve change at this stage. Commissioners will want to make recommendations on how the Planning Framework can strengthen environmental protection across the catchment ahead of our own Local Plan update in 2023.
10. Cabinet members continue to meet with interested bodies including farmers and housebuilders

Children's Improvement Plan

11. Improving the outcomes for children in our care continues to be a focus for Cabinet. Cabinet receives regular updates from the Chief Executive and the Director of Children's Services.
12. Councillors will recall that in March 2022 Cabinet authorised expenditure of up to £11.489m for improvement activity which could be drawn down in two tranches to support the improvement plan. On 24 November, Cabinet approved the drawdown of tranche two funding against progress of the transformation programme of £6.49m. This includes the £1m as approved under delegation from the Director of Resources and Assurance in July 2022 for Children's Transformation in an immediate response to the Ofsted Inspection in July 2022.

¹ See: https://hc-webdev01.herefordshire.gov.uk/info/200142/planning_services/66/planning_services/12

13. Precise details of the expected allocation and spend are still in development, pending the development and submission of the Ofsted Improvement Action Plan. Tranche 2 funding, however, will take into account the recommendations and advice of the Commissioner for Children's Services. The Commissioner is expected to make her recommendations to the Secretary of State before Christmas. Subject to Cabinet approval, it is proposed that a further update, detailing agreed spend after the submission of the Ofsted Improvement Action Plan is provided in January 2023

2023/24 Budget

14. The Chancellor's Autumn Statement last week outlined the Government's plans to address what is acknowledged by Central Government as a crisis. Little attention was paid to address pressures facing almost all local authorities. According to reports I have seen, the budget increased the tax burden imposed by Central Government. It also gave local authorities the ability to increase Council Tax. Additional funding is to be provided to address adult social care pressures, and further investment in schools. Both are welcomed but leave Local Authorities with other significant pressures which Cabinet and officers are considering.
15. The Cabinet continues to work to identify mitigating actions to deliver a balanced budget for 2023/24 and sustained financial resilience in the medium term and this will include consideration of the impact of the measures announced in the Autumn Statement and anything that might emerge when the provisional local government finance settlement is announced on 21 December. Work continues to identify recovery plans to manage in year pressures and develop detailed plans to deliver efficiencies and savings to reduce the budget gap for 2023/24.
16. We will be engaging with residents and businesses throughout December to consult on a range of options that could contribute towards balancing the budget for 2023/24. These face to face events will take place at venues across the county and will be supported by an online consultation. The views collated from these events will inform the budget setting process and help us to align savings proposals with local priorities.

Five Year Housing Land Supply – recent appeal

17. Councillors will recall from my October report that there was a forthcoming appeal in regard to the council's 5 year housing land supply. I reported our position to be 6.19 years. This was recently challenged in a planning appeal against the refusal of an application. Evidence was given at a hearing on 23rd August and the appeal was dismissed on 7th November. The Inspector concluded that whilst some of the housing sites that the council had counted towards the supply may not be deliverable, the Inspector remained confident that a supply of at least 5 years can be demonstrated by the council.

Rural Area Designation under the Housing Act 1985

18. An application to Department of Levelling Up, Housing and Communities is being prepared to designate a number of areas within the county as 'rural'. National Planning policy indicates that affordable housing can only be requested on development sites over 10. Designation of a 'rural' area will give the council the ability to investigate different site thresholds for affordable housing within the emerging Local Plan 2021-2041.

Rural Services Network

19. I would like to congratulate Cllr Phillips on his appointment as Chair of the Rural Services Network. This is an important position, especially for Herefordshire being such a rural county and with

councillors on the ground who know only too well some of the difficulties our rural business and communities face. The Chief Executive has offered to provide support for the work he is doing. Using Herefordshire as an example can only help us.

Community impact

20. The community impact of any decisions of the executive have been set out within the relevant decision report and taken into consideration at the time the decision was taken. Reporting to Council the activities of the executive demonstrates the council's commitment to the code of corporate governance principle of implementing good practices in transparency, reporting and audit to deliver effective accountability.

Environmental Impact

21. The environmental impacts of any decisions of the executive have been set out within the relevant decision report and taken into consideration at the time the decision was taken. Reporting to Council the activities of the executive demonstrates the council's commitment to the council's [environmental policy commitments](#) and aligns to the following success measures in the County Plan.
- Increase flood resilience and reduce levels of phosphate pollution in the county's river
 - Reduce the council's carbon emissions
 - Work in partnership with others to reduce county carbon emissions
 - Improve the air quality within Herefordshire
 - Improve residents' access to green space in Herefordshire
 - Improve energy efficiency of homes and build standards for new housing
 - Increase the number of short distance trips being done by sustainable modes of travel – walking, cycling, public transport

Equality duty

22. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

23. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this report provides a summary of activity undertaken, we do not believe that it will have an impact on our equality duty. These considerations are set out in each of the relevant reports informing the decisions listed at appendix A, and will inform any future decision making.

Resource implications

24. There are no new resource implications arising from the recommendations of this report. The resource implications of any decisions of the executive listed at appendix A have been set out within the relevant decision report and taken into consideration at the time the decision was taken and will inform any future decision making.

Legal implications

25. The council and committee, and cabinet rules within the constitution require the Leader to provide a report to Council on the work of the cabinet since the last meeting of Council and, at the first meeting to follow the annual meeting of Council (except in a year when there are ordinary elections), on the priorities of the cabinet and progress made in meeting those priorities. This report ensures these requirements are met.
26. There are no legal implications arising from the recommendations of this report. The legal implications of any decisions of the executive listed at appendix A have been set out within the relevant decision report and taken into consideration at the time the decision was taken.

Risk management

27. There are no risks arising from the recommendations of this report. The risks of any decisions of the executive listed at appendix A have been set out within the relevant decision report and taken into consideration at the time the decision was taken and will inform future decision making.

Consultees

None

Appendices

Appendix A: List of executive decisions taken since 13 October to 1 December.

Appendix B: Herefordshire Council: Respecting our past, shaping our future. Delivery Plan for 2022/23

Background papers

None Identified

Appendix 1: Decisions implemented since October 14 to 2 December, 2022.

Decision	Date
Appointment of Shell Store Operator	01/11/2022
Care Home & Extra Care Development : Feasibility Studies	03/11/2022
Proposed designation of 'Rural area' for Herefordshire under the Housing Act 1985	04/11/2022
Children's Social Care Out Of Hours Emergency Duty Service	07/12/2022
Substance Misuse Grant Funding	08/11/2022
Additional arrangements for commissioned home care	11/11/2022
Contract Award: Child Protection and Court Teams	30/11/2022
Household Support Fund	16/11/2022
Adoption of the Clifford neighbourhood plan and consequential updates to the countywide policies map	18/11/2022
Adoption of the Upton Bishop neighbourhood plan and consequential updates to the countywide policies map	18/11/2022
Wye Valley AONB - Acceptance of grant funding	29/10/2022

Respecting our past, shaping our future

2022-23

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OUR DELIVERY PLAN

Priorities for 2022/23

This document highlights the key activity planned for 2022-23 financial year in meeting the ambitions set out in the County Plan 2020-24.

The council is setting in motion activity now that will have long-term benefits for the future of Herefordshire in supporting our economy, our communities and our environment.

The Covid pandemic has provided a powerful reminder of the importance of frontline services and the council's central role in supporting communities. It also confirmed the power of working together to address key issues and in making improvements to people's lives.

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We are realistic about the scale of the challenge - the loss of government funding, rising costs and changing demands means facing tough choices about where to focus resources. Our day to day services are important in making it possible for residents to get on with their everyday lives, for businesses to thrive, and provide support to people at different stages of their lives.

This delivery plan focuses on commitments beyond the day to day services to show how the council will progress its priorities in meeting our vision to....

Improve the sustainability, connectivity and wellbeing of our county by strengthening our communities, by creating a thriving local economy and by protecting and enhancing our environment

Wellbeing

- We will nurture **children in our care**, provide support for families as soon as they need it, and help young people to meet their potential through education and training.
- We will instigate new ways of providing **care of older people**, including progressing the council's own care facility.
- We will aim to reduce **inequalities** in our county, including access to a network of Talk Community Hubs and libraries.

Sustainability

- We will respond to the **climate and ecological emergency** including tackling pollution and will protect the countryside, all of which will improve quality of life for all.
- We will invest in new **housing** for people that is affordable and environmentally sustainable.
- We will reduce the amount of **waste** generated in the county, change how it is collected and increase reuse and recycling.
- We will involve more people in planning for the county's future as we update the **core strategy** planning policy framework.

Connectivity

- We will boost different **travel choices** through new walking and cycling routes and widen other transport options whilst creating a long term travel plan for the county.
- We will continue to extend digital connection for households and businesses, and make the most of **digital technology** to improve service delivery options.
- We will support businesses and skills development to aid economic growth, along with investing in our **town and city centres** and promoting the county as a vibrant place to live, work and visit.

Highlights of 2021-22



46 Talk Community Hubs open, and Talk Community kitchen providing healthy meals.



Shell Store opened with 2,000 sq metres of space for new and growing businesses.



Over 93% of premises with access to superfast broadband.



Over 91,000 journeys on Hereford Beryl Bike Scheme, covering more than 220,000kms.



New student accommodation at Station Approach in Hereford with 178 rooms.



Distribution of £46m to businesses to address effects of Covid and £8m for social care provision.

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Brush, Book, Bed! promoting oral health for under 5s as part of a daily bedtime routine with baby pack from libraries.



9,774 free swimming sessions for children and young people; 2,740 free gym membership for students in years 11,12 and 13.



Beacons College opened as new special needs school in Hereford.



Over 58,000 Shop local cards issued benefiting over 1,500 businesses.



219,196 Covid home test kits distributed and c6,500 contact tracing cases completed by the council.



More than 62,000 free journeys at weekends with many new routes.

During 2021-22, we did...



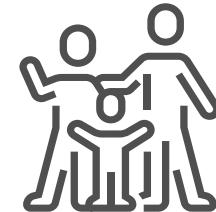
In 2021 over **2,700** children attended the Holiday Activity Fund projects



3,197 planning applications determined



4,441k new library members
80k eBooks and eAudio books issued

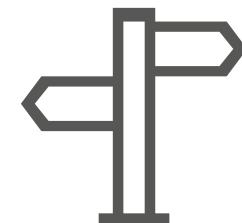


1,000 children in need and their families supported

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41,000 repairs on the roads, footways and public spaces of Herefordshire



21,000 pot holes repaired



£3.196m on improving school buildings



11,000 households support with the council tax reduction scheme



200 community leaders trained in mental health awareness and first aid.



5,337 referrals made to Adults Social Care



3,405 Blue Badge applications issued

Our Delivery Programme 2022 - 2023

Herefordshire Council delivers a wide variety of services to residents and businesses. The following pages highlight some of the key activity that has taken place since April 2021 and what is planned for the forthcoming financial year in meeting the ambition of the county plan, with reference to the related objectives.

Council Plan **Environment Objective:** Protect and enhance our environment and keep Herefordshire a great place to live.

Programme	So far we have...	This year we will...
Commissioning of new waste collection and disposal service (supporting objective EN1)	<ul style="list-style-type: none">Produced a new Integrated Waste Strategy to meet ambitious waste reduction and recycling targets.	<ol style="list-style-type: none">Implement a new waste strategy in preparation for collection changes in 2024.Promote changes to the new collection system for refuse and recycling throughout the year.Run pilot schemes for reusable nappies with 75 families and trial recycling storage options with people living in flats.
Deliver the Hereford Transport Strategy and City Centre Masterplan (supporting objectives EN2 & EN4)	<ul style="list-style-type: none">Set up 4 new car share clubs in Kington, Leominster, Fownhope and South Hereford.Implemented free weekend bus travel scheme and an enhanced Sunday service.Produced a Bus Service Improvement Plan to support a funding bid of £18.1m.Secured £1.49m towards new active travel schemes and eastern road link.Appointed lead on strategic planning for transport.Installed new city trees providing natural filters to reduce air pollution.Extended Hereford's Beryl Bike scheme to 200 pedal bikes and introduced 30 new ebikes.Launched a new contract to increase electric vehicle charging points.	<ol style="list-style-type: none">Produce the Hereford City Masterplan to support long term planning for transport.Deliver active travel programmes to encourage more walking and cycling along with measures to improve air quality and travel plans with businesses.Install new cycle routes for St Owen's Street and on Aylestone Hill in Hereford.Complete feasibility study of route options for Eastern river crossing.Introduce an additional 70 ebikes as part of the Beryl Bike scheme.Consult on design options for the city Transport Hub.Complete design for Holme Lacy Road improvements.Commence construction of Hereford Enterprise Zone Quiet Route.Expand the county's electric vehicle charging point network (100 new points planned by 2025).

Programme	So far we have...	This year we will...
Address the climate and ecological emergency in the county (supporting objectives EN3 EN4, EN6 & EN7)	<ul style="list-style-type: none"> • Established a countywide climate and nature partnership. • Engaged residents in a citizens' climate assembly and allocated £1.33m to the climate reserve to deliver new initiatives. • Drafted supplementary guidance on Environmental Building Standards for consultation. • Grant funded 100 properties with first-time central heating schemes. 	<ol style="list-style-type: none"> 1. Run a Greener Footprints campaign to raise awareness of the actions households can take to address climate change. 2. Respond to the citizens' climate assembly recommendations and agree a funded programme working with partner organisations. 3. Seek resources for a countywide domestic energy retrofit programme, and deliver a domestic energy efficiency and renewable heating retrofit programme to support 150 homes. 4. Provide free and impartial home energy advice to 1,000 households through the Keep Herefordshire Warm service. 5. Construct our first integrated wetland to reduce levels of phosphate pollution entering the Special Area of Conservation. 6. Adopt a new nature strategy for the county.
Deliver initiatives to reduce the council's carbon footprint (supporting objectives EN5 & EN7)	<ul style="list-style-type: none"> • Completed energy performance surveys of the tenanted properties of the council. • Established an energy improvement programme. • Reduced the council's carbon footprint by 59.6% from baseline of 2008/9. 	<ol style="list-style-type: none"> 1. Install new energy efficiency measures at 4 council buildings supported by the Sustainable Energy in Public Buildings projects. 2. Develop a new 3 year decarbonisation programme for school buildings. Including delivery of energy audits at 20 schools and installation of solar PV systems at 2 schools. 3. Deliver the highway biodiversity net gain project. 4. Improve the environmental and energy efficiency standards of Council buildings through the introduction of new minimum standards for energy efficiency, developing a plan for investing in energy efficiency and renewable energy measures for existing buildings for consideration in future budget requests, and a plan for achieving net zero carbon for all new-build council buildings.
Update planning policy for the council (supporting objective EN0)	<ul style="list-style-type: none"> • Commissioned a needs assessment and public consultation started to meet regulation 18. 	<ol style="list-style-type: none"> 1. Complete 3 key consultations to progress production of the updated Core Strategy. 2. Deliver full draft of the Core Strategy Update ready for pre-examination public consultation (Regulation 19). 3. Implement the new supplementary planning documents for Agriculture and Planning and Environmental Building Standards. 4. Progress the Minerals and Waste policy through examination to adoption.

Council Plan **Community Objective:** Strengthen communities to ensure everyone lives well and safe together.

Programme	So far we have...	This year we will...
311 Improve the health and wellbeing of children (supporting objective CO1)	<ul style="list-style-type: none"> Provided free gym and swimming lessons for children. 14 enhanced play areas supported by Covid recovery grant. Introduced new Universal Public Health nursing visits for 4-6 month olds. Introduced an on-line oral health training package reaching 177 professionals and parents. Launched a new campaign to improve young children's oral health based on 'Brush, Book, Bed' with packs from libraries and supervised tooth brushing in children's settings. 	<ol style="list-style-type: none"> Use the Improvement Plan to work more closely with partners, and agree a common understanding of a Child Friendly County. Strengthen the role of children's centres and early years in prevention, with more families aware of the services they are entitled to and be connected to more opportunities within their community. Run training programmes for 200 staff on oral health. Deliver a training programme of road safety including pedestrian training for school pupils.
Deliver schools investment programme (supporting objective CO1)	<ul style="list-style-type: none"> Completed Marlbrook School extension. Created new drop-off area at Mordiford School. Opened a new special needs sixth form in Hereford at Beacon College. Completed 16 feasibility studies to inform key investment priorities for schools. Built a new science block at John Kyrle High School adding extra school places in Ross-on-Wye. Obtained planning permission for development at The Brookfield School. 	<ol style="list-style-type: none"> Tender construction of new school building at Peterchurch Primary School. Tender refurbishment and expansion of The Brookfield School. Plan and agree first phase of school expansions to deliver additional school places across the county. Seek approval for the rebuild of Westfield School and move to the design stage. Conduct feasibility work to inform plans to increase capacity at Hereford Pupil Referral Service and Blackmarston School.

Programme	So far we have...	This year we will...
School Improvement to support young people to learn (supporting objective CO1)	<ul style="list-style-type: none"> Supported schools to be open and operating through Covid-19 restrictions. Embedded and maintained an online learning offer through 2020-2022. Provided support in the distribution of lap-tops to children. 	<ol style="list-style-type: none"> Ensure all schools have better informed pupil's mental health and wellbeing support via a training and development package. Develop a range of traded services to support increase in number of schools who operate as academies. Improve the educational outcomes for those pupils with Education and Health Care plans.
All children known to the safeguarding services receive the best possible service (supporting objectives CO1 & CO2)	<ul style="list-style-type: none"> Renewed Children's Improvement Plan. Revised Quality Assurance Framework and Practice Standards. Audited current children social worker cases. Implemented new scheme of exit and retention interviews to better inform our recruitment and retention strategy. 	<ol style="list-style-type: none"> Put in place effective 'Voice of the Child' engagement so children are involved in designing services in a meaningful way. Increase the number of foster carers by 25. Integrate a "Right Help – Right Time" approach within the Talk Community programme, so families are better supported within communities. Improve the range of support for care leavers. Provide more support for the Children's Rights and Advocacy Service. Progress plans to build a children's residential home. Increase the number of social workers with a new retention and recruitment approach.
312 Invest in creating affordable net zero carbon housing (supporting objective CO3)	<ul style="list-style-type: none"> Agreed housing delivery model. Identified pipeline of viable sites for housing and commissioned feasibility assessment. 	<ol style="list-style-type: none"> Progress the delivery of new affordable net zero housing on council owned land. Submit planning applications for 2 housing sites on council land. Support at least 230 additional affordable properties in the county.
Development of council owned care home to meet future demands (supporting objectives CO4 & CO5)	<ul style="list-style-type: none"> Completed options appraisal and decision to progress with a council owned care facility. Created a discharge to assess facility at Hillside Care Home including refurbishment and environmental upgrades. 	<ol style="list-style-type: none"> Progress the building of the council's own care home with site identified, design outlined and planning application developed. Complete site works for Hillside Independent living demonstration centre.

Programme	So far we have...	This year we will...
Ensuring quality of care and develop technology enabled living (supporting objective CO5)	<ul style="list-style-type: none"> Implemented a strengths based and community focussed approach in supporting adults with social care needs and emerging support needs. 	<ol style="list-style-type: none"> Create 50 bespoke wellness packages using a technology enabled 'proactive and preventative' care model. Move the existing Telecare Service to a digital delivery model. Create a digital tool and website that shows how technology can support people's independence and aid assessments. Develop and deliver a training programme to support at least 50 staff on the use of technology to support residents.
Become a Sustainable food county (supporting objectives CO4 & EN3)	<ul style="list-style-type: none"> Establish a sustainable food partnership. 	<ol style="list-style-type: none"> Develop and agree a Food Charter for the county. Submit application for the Sustainable Food Place Bronze award.
Work to minimise inequalities in our communities (supporting objective CO4)	<ul style="list-style-type: none"> Developed and implemented a Covid vaccine inequalities programme. Supported more than 11,000 bill payers through the council tax reduction scheme. Supported over 200 individuals via debt, financial and fuel poverty service available in all market towns. 	<ol style="list-style-type: none"> Produce a Physical Activity Strategy that outlines plans and programmes to aid health through fitness. Offer maximum council tax reduction scheme for eligible pensioners and people of working age. Work with partner organisations to produce a plan to tackle health inequalities and lead health equity audit process for commissioned services.
Further develop the Talk Community approach (supporting objective CO6)	<ul style="list-style-type: none"> Created 46 talk community hubs created. Completed community wellbeing survey. Trained 200 community leaders and volunteers in mental health awareness and first aid. Provided 2,700 children with free holiday activities throughout the school holidays. Established the Talk Community kitchen with healthy meals to the local community. Awarded over £1m to the voluntary and community sector through grants and operation of services 	<ol style="list-style-type: none"> Increase the number of Talk Community hubs to 75. Deliver 2 integrated service hubs using existing community facilities that includes working with the whole family. Make investment and improvements to libraries and museums.

Programme	So far we have...	This year we will...
Deliver improvements in the infrastructure and public realm (supporting objective CO0)	<ul style="list-style-type: none"> • Brought back into council-owned operation the Public Rights of Way and Traffic Regulation Order teams. • Submitted outline business case for Pontrilas Station to Restoring Your Railways programme. • Installed new street furniture in High Town, Hereford. 	<ol style="list-style-type: none"> 1. Publish and implement plan to improve the Public Rights of Way Service by working in partnership with volunteers, communities and parishes. 2. Develop 20mph speed limit policy and programme for the county to cover significant villages and market towns. 3. Install 20mph limits in Presteigne and Cusop, as part of the 1st year of 5 year 20mph speed limit programme. 4. Enhance the Cathedral and River Wye quarters of the city. 5. Make Improvements to the city street scene in Widemarsh Street and High Town in Hereford.
Council modernisation programme (supporting objectives CO0 & CO4)	<ul style="list-style-type: none"> • Reviewed modernisation and transformation programme, with resources and aligned budgets. • Increased the role of Hoople as a jointly owned company for building maintenance and cleaning. • Creation of a programme management office to support delivery of projects and schemes. 	<ol style="list-style-type: none"> 1. Roll out and embed hybrid working model for employees, creating effective flexible working arrangements. 2. Develop and implement updated Digital Strategy for improved customer experience, communication and connectivity. 3. Establish a “spirit of Herefordshire” approach to attracting and retaining workforce through celebrating the positives of the county. 4. Work with NHS and Public Health partners to implement the Integrated Care System approach agreed for Herefordshire & Worcestershire. 5. Establish Hoople Care to deliver care services for the council.
Management of the council's assets to maximise their use (supporting objective CO0)	<ul style="list-style-type: none"> • Placed operation of Maylord Orchards centre management with Hoople. • Moved to increase flexible working in response to Covid 19 and vacated two key buildings creating a revenue saving. 	<ol style="list-style-type: none"> 1. Produce asset management plans for each council owned property based on up-to-date knowledge of conditions. 2. Plan capital works for the Shirehall to bring back into council and community use.

Council Plan **Economy Objective:** Support an economy which builds on the county's strengths and resources

Programme	So far we have...	This year we will...
Develop the 2050 Economic Big Plan (supporting objective EC1)	<ul style="list-style-type: none"> Held Economic Summit in Hereford, along with a series of mini Economic Summits in all market towns. 	<ol style="list-style-type: none"> Work with stakeholders to consult, draft and publish a new economic strategy and UK Shared Prosperity Fund Investment Plan to support the continued recovery of the county, leading to longer term accelerated growth and higher value jobs for local people.
Town Investment Plan for Hereford (supporting objectives EC1 & EC2)	<ul style="list-style-type: none"> Submitted initial business cases for Town Investment funding. 	<ol style="list-style-type: none"> Implement the £22.4m Town Investment funded through the Stronger Towns Fund working closely with partners. Produce and submit detailed proposals for investment in the Hereford Museum and Art Gallery, Maylord Orchard Library and the Learning Resource Centre. Deliver the detailed business case for Greening the City.
315 Develop & implement Market Town Economic Development Investment (supporting objectives EC2 & EC5)	<ul style="list-style-type: none"> Produced plans for each market town based on public consultation. Awarded grant to market town projects worth £550,000. Made investment in Leominster Heritage Action Zone. 	<ol style="list-style-type: none"> Commence implementation of the Market Town Investment Plans, allocating the £20.6m investment to bring forward employment land and to create incubation space for businesses. Pursue potential sites for new commercial employment land uses in market towns. Progress the Leominster Heritage Action Zone Project; including completion of public realm improvements.
Support economic opportunity through business support (supporting objectives EC2 & EC6)	<ul style="list-style-type: none"> Invested £6m in Covid 19 recovery programmes supporting economic and wellbeing support. Introduced the Shop Local Card, so far benefitting over 1,500 shops. 	<ol style="list-style-type: none"> Increase engagement with the private sector through a Talk Business programme of communications, networking and events including quarterly business briefings and six monthly meetings in the market towns. Increase the level of engagement and quality of support provided through the Marches Growth Hub, with a specific focus on supporting businesses to respond to climate change and reduce their carbon impact. Deliver a business case for the Recovery and Investment Fund to support businesses to expand in Herefordshire.

Programme	So far we have...	This year we will...
Development of the Hereford Enterprise Zone (supporting objective EC2)	<ul style="list-style-type: none"> • Completed 90% of civil works at the North Magazine of the Hereford Enterprise Zone. • Opened the Shell Store with 20% of units occupied. • Supported the opening of Midlands Centre for Cyber Security. 	<ol style="list-style-type: none"> 1. Continue sales of council owned land resulting in business growth, private sector investment and creating more and better paid jobs. 2. Complete the North Magazine Civil Works with first plots sold for development. 3. Complete NMITE's Skylon Park campus including the Centre for Advanced Timber Technology and Centre for Automated Manufacturing.
Work with partners to increase the Skills and Workforce in the county (supporting objective EC3)	<ul style="list-style-type: none"> • Put in place contracts with 2 Community Renewal Fund projects. • Supported the Kickstart scheme launched to support young people into work / apprenticeships. • Used Covid 19 recovery funding to support 28 young people most at risk of not being in education, employment and/or training. 	<ol style="list-style-type: none"> 1. Review the skills and supply chain required to meet the needs of the county, aligned to the Economic Big Plan. 2. Implement a new recruitment platform for council employees, to attract skilled workers to the county. 3. Run a joint marketing campaign with Higher Education providers to attract students to study in the county, including those from the local population. 4. Provide more apprenticeship, supported internship and work experience opportunities, including through the council's direct contracts. 5. Engage with 300 young people via Youth Employment Hub to support 16 to 24 year olds into education, employment and/or training. 6. Agree a new strategic plan and future delivery model for the council's adult and community learning education service.
Deliver broadband coverage via Fastershire whilst addressing the barriers for people going online (supporting objective EC4)	<ul style="list-style-type: none"> • Worked with suppliers to reach 93.7% of premises with superfast and full fibre broadband. • Introduced a new community broadband scheme to connect some of the hardest to reach premises. • Secured additional government funding for Project Gigabit support to extend the county's full fibre broadband coverage. • Introduced digital household grant and new business broadband programme. 	<ol style="list-style-type: none"> 1. Secure at least 15 businesses taking up the new business grant, provide new household grants to eligible residents, and at least 100 residents improving their digital skills. 2. Commission Age Concern to deliver support for older people to improve their digital skills, including 288 places for 6 week computer café course, 60 attending 1-2-1 course and 50 tablet loans. 3. Increase superfast and full fibre broadband coverage in the county, and move to new stage of gigabit capable speeds.

Programme	So far we have...	This year we will...
Support Tourism and Cultural Sector in the county (supporting objective EC5)	<ul style="list-style-type: none"> • Commissioned first TV advert for Herefordshire reaching more than 8.3 million people. • Promoted over 450 businesses through new Visit Herefordshire website. • Conducted a ballot on forming a Herefordshire Business Improvement District. 	<ol style="list-style-type: none"> 1. Support the growth of the tourism industry across Herefordshire, working closely with private sector partners and building on strengths and new opportunities in areas such as accessible and green tourism, creative industries, promotion of the cultural sector, and improving our Public Rights of Way.

How we monitor the Plan

The activity detailed in this plan will be managed through a robust approach to project management to ensure visibility of progress, risks and accountability for delivery.

The involvement of residents and stakeholders in the development of services and projects is critical to ensure that we do the right things at the right time and in the right way. This includes in January 2022 running the very first Citizens' Climate Assembly, and continuing to run the parish council summits.

The council has undergone a major review of its governance arrangements, resulting in clarity on how members of the public can be involved in decision making, scrutiny and holding the council to account.

We recognise and value the central role our employees play in delivering this plan and the running of our many statutory services. We will continue to invest in activities that ensures we attract and retain skilled and committed workforce, whilst making the most of working with external partners to share particular expertise to ensure this plan is delivered.

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Appendix A of this plan demonstrates how the activity identified in this plan meet the original ambitions from our County Plan. This appendix also identifies the outputs we will monitor to show progress and the high level outcomes which will evidence the success of our County Plan ambitions. These will form the basis of quarterly reporting for 2022/23.

Councillor David Hitchiner
Leader of Herefordshire Council

Councillor Liz Harvey
Deputy Leader of Herefordshire Council / Cabinet Member for Finance, Corporate Services and Planning

Councillor Diana Toynbee
Cabinet Member for Children and Families

Councillor Gemma Davies
Cabinet Member for Commissioning, Procurement and Assets

Councillor Ellie Chowns
Cabinet Member for Environment and Economy

Councillor Pauline Crockett
Cabinet Member for Health and Wellbeing

Councillor John Harrington
Cabinet Member for Infrastructure and Transport

Councillor Ange Tyler
Cabinet Member for Housing, Regulatory Services and Community Safety



Title of report: Motions on notice

Meeting: Council

Meeting date: Friday 9 December 2022

Report by: Director of Governance and Law

Classification

Open

Decision type

This is not an executive decision.

Wards affected

Countywide

Purpose

To consider motions received on notice.

Recommendation

THAT: the motions listed at paragraph 6 are debated and determined by Council.

Alternative options

- 1 There are no alternative options to the recommendation; the constitution makes provision for motions on notice to be debated and decided by Council.

Key considerations

- 2 The constitution provides that members of Council may submit written notice of motions for debate at Council. A motion must be signed by the proposer and seconder and submitted not later than midday on the seventh working day before the date of the meeting. A member cannot propose more than one motion on notice per meeting and a maximum of three motions will be debated at meetings of full Council.
- 3 Motions must be about matters for which the council has a responsibility or which affect Herefordshire.
- 4 Motions for which notice has been given will be listed on the agenda in the order in which notice was received unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

Further information on the subject of this report is available from
Matthew Evans, democratic services officer on Tel (01432) 383690

- 5 Up to one and a half hours will be allocated to debate motions on notice but that time may be varied at the discretion of the chairman.
- 6 Three motions have been received and will be debated at the meeting. The motions for discussion are set out below:

Motion 1 – Proportional Representation

(Proposed by Councillor Felicity Norman, Seconded by Councillor Phillip Howells)

First Past the Post (FPTP) originated when land-owning aristocrats dominated parliament and voting was restricted to property-owning men.

In Europe, only the UK and authoritarian Belarus still use archaic single-round FPTP for general elections. Meanwhile, internationally, Proportional Representation (PR) is used to elect parliaments in more than 80 countries. Those countries tend to be more equal, freer and greener.

PR ensures all votes count, have equal value, and those seats won match votes cast. Under PR, MPs and Parliaments better reflect the age, gender and protected characteristics of local communities and the nation.

MPs better reflecting their communities leads to improved decision-making, wider participation and increased levels of ownership of decisions taken.

PR would also end minority rule. In 2019, 43.6% of the vote produced a government with 56.2% of the seats and 100% of the power. PR also prevents ‘wrong winner’ elections such as occurred in 1951 and February 1974.

PR is already used to elect the parliaments and assemblies of Scotland, Wales and Northern Ireland. So why not Westminster?

Council therefore resolves to write to H.M. Government calling for a change in our outdated electoral laws to enable Proportional Representation to be used for general elections.

Motion 2 – Multi-storey car park (Bus Station)

(Proposed by Councillor Bob Matthews, Seconded by Councillor Terry James)

Subject to a satisfactory scheme being approved for a new Transport Hub at the railway station, Council urgently considers the construction of a multi-storey car park on the present bus station site.

There is a general shortage of car parking spaces in that area and one of our main concerns is that medical staff coming off shifts, late at night, have to walk along poorly lit streets to the Garrick House car park. Sadly, we will all be aware of a number of very serious sexual assaults on females around the City in recent times. It would be right and proper for one of the floors to be allocated solely for the use of medical staff. Visitors from adjoining counties and locals are frequently complaining that at times it takes there an excess of an hour to find suitable parking.

It goes without saying this will eventually have a detrimental effect on our many small businesses.

I am confident that the majority of members will support these proposals because when this project has been previously discussed that has been the outcome.

The Council, therefore, calls on the Executive to explore the construction of a new multi-storey car park on the current bus station site to serve the needs of Hospital Staff, visitors and contractors as well as to provide additional car parking capacity to support the railway station and town centre.

Motion 3 – Local government finance and the present cost of living emergency

(Proposed by Councillor Liz Harvey, Seconded by Councillor John Harrington)

Since setting this year's council budget in February 2022 the rate of inflation has quadrupled and fuel prices have rocketed. Here in Herefordshire, we have been assessed (by the Joint Strategic Needs Analysis, Public Health, ONS and Census data) as having significant issues with levels of child poverty, fuel poverty, food poverty, high house prices, low wages, low productivity, low growth, and low skills.

Nationally - and even more so locally - we are facing a cost-of-living emergency which, alongside the already declared climate emergency, is hitting hardest the least well off of our residents. These are also the people most likely to need and rely upon the very services this council is now struggling to sustain.

Our communities struggle to be resilient in the face of such extreme cost pressures.

Our two Herefordshire MPs have voted to support funding cuts for local government on every occasion that these have been put to Parliament. Over the last ten years the consequence of this has been a reduction of more than £100m in the annual core funding Herefordshire Council receives from government for local service delivery.

In the Chancellor's Autumn Statement just a fortnight ago, central government relaxed its cap on council tax increases for social care and core services. The result being that every local authority in the land will have to raise the local council tax to the maximum in order for the government's statements about the funding made available to local government to add up.

Here in Herefordshire the government's mismanagement of the national economy and its deliberate and ideologically driven underfunding of local government means that to balance the 2023 budget this council needs to find savings of in excess of £22m – nearly 10% of our service costs – just to survive. As a local authority we accept the responsibility to manage local service demands, but the economic consequences of national inflation is beyond our ability to mitigate.

Back in 2014 the UK was found to be failing in its commitments under the European Charter on Local Self Government – particularly in regard to the requirements of article of the charter relating to the provision of adequate finance resources to local authorities commensurate with the responsibilities placed on such authorities by their constitutions and by the law. (<https://rm.coe.int/local-and-regional-democracy-in-the-united-kingdom-recommendation-ange/168071a826>)

In March 2022, the UK was audited again found still to be failing in many of its commitments – especially as regards providing adequate finance to local government. (https://search.coe.int/congress/pages/result_details.aspx?objectid=0900001680a5b483)

The failure over many years to adequately fund local government and thereby the services relied upon by those most in need and vulnerable in our communities leads to

poverty, suffering, ill-health, inequality, loneliness, abuse, neglect and, in the worst cases, death. This situation must not be allowed to continue.

Therefore, this council resolves to:

- **Recognise and welcome the grants which have been provided to-date to individuals, households and businesses to offset some of the real and immediate damage being caused by inflation and fuel costs**
- **Declare a Cost-of-Living Emergency here in Herefordshire and, as a consequence, also to:**
 - **Recognise and respond to the disproportionate effect that this emergency has upon the least well off of our residents**
 - **Provide easy, swift and understandable access to advice and support for people in need**
- **Request that the Chief Executive write to the Prime Minister, and to both Herefordshire MPs, to call for their support for Government to:**
 - **Meet in full its commitments under the European Charter on Local Self Government**
 - **Commit immediately to uplift local government funding for 2023-24 by the current level of inflation – as assessed by the Office for Budgetary Responsibility (11%)**
 - **Provide sustained funding to address fuel and food poverty such that food banks become unnecessary**
 - **Undertake and implement the promised local government fair funding review**
 - **Commit to provide rolling 3-year index linked funding settlements for local government**
 - **Agree rolling 3-year index linked grants to recognise additional service delivery costs for rural councils until the fair funding review is implemented**
 - **Undertake the revaluation and re-banding of domestic properties for council tax and a review of the business rates charging system**

Updates – outstanding resolutions

7 The constitution provides that the report to Council containing notices of motion on hand will also include detail of progress of all outstanding resolutions. There are outstanding resolutions with respect to motions considered at earlier meetings of full Council; updates of progress against these resolutions are provided below:

Date of meeting	Motion	Current Status
12 July 2019	Community Infrastructure Levy	The decision taken on the update to the Core Strategy on 9 th November 2020, see: http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=7296 This included resolution as follows: (e) work on progressing a Herefordshire Community Infrastructure Levy should be put on hold pending the outcome of the

		<p>significant proposals for reform of planning obligations in the White Paper</p> <p>The outcome of the Planning White paper is still awaited, we remain unsure when a new Planning Bill will be published by the Government or a new system implemented.</p> <p>In respect of the first resolution on the Community Infrastructure Levy I would advise that the recently published Levelling Up Bill included proposals to introduce a new infrastructure levy to ensure that developers contribute their fair share to the local area. This is intended to replace the current Community Infrastructure Levy and amend the approach to Section 106 agreements. The Government have indicated that the levy would ensure a local authority can set a sum that it can use for local infrastructure and that they will consult on what provisions there should be to ensure that a fixed proportion of affordable housing can be created.</p>
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RESOLVED:

That this Council asks the executive to investigate the adoption of the Community Infrastructure Levy as a matter of urgency, ensuring it is implemented for Herefordshire no later than January 2021.

Date of meeting	Motion	Current Status
17 July 2020	Tree Strategy	Highlighted as a priority action within the Nature Strategy. Business case drafted to seek funding from Climate reserve for preparing tree strategy.

RESOLVED:

We call upon the executive to expedite the delivery of a detailed tree strategy for the county. A 2014 draft document exists that might provide the basis for a new strategy which will reinforce our commitment to the environment and align with our declaration of a climate emergency.

The Government is currently consulting on an England Tree Strategy and we ask for the council to respond to this consultation.

Furthermore, in the interim and as a matter of urgency, we ask the executive to consider what can be done to protect existing trees and to take immediate action by planting, maintaining and protecting trees in order to have established growth by 2030.

Date of meeting	Motion	Current Status
9 October 2020	Decline in hedgehog population	Highlighted as a priority action within Nature Strategy. Hedgehogs prioritised within planning ecology response. Hedgehog habitat project recently undertaken as part of joint project to increase biodiversity with highways, delivering hedgehog habitats to primary schools across the county with information packs to educate students.
RESOLVED: That –		A recent study has shown that the UK population of Hedgehogs has declined from around 30 million to only 1 million. Whilst it is not yet a European Protected Species it is a British mammal where the population is in steep decline and I am calling upon our executive to please consider ways in which Herefordshire Council can include measures for adaptation, mitigation and for the protection of Hedgehogs to a level comparable to that required for European Protected Species.

Date of meeting	Motion	Current Status
8 October 2021	Belmont	Belmont Appraisal for Conservation Area; this piece of work is underway internally and being led by the building conservation team. The first phase is underway with site visits being undertaken and research of archives.
RESOLVED: That –		<p>That in recognising the importance and potential of Belmont, this Council calls on the Executive to appraise Belmont for designation as a new Conservation Area to include the House, Abbey and Park on the south side of the River and the adjacent hamlets of Warham and Breinton on the north side, seeking funding to support this work; and</p> <p>This council calls upon the executive to appraise all sites of significant historic interest that are not currently conservation areas with a view to reviewing whether more conservation areas should be approved.</p>

Date of meeting	Motion	Current Status
8 October 2021	Wye and Lugg Bathing Water	A business case for staff resourcing the team to undertake this work was submitted by the Environmental Health Service Manager.

	<p>As a consequence the officers were asked to make a business case for the additional £35K for next financial year 2023/24. This request has been made.</p> <p>Request was made and there has so far been no response. Therefore I would leave the update as last reported - unless of course there is an (unlikely) appetite to simply strike off those undeliverable motions without funding and resource.</p>
RESOLVED: That –	
This Council therefore resolves to call upon the executive to:	
Investigate seeking designation of appropriate stretches of the Wye and Lugg to be officially identified as bathing water;	
Urge concerned residents to support the River Action petition, which asks the English and Welsh governments to double the Environment Agency and Natural Resources Wales's regulatory budgets so that they can more effectively enforce the existing legal protections for the Wye and Lugg;	
Forward this resolution to the Members of Parliament in Herefordshire, to ask them to support the campaign by River Action for increased funding for the Environment Agency;	
Forward this resolution to other English and Welsh councils in the Wye Valley to ask them to support the campaigns for bathing water status and for increases in regulatory budgets.	

Date of meeting	Motion	Current Status
28 January 2022	Water Protection Zone for River Wye System	For the latest update please refer to the current status contained in the Cabinet Commission on Phosphates motion below.
RESOLVED: That –		
So this Council urges the executive to press-engage with both the EA and NRW, consulting Powys and Monmouthshire CCs and other interested parties as necessary, to press for nothing less than a Water Protection Zone (WPZ*) for the whole of the River Wye system.		
This should include pushing both Agencies for work to start asap on detailed modelling to demonstrate the need for a WPZ, in order to put a business case to DEFRA; Also for funding for this work to go ahead; And for the Executive to provide regular reports to Council on progress.		

Date of meeting	Motion	Current Status
28 January 2022	Fireworks and animal welfare	<p>1 The safety advisory group (SAG) are aware</p> <p>2 PR to be actioned –social media put out before 5th November weekend</p> <p>3 Letter to government sent</p> <p>4 Letter to local suppliers sent</p> <p>5 Property Services considering matter</p>
RESOLVED: That –		
<p>This Council therefore resolves to ask the executive to:</p> <ol style="list-style-type: none"> 1. Encourage organisers of public firework displays to use ‘silent’ fireworks, and where large displays are planned, to notify Herefordshire Council’s Safety Advisory Group at least two months in advance to allow for advertisement in the interest of public protection and animal welfare. 2. Actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks. 3. Write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays and for fireworks to specify noise levels on their labelling. 4. Encourage local suppliers of fireworks to stock ‘silent’ fireworks for public display. 5. Investigate the feasibility of implementing a formal consent regime for the use of fireworks on sites in council ownership. 		

Date of meeting	Motion	Current Status
4 March 2022	Ukraine	<p>The Government launched the Homes for Ukraine Sponsorship Scheme on the 18th March 2022. There has been an extraordinary response to the scheme and the wider plight of Ukrainian people from communities across Herefordshire.</p> <p>The operations team continues to lead on all the essential checks that are required on sponsors and their families, including DBS and home checks to make sure that the host accommodation is safe. The team also ensure that all of the prescribed payments are made to both hosts and guests as they arrive.</p> <p>Herefordshire Council receives a grant of £10,500 per person. Of this sum £200 is paid to each individual</p>

	<p>arriving as an initial payment. The remaining £10,300 is used to cover costs incurred by the local authority as a result of the scheme and to facilitate and extend community based support and integration through voluntary, community and public sector organisations. The cabinet decision for the spend proposal of this grant funding has been approved Decision - Support for Ukraine - Herefordshire Council</p> <p>The Community Integration Grant Scheme is live for voluntary and not for profit community groups who are supporting Ukrainian arrivals and their sponsors.</p> <p>As at 7 November;</p> <ul style="list-style-type: none"> • 220 unique sponsors registered • 697 unique guests registered <p>524 guests have arrived (hosted by 195 sponsors)</p>
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RESOLVED:

This motion calls on the executive to consider and put in place whatever facilities as may be reasonably expected to receive Ukrainian refugees, subject to direction from national government and an evaluation of council resources required, to ensure that schooling and health services are alerted and to inform the government in Westminster, immediately, that Herefordshire will not be found wanting in our welcome. And to extend a wider request to our residents to be willing to welcome any refugees that they can into their homes, and to be ready to facilitate such organisation and support as these actions may require.

Date of meeting	Motion	Current Status
4 March 2022	Award scheme for the built environment	The preparation for this scheme is underway, but has not yet been finalised, it needs to be reviewed by senior team and any financial implications assessed.

RESOLVED:

Council requests the Executive to investigate setting up a County of Herefordshire award scheme to encourage and recognise exemplary work in the areas of design, conservation and sustainability for the built environment.

Date of meeting	Motion	Current Status
4 March 2022	Rural impact assessment and rural proofing	This work has been picked up by the Corporate Director Community Wellbeing. A rural impact assessment tool has been drafted and is being consulted on. Relevant letters as agreed by Council are being prepared to send to the Government.
RESOLVED:		
<p>This motion asks to refer to the executive at Herefordshire Council consideration of the undertaking of a Rural Impact Assessment from the outset of every budget and contract whether for service or products, which includes engagement with rural stakeholders. The results of the Rural Impact Assessment (RIA) are to be included in all future reports.</p> <p>Rural proofing will ensure the needs of rural communities will become transparent and would demonstrate whether Government or local policies address the needs of rural communities and rural economies like Herefordshire. It is the first step towards developing a Rural Strategy for Herefordshire.</p> <p>This motion considers a reformed approach to rural proofing should be introduced and that the executive should take into account the following during its considerations:</p> <ul style="list-style-type: none"> a) A rural assessment should take place at the start of the policy process, including engagement with rural stakeholders, and be treated as integral, rather than as an adjunct to urban-focused policy. No budget or service should be brought forward without an accompanying rural assessment statement; b) The impact of new policies on rural areas should be systematically and consistently monitored as they are implemented. This would include an update on the performance of rural proofing across Herefordshire Council; c) The executive at Herefordshire Council is required to monitor and report annually on the rural impacts of relevant policies and services, and to encourage its strategic partners to do the same; and d) The executive at Herefordshire Council agrees to write to the Government and MPs in response to this motion that: <ul style="list-style-type: none"> • Government should put in place the appropriate structures to facilitate a more robust rural proofing regime; and • Government needs comprehensively to rethink and reform the rural proofing process across Government, to ensure that relevant policies and legislation are attuned to the needs of rural communities and rural economies like Herefordshire. 		

Date of meeting	Motion	Current Status
29 July 2022	Cabinet Commission on Phosphates	<p>This update pertains to both Council motions on the WPZ (see above) and Cabinet Commission on Phosphates.</p> <p>The Executive appreciates and welcomes the unanimous support of Members in our joint endeavour to see the Wye restored. Since the motion was adopted, further officer discussions, led by the Chief Executive, have been undertaken with senior regional leads within Natural England, Natural Resources Wales and the Environment Agency. The agencies are saying for the reasons set out in the letter from former Minister Pow they are not able to take further work forward on an immediate water protection zone at this time.</p> <p>Subsequently, Cabinet has agreed terms of reference for the Cabinet Commission. The Cabinet Commission comprises Executive Members from Powys, Monmouthshire and Herefordshire Council's. Natural England, the Environment Agency and Natural Resources Wales, have agreed to provide principle advisors to the Cabinet Commission. At the same time, the agencies and the Council's wish to remain supportive of the role of the Nutrient Management Board and avoid duplication. Strong liaison links have been established to achieve this. The first meeting of the Commission was held on the 19th October 2022 and the Cabinet Commission is now meeting monthly through to April 2023. The Commissioners will publish a summary of each meeting including their progress against the terms of reference (Cabinet Commission - Restoring the Wye – Herefordshire Council). The Commission will also be a protected space for confidential discussions and negotiations to take place in support of developing a new plan for the Wye. Other reports and papers may also be published from time to time. These will be made available on the Council's Website and circulated to NMB and the five Wye catchment MPs in England and Wales who are also keen to see a plan to restore the Wye.</p> <p>In preparation for the first meeting, of the Cabinet Commission an analysis of the Poole Harbour WPZ scheme has been undertaken. The Poole Harbour Scheme was designed by the local farming community, over a three year period, with a ten year implementation plan. The Poole Harbour WPZ plan was then adopted by the agencies and then backed by a binding legal agreement. The local farming community has indicated a willingness to work with the Cabinet Commission to explore whether a similar scheme for the Wye Catchment</p>

can be created and a working group established with the NFU, Farm Herefordshire and the CLA. The objective would be to create a restoration plan with checkpoints against progress and, in the same way as has been agreed for Poole, this would leave open the potential for a full WPZ if insufficient progress against agreed milestones is being achieved.

Scoping work has commenced against the NMB, Policy, Planning and Supply Chain review, each of these work streams will consider the specific items described in the motion to Council. Discussions are also taking place with the Forest of Dean Council as to how they can assist the work of the Cabinet Commission.

The Cabinet Commission will respond very fully to both motions to Council in March 2023. An update report, will have first been considered by the Environmental and Sustainability Scrutiny Committee ideally, at its meeting in January 2023 and will also be discussed with our partner agencies and the Chair of the NMB. The Cabinet Commission recognises that it cannot compel decisions by other agencies but anticipates that enhanced collaboration will lead to a set of recommendations which will enable solid progress to be made in restoring water quality on the river Wye.

RESOLVED: We welcome all the actions that Herefordshire Council and other statutory partners have taken and continue to take to address the issue of phosphate over-loading of the River Wye SAC.

As scientific research now exists which indicates that further impactful and coordinated responses are required to save the river catchment from permanent eutrophication, this motion calls upon the executive to:

Consider including the following areas of urgent action in the remit of the proposed Cabinet Commission on Phosphates:

1. Request of government that:

- the new Minister in charge of Defra clarifies what additional evidence they require before they would be prepared to reconsider the Council's Water Protection Zone request for the Wye;
- DEFRA commission the catchment-wide appraisal of nutrient flows in the Wye (and all other river systems within Herefordshire) that will inform and enable consideration of the cumulative impact of housing, agricultural and industrial development.

2. Request that:

- the Environment Agency improve the effectiveness of their regulatory and enforcement actions and their work with partners, to deliver best practice in sewerage treatment and manure management and to encourage and support the ongoing work of compliant farm businesses.

- Natural England update their current (2011) River Wye water quality data in relation to the SSSI and SAC targets in a timeframe which is aligned to the current update of the Herefordshire Local Plan; and provide guidance on appropriate conditioning of permissions to achieve the necessary reduction targets.
3. Identify now how best to use the update of the Local Plan to:
- recognise and address proportionately the legacy and ongoing contribution to phosphate pollution made by each development sector;
 - promote and support best practice nutrient actions across all sectors;
 - encourage and incentivise catchment restoration through alternative, restorative and regenerative land use; and
 - decommission intensive poultry units that have reached the end of useful life.
4. Using the 'precautionary principle' explore immediately the adoption of a planning position statement for all future development which accurately reflects the sector risks identified in research; and reinstating the consideration of '*cumulative impact*', in co-ordination with Powys County Council, to ensure that the Supplementary Planning Document on Agricultural Development, which is already in progress, enables officers to exercise the full extent of the council's planning powers in these regards.
5. Consider urgently how data sharing, data management and data visualisation can support science-led and evidence-based decision-making at all levels and across all stakeholders.

Date of meeting	Motion	Current Status
21 October 2022	Cost of living crisis and energy efficiency	The Cabinet Member for Environment & Economy supports the Full Council resolution and a letter to the Prime Minister is currently being drafted.
RESOLVED: This council believes that:		
<ul style="list-style-type: none"> • Everyone has the right to a warm home that is affordable to heat; • Improving energy efficiency is central to tackling the energy crisis and cost of living crisis; • Fossil fuels should be left in the ground, and investment in energy supply should instead be targeted at renewables • All new homes and workplaces should be built to the highest possible energy efficiency standards. 		
This council notes that:		
<ul style="list-style-type: none"> • Herefordshire Council unanimously declared a climate emergency on 8 March 2019. • Buildings account for 23% of UK greenhouse gas emissions 		

- Herefordshire Council has made significant commitments to supporting energy efficiency for homes and businesses in the county, but needs far more support from central government
- Current UK government investment in energy efficiency is nowhere near the level required to address fuel poverty or meet our legally binding UK climate targets.

The council therefore calls on the executive to write to the Prime Minister and to the Herefordshire MPs to call for:

- Immediate further direct financial support to help people to manage the cost of living crisis, with most support provided to low income households;
- A fully funded nationwide action plan to insulate all homes and businesses as quickly as possible to improve energy efficiency and reduce bills;
- A commitment to keep fossil fuels in the ground, and to invest instead in developing the renewable energy technologies and businesses that are essential for our future energy security;
- Immediate introduction of significantly improved energy efficiency standards for new buildings.

Community impact

- 8 Herefordshire Council's adopted code of corporate governance provides the framework for maintaining high standards of corporate governance in order to achieve the council's vision of "people, organisations and businesses working together to bring sustainable prosperity and well-being for all, in the outstanding natural environment of Herefordshire."
- 9 In accordance with the code, the long-term nature of many of Herefordshire Council's responsibilities mean that we should define and plan outcomes and that these should be sustainable. Decisions should further the council's purpose, contribute to intended benefits and outcomes, and remain within the limits of authority and resources. Input from all groups of stakeholders is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available.

Equality duty

- 10 Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 11 The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. If any motion results in a request that the executive (cabinet) consider taking some action, the cabinet will have regard to the equality duty when determining its response to the request.

Resource implications

- 12 None arising from the recommendation; if any motion results in a request that the executive (cabinet) consider taking some action the implications of such action will inform any decision by cabinet.

Legal implications

- 13 None arising from the recommendation; if any motion results in a request that the executive (cabinet) consider taking some action the implications of such action will inform any decision by cabinet.

Risk management

- 14 None arising from the recommendation; if any motion results in a request that the executive (cabinet) take some action the risks associated with such action will inform any decision by cabinet.

Consultees

- 15 None.

Appendices – None

Background papers – none identified

