

Corporate Support Centre
Paul Walker - Chief Executive

To: All members of the Council

our ref: Council - 13 October 2023
contact: Matthew Evans, Democratic Services
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5 October 2023

Dear Councillor,

You are hereby summoned to attend the meeting of the Herefordshire Council to be held on **Friday 13 October 2023** 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



Monitoring Officer

AGENDA

Council

Date: **Friday 13 October 2023**

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 13 October 2023 10.00 am](#)

For any further information please contact:

Matthew Evans, Democratic Services

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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
Vice-Chair

Councillor Roger Phillips
Councillor Stef Simmons

Councillor Polly Andrews
Councillor Jenny Bartlett
Councillor Graham Biggs
Councillor Harry Bramer
Councillor Ellie Chowns
Councillor Frank Cornthwaite
Councillor Clare Davies
Councillor Barry Durkin
Councillor Toni Fagan
Councillor Carole Gandy
Councillor Peter Hamblin
Councillor Helen Heathfield
Councillor David Hitchiner
Councillor Terry James
Councillor Jonathan Lester
Councillor Bob Matthews
Councillor Aubrey Oliver
Councillor Justine Peberdy
Councillor Ivan Powell
Councillor Ben Proctor
Councillor Louis Stark
Councillor John Stone
Councillor Richard Thomas
Councillor Diana Toynbee
Councillor Rob Williams

Councillor Bruce Baker
Councillor Chris Bartrum
Councillor Dave Boulter
Councillor Jacqui Carwardine
Councillor Simeon Cole
Councillor Pauline Crockett
Councillor Dave Davies
Councillor Mark Dykes
Councillor Elizabeth Foxton
Councillor Catherine Gennard
Councillor Liz Harvey
Councillor Robert Highfield
Councillor Dan Hurcomb
Councillor Jim Kenyon
Councillor Nick Mason
Councillor Ed O'Driscoll
Councillor Rob Owens
Councillor Daniel Powell
Councillor Philip Price
Councillor Adam Spencer
Councillor Pete Stoddart
Councillor Elissa Swinglehurst
Councillor Kevin Tillett
Councillor Allan Williams
Councillor Mark Woodall

Agenda

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1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES To approve and sign the minutes of the meeting held on 28 July 2023.	11 - 20
4. CHAIRMAN AND CHIEF EXECUTIVE'S ANNOUNCEMENTS To receive the Chairman and Chief Executive's announcements.	21 - 24
How to submit questions	
<i>The deadline for submission of questions for this meeting is:</i>	
<i>9:30 a.m. on Tuesday 10 October 2023.</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 any written questions from members of the Council.	
7. TAXI AND PRIVATE HIRE POLICY To approve the reviewed and amended Taxi and Private Hire Policy 2023 - 2028.	25 - 254
8. CAPITAL PROGRAMME REVIEW AND UPDATE To approve the revised capital investment budget for 2023/24 onwards.	255 - 270
9. LEADER'S REPORT To receive a report from the leader on the activities of the executive (cabinet) since the meeting of Council on 28 July 2023.	271 - 288
10. NOTICES OF MOTION UNDER STANDING ORDERS To consider Notices of Motion.	289 - 296

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>,

**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.

Minutes of the meeting of Council held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Friday 28 July 2023 at 10.00 am

Present: Councillor Roger Phillips (chairperson)
Councillor Stef Simmons (vice-chairperson)

Councillors: Polly Andrews, Bruce Baker, Jenny Bartlett, Chris Bartrum, Graham Biggs, Dave Boulter, Harry Bramer, Jacqui Carwardine, Ellie Chowns, Simeon Cole, Frank Cornthwaite, Pauline Crockett, Clare Davies, Barry Durkin, Mark Dykes, Toni Fagan, Carole Gandy, Catherine Gennard, Peter Hamblin, Liz Harvey, Helen Heathfield, Robert Highfield, David Hitchiner, Dan Hurcomb, Terry James, Jim Kenyon, Jonathan Lester, Nick Mason, Bob Matthews, Ed O'Driscoll, Aubrey Oliver, Rob Owens, Justine Peberdy, Dan Powell, Philip Price, Ben Proctor, Adam Spencer, Louis Stark, Pete Stoddart, John Stone, Elissa Swinglehurst, Richard Thomas, Kevin Tillet, Diana Toynbee, Allan Williams, Rob Williams and Mark Woodall

Officers: Chief Executive, Chief Finance Officer and Director of Governance and Law

10. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Polly Andrews, Dave Davies, Elizabeth Foxton and Ivan Powell.

11. TRIBUTES TO COUNCILLOR PETER JINMAN

Council stood in silence in memory of Councillor Peter Jinman.

The Group Leaders paid tribute to Councillor Jinman and the significant contribution he had made to Herefordshire Council and his local ward of Golden Valley South. Councillor Jinman was respected widely throughout the council and the local community. He brought a rational and considered approach to matters and warmth and good humour in all his interactions with members, officers and local residents.

12. DECLARATIONS OF INTEREST

There were no declarations of interest.

13. MINUTES

The Chairman outlined a correction to the minutes of the previous meeting to correct the use of the term *Chairman* to *Chairperson* under paragraphs 5 and 8.

RESOLVED: That, subject to the corrections as outlined above, the minutes of the meeting 19 May 2023 be confirmed as a correct record and signed by the Chairman.

14. CHAIRMAN AND CHIEF EXECUTIVE'S ANNOUNCEMENTS

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

15. 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.

16. QUESTIONS FROM MEMBERS OF THE COUNCIL (Pages 9 - 10)

A copy of the Member questions and written answers, together with supplementary questions asked at the meeting and their answers, is attached to the Minutes at Appendix 2.

17. LEADER'S REPORT

Council received and noted the Leader's report which provided an update on the work of the Cabinet since the annual meeting of Council on 19 May 2023.

Council questioned the Leader on those topics contained in the report and the following actions were raised:

- To provide a written response to a question requesting updates on the motions concerning Herefordshire's Rivers, including: Water Protection Zone for River Wye System; Cabinet Commission on Phosphates; and River Wye bylaws; and
- To review the submission of recommendations concerning the Local Plan from the Environment and Sustainability Scrutiny Committee to Cabinet and to consider an executive response.

18. NOTICES OF MOTION UNDER STANDING ORDERS

Motion 1 – County Athletics Track

Councillor Jim Kenyon proposed the motion.

Councillor Rob Williams seconded the motion.

Council debated the motion.

In summary, there was widespread support for the motion and the contribution the facility would make to the health and wellbeing of local residents and the promotion of participation in sport. There was concern expressed regarding long term maintenance of the facility, following repair, and the potential precedent that the Council would set for other local fundraising efforts seeking contributions towards projects.

Councillor Kenyon closed the debate.

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

RESOLVED – that:

This Council asks the cabinet to reconsider the decision made by council back in February, at the budget meeting, regarding funding for the County Athletics Track in Hereford. Since that meeting they have attracted additional funding from the

levelling up government fund and the local community following the initial pump prime funding from Hereford City council of £70k the short fall for the project to be fully funded is £70k the total project cost is £450k.

Motion 2 – Climate and Ecological Emergency

Councillor Ellie Chowns proposed the motion.

Councillor Liz Harvey seconded the motion.

Council debated the motion.

In summary, there was considerable support for the motion and the importance of accelerating efforts locally to address climate change and move towards net zero. Evidence of the impact of the climate change locally was raised including the increase in the incidence and severity of flooding. It was raised that the motion should not create an impediment to growth and development in the county.

Councillor Chowns close the debate.

The motion was put to the recorded vote and was carried unanimously.

FOR (48) - Councillors: Polly Andrews, Bruce Baker, Jenny Bartlett, Chris Bartrum, Graham Biggs, Dave Boulter, Harry Bramer, Jacqui Carwardine, Ellie Chowns, Simeon Cole, Frank Cornthwaite, Pauline Crockett, Clare Davies, Barry Durkin, Mark Dykes, Toni Fagan, Carole Gandy, Catherine Gennard, Peter Hamblin, Liz Harvey, Helen Heathfield, Robert Highfield, David Hitchiner, Dan Hurcomb, Terry James, Jim Kenyon, Jonathan Lester, Nick Mason, Bob Matthews, Ed O'Driscoll, Aubrey Oliver, Rob Owens, Justine Peberdy, Dan Powell, Philip Price, Ben Proctor, Adam Spencer, Louis Stark, Pete Stoddart, John Stone, Elissa Swinglehurst, Richard Thomas, Kevin Tillett, Diana Toynbee, Allan Williams, Rob Williams and Mark Woodall

AGAINST (0)

ABSTAIN (0)

RESOLVED – that:

In March 2019 Herefordshire Council unanimously passed a motion recognising the climate emergency. This was updated in December 2020 to include recognition of the ecological emergency.

Since that time the scale of the challenge has become greater, and the need for action more urgent. Climate change is driving extreme weather such as heatwaves that cost lives. Wildlife is under extreme pressure, and species loss is accelerating.

Here in Herefordshire we can see the effects of the climate and ecological emergency very clearly at local level. Climate change contributed to the unprecedented flooding in February 2020 that caused immense damage and disruption. Pollution has caused a collapse in biodiversity in our precious Rivers Lugg and Wye, to the great concern of local residents, as well as impacting on our county's reputation and economy.

This motion therefore offers members the opportunity to renew Herefordshire Council's commitment to taking action to tackle the climate and ecological emergency.

Motion

That this Council resolves to declare its recognition of the climate and ecological emergency, and calls on the executive to:

- a) Integrate consideration of climate mitigation and adaptation, and nature recovery, into all council decision-making; and ensure that all decisions are compatible with the goal of a zero-carbon, nature-rich Herefordshire by 2030;**
- b) Commit to further accelerating reduction of the council's own carbon footprint towards the target of net zero by 2030, including taking every opportunity to reduce use of fossil fuels;**
- c) Commit to taking every opportunity to improve wildlife protection and better management of land for nature, including on council-owned land;**
- d) Support and strengthen action with partners towards the goal of a zero-carbon, nature-rich Herefordshire by 2030, including through the Herefordshire Climate and Nature Partnership Board;**
- e) Provide the necessary resources for officers to deliver on the council's carbon reduction and nature protection commitments, and to develop evidence based indicators to enable the council to monitor and report annually on the county's position.**

The meeting ended at 12.30 pm

Chairperson

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

Question Number	Questioner	Question	Question to
PQ 1	Mr McGeown, Weobley	Will a Printed Copy of Draft City Masterplan be provided to all Herefordshire households in advance of it being put for consultation and adoption?	Cabinet member transport and infrastructure
<p>Response:</p> <p>The Hereford City Masterplan is currently being reviewed to ensure that is aligned with this administration’s Policy Direction. Following this review the document will be reconsidered by Cabinet prior to formal consultation. The consultation will include printed copies being made available in Libraries and Community venues across the County. A short URL link to the digital document will also be available to ensure the document can be easily accessed digitally in line with the Councils Digital Strategy 2018-23.</p>			
<p>Supplementary Question:</p> <p>Would printed copies of draft masterplan be available to Parish Councillors, for example would the parish clerk be able to formally ask that Dilwyn Parish Council obtain 12 printed copies (13 if the clerk can also have one). These would aid the councillors “in depth discussion in advance of consultation”. Also and possibly more significant, these printed copies could be made available to Dilwyn residents so they can become fully informed. Say placed in the borrowed book corner in St Mary’s Church, The Crown community hub, village hall etc. This would help Dilwynners to raise relevant concerns.</p> <p>Also as a simple resident/householder I have minor vision impairment and find hard printed copy easier than on screen documents. Would I be able to formally ask to be provided with a printed copy from say “Information Governance Team, Herefordshire Council”, so that like the councillors, it will enable me to have better accessibility and fuller understanding. I can then be better prepared when the Draft Masterplan is put for consultation.</p>			
<p>Response to supplementary question from Cabinet member transport and infrastructure:</p> <p>As part of the consultation the needs of all different consultees across the county will be considered. The consultation will be conducted largely on line however hard copies of the consultation documents will be available in libraries and where requests for hardcopies are received the council will engage with those members of the public to attempt to address their needs and requirements.</p>			
PQ 2	Ms Reid, Hereford	<p>The Chief Executive’s Announcement and the Leader’s Report mentioned the partnership with Leeds City Council to improve Herefordshire Children’s Services. The Leeds Family Valued approach uses “restorative and relational practice”. When recently interviewed (BBC H&W), the Cabinet member explained this means “working with families and not doing to [families]” and mentioned Family Group Conferences (FGCs).</p> <p>Apart from FGCs, how will the council work with and build trust with families (please include dates)?</p>	<p>Cabinet member children and young people</p> <p>(The Leader has provided the response)</p>

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Excluding FGCs, possibilities include:

- Establishing a group of families with varied experience of Children's Services (eg care proceedings, children 'in need', children in care) to consult with
- Suggesting a families co-optee on the Improvement Board
- Satisfactorily dealing with complaints
- Satisfactorily answering public questions and supplementary questions per the Constitution especially to the Children and Young People Scrutiny Committee (CYPSC)
- Representative of Families co-optee on the CYPSC (4.5.7, Constitution)

Response:

The move towards a more restorative and relational approach has started and we are excited that the Leeds Relational Practice Centre has committed to support us over the next few years with our development journey. There is not a distinct list of key dates and tasks but rather an embrace of the approach of working *with* families which should permeate all of our actions in time.

Answering on behalf of Councillor Ivan Powell today I am aware that the service is developing proposals to speak with families about setting up a consultative group which will be shared with Councillor Powell and that additional resources have been put into being better able to respond to and resolve complaints. A question about responding to public questions and supplementary questions was answered at the meeting of the children and young people scrutiny committee last week as was the matter of the appointment of co-optees which is a matter for that committee. I shall however pass on the suggestions contained in the question to Councillor Ivan Powell.

Supplementary question:

Public questions have often not been fully answered, answered late or unanswered. For example, four public questions were submitted to the February children's scrutiny committee meeting but none was answered before the meeting. At the next children's scrutiny committee meeting, this month, six public questions were submitted. All six questioners are dissatisfied with the responses to their public questions and/or supplementary questions including the former Chairperson and Vice-Chairperson of the committee. The explanation for rejecting my supplementary question was that it repeated the answered public question about co-optees. The response would have answered my public question for any other scrutiny committee.

In future, will public questions and supplementary questions be satisfactorily answered and per the Constitution?

Response to supplementary question from the Leader:

Public and supplementary questions were vital to the running council and it was important that the process for the answering of questions operated effectively and did not malfunction. Every effort would be made to ensure that the problems affecting the questions to the February meeting of the children and young people scrutiny committee did not happen again. Within the rules for public questions there was the potential for questions and supplementary questions to be rejected if they did not meet the criteria. The council should strive to answer questions in line with the services it provides and members of the public should feel that the ability to ask questions adds to the value of the running of the council.

Agenda item no. 6 - Questions from members of the Council

Question Number	Questioner	Question	Question to
MQ 1	Councillor Oliver, Saxon Gate	<p>In the 23/24 budget signed off by the Council there was a commitment to build 2,500 homes for social housing over 10 years.</p> <p>How many of these 2,500 homes will be built in the years to 31 March 2024 and 31 March 2025? How many homes are likely to be built in the next 4 years?</p> <p>What was the total number of new houses built in Herefordshire in the year to 31 March 2023?</p> <p>How many house are there for which outline planning or full planning has been granted that still remain to be built?</p>	Cabinet member Economy and Growth
<p>Response: In the 23/24 budget signed off by the Council there was a commitment to build 2,500 homes for social housing over 10 years.</p> <p>As part of the Capital Strategy presented by the previous administration to Council in February, it stated –</p> <p>Cabinet have an ambition to create 2,500 new social and affordable homes over the next 10 years; the council intends to respond to this challenge by progressing plans to invest in developing additional affordable housing stock and retaining it in public ownership.</p> <p>How many of these 2,500 homes will be built in the years to 31 March 2024 and 31 March 2025?</p> <p>All affordable housing predicted to be delivered in the County is 386 Affordable Rent = 133 Social Rent = 46 Shared Ownership = 89 Rent to Buy = 4 114 units to be confirmed</p> <p>How many homes are likely to be built in the next 4 years?</p> <p>All affordable housing predicted to be delivered over the next 4 years is 1274. Affordable Rent = 397 Social Rent = 180 Shared Equity = 4 First Homes = 10 Shared Ownership = 202</p>			

66

LCM/Discounted = 18

Rent to buy = 8

455 to be confirmed

What was the total number of new houses built in Herefordshire in the year to 31 March 2023?

Monitoring survey data being used for the annual 5 year supply reporting indicates that there have been 704 units completed (net) in the year 1 April 2022 – 31 March 2023.

How many house are there for which outline planning or full planning has been granted that still remain to be built?

Unbuilt commitments (net) with full permission, together with outline permissioned units at 31st March 2023 totals 4675. It should be added that this figure may be subject to variation as the 5 year supply report is still being finalised.

NB Net refers to the number of new units built less any demolitions.

Supplementary Question :

I welcome the announcement that 1,274 units will be built within 4 years, are all these units to be built by the Council? How many will be built in Hereford City? As regards the 4,675 with outline planning permission I assume most of these are on the land banks of private housing developers. A large developer had outline permission for 1,000 homes at Rotherwas which has been in place for about 10 years without a single home being built. Can the council persuade them to part with a portion of the land to enable social housing to be built where the jobs are on Rotherwas?

Response to supplementary question from Cabinet Member Economy and Growth:

A written response would be provided and an offer to meet and discuss the issues was raised.

Response to supplementary question provided on 9 August:

All will be built by private developers and registered providers, however the affordable housing will be negotiated by Herefordshire Council's Strategic Housing Team Strategic Housing.

From April 2023 to March 2026 it is predicted that 437 affordable housing properties and an 80 unit extra care scheme will be built in Hereford totalling 517.

Discussions with the developer are currently taking place with regards to the site in Rotherwas. There is the potential to deliver approximately 540 homes of which 35% would be negotiated as affordable housing, with a mixture of accommodation for general needs and vulnerable client groups.

Chairman of Council report – Council Meeting **13 October 2023**



The 6th September marked the 30th anniversary of the fire at Sun Valley on Grandstand Road, Hereford where tragically two local firefighters lost their lives.

At its height the fire had 130 firefighters in attendance using 23 pumping appliances over a two hectare site. The fire started in the defrosting unit and the insulation panels in the ceiling disguised the spread of flames and smoke which went unnoticed resulting in the collapse of a ceiling.

Firefighters John Davies aged 34, who was a retained firefighter from Leominster but worked in Hereford so was part of the call out, and David Morris aged 35, a full time firefighter for 11 years in Hereford were tragically lost when the ceiling collapsed onto them.

Exactly 30 years on from the original call out the Hereford Fire Station crew held a parade at the St Owen St station. That afternoon I joined with members of their families, friends, former firefighters and the Hereford & Worcester Chief Fire Officer at their memorial in the Cathedral's Lady Arbour gardens for a short commemoration event. The incident remains one of the darkest days in our County since the war.



Last month I was part of the team who organised the Rural Services Network Annual National Rural Conference - online with seven sessions over four days. Issues addressed were rural housing, transport, net zero, health care, finance, economy and connectivity.

We have also published our 'Road map for Rural' aimed at the political parties to provide them with a better understanding of our issues to influence their manifestos. I know several members and officers joined many of sessions.

I was delighted to attend a special concert at the Courtyard Theatre to mark the 25th anniversary of its opening. The success of the Courtyard is a testament to the huge

dedication and work of artistic groups, supporters and volunteers who ensure we retain this cultural jewel in our County.

I shall not be holding a County civic service this year but instead will hold a reception at plough lane which will also mark the 25th anniversary of the creation of Herefordshire Council in 1998.

The vice Chair and myself have attended various events including Citizenship ceremonies, graduation events, Battle of Britain service with the Air cadets, Ledbury civic service, NMITE, and a meeting with the county mayors.

Chief Executive's report to Full Council 13 October 2023

Our work is ongoing to deliver the improvements required for our children's services. Important progress has been made throughout the summer. Our new partnership with one of the country's leading children's services – Leeds City Council – is helping the council continue to drive forward these improvements at pace. Frontline children's services social care staff have met with colleagues from Leeds – where children's services are rated as 'outstanding' - to hear directly from them about their experience, how they work and how this will benefit Herefordshire. This month new training will begin with our staff on a new way of working – known as restorative practice – to improve the way we work with families and children needing help.

We continue to have regular inspections from Ofsted that focus on key areas of practice. Their third visit took place in September and looked at our services for looked after children and permanency arrangements. There was positive feedback on the work of the children with disabilities team and some examples of good work and progress elsewhere. However, their feedback was clear that we need to increase the pace of change and increase and demonstrate the ambition that we have for children. There's no doubt that we're in a very different place than a year ago. However we know we have much to do to ensure our children and families are receiving the best possible services. Where we do have good practice we need to share this, learn from it, duplicate it in all parts of the service and set our aim and our ambitions higher.

Children's commissioner Eleanor Brazil continues to oversee our improvement programme. She is currently undertaking her formal six-month review of progress and will then submit her report and recommendations to David Johnston, Parliamentary Under Secretary of State (Minister for Children, Families and Wellbeing) to consider. We are grateful for Eleanor's expert insight and guidance and the advice and support we receive from the Department for Education appointed improvement advisor Gladys Rhodes White OBE.

Our scheme offering special summer holiday activities to children and young people who receive free school meals has continued to grow in popularity. This year, more than 1,100 children took part in the Here for Herefordshire scheme which offers a variety of free indoor and outdoor activities which ran during the summer holidays.

In September, we celebrated the wonderful contribution of our fostering families. Foster Fest was a fun family day and a great way for the council to show its appreciation for the fantastic work they do. It also allowed families to share experiences in an informal setting. The council is part of a collaboration of more than 80 councils and children's trusts across the country to promote fostering with a powerful new film – Any of Us. The film highlights that anyone who cares has the potential to be a foster carer. It can be viewed on YouTube through the council website.

Herefordshire Council has been asked by the government to bring together local landowners and nature conservation groups, and embark upon a major nature recovery programme. This will aim to connect the many natural spaces with each other through a network of natural byways and recovered spaces. As an appointed Responsible Authority, the council is tasked with producing a Local Nature Recovery Strategy (LNRS) for Herefordshire, which will be developed working in consultation with landowners, nature organisations and conservation groups in the county over the next 12 months.

Following audits to understand where farms in the county can cut carbon emissions and become more sustainable, the council recently facilitated a farm conference to share the outcomes and

experiences. The day was a chance for audit participants to meet with each other and stakeholders such as the county's Wildlife Trust and Forestry Commission teams who work with farms to support change. There's a spotlight on farming to cut carbon emissions and it's clear that Herefordshire farmers can and want to be part of the solution. Follow up farm audits will be conducted in 2026 to help measure progress.

The council, in collaboration with the Police and Crime Commissioner John Campion (PCC), and West Mercia Police have launched a new £1million grant scheme for projects that tackle crime. The Safer Communities Grant will support projects that focus on early prevention, tackling the causes of crime, vulnerability, exploitation and anti-social behaviour. Open to not for profit organisations and schools across Herefordshire, grants of between £25,000 and £300,000 will be available over the next two years.

The recent community day and official opening of the new cycle track in Hereford have been a great way to celebrate this fantastic new facility made possible thanks to Stronger Towns funding. The 1km circuit, which is managed by Halo Leisure, is next to the leisure centre in Holmer Rd and is an impressive addition to the facilities already offered there. The fifteen Stronger Hereford projects are set to transform culture, sport, skills and the City's riverside as well as offering greener travel and will benefit residents from across the county.

Investing in staff development is vital if we are to build experience and retain skills in the council. We've recently introduced a new apprenticeship scheme with Coventry University which will allow staff to gain the qualifications they need to further develop their career while continuing to work. The apprentices spend 80% of their time at work and 20% for study, which includes going to university. The apprenticeships in occupational therapy and social work are a great way to gain additional experience and qualifications.

We've also recently welcome three new colleagues who've joined us as part of the LGA's national graduate development programme. They'll be spending two years working across different council departments as they learn about how local government works and developing their project and service management skills. We wish them all well.

Thank you for your support

A handwritten signature in black ink that reads "Paul". The signature is written in a cursive, slightly slanted style.

Paul Walker
Chief Executive



Title of report: Taxi and private hire policy 2023 – 2028

Meeting: Council

Meeting date: 13 October 2023

Report by: Cabinet Member Roads and Regulatory Services

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 2023 - 2028. 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 policy be approved;
- b) the implementation date be 1st January 2024 to allow time for trade compliance;
- c) authority be delegated to officers as specified in the licensing decision making process appended to this report;
- d) authority be delegated to officers to make legal or statutory guidance changes and, administrative error corrections to the policy.

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

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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.

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 a 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 holders. 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 initiated 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 for 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. This policy was initially presented to the December 2022 Council meeting, at that time a decision was made to defer adoption, asking the former Cabinet Member to further consider the policy.
10. The election in May 2023 resulted in a change to the Cabinet Member. The new Cabinet Member supported further meetings with the Taxi Association in seeking to resolve where possible any outstanding areas of issue. A proposed new condition regarding the acceptance of card payments also required a further round of consultation.
11. Meetings were held between the officers and representatives from the Taxi Association in May and June 2023. The purpose of these meetings was to further review the policy and each appendix and make any amendments that could be agreed. These meetings proved successful and the time and contribution that the Herefordshire Taxi Association Members provided is both recognised and appreciated by the Licensing Authority and Cabinet Member.
12. The main changes to the policy since the December Council meeting are as follows:
 - a) Inclusion of a condition to mandate card payments
 - b) Re-wording of seat configuration to allow larger vehicle to have a third row of seats
 - c) Review of Penalty Points Scheme
 - d) CCTV specification amended to facilitate incorporation of an audio switch.
 - e) Review of Knowledge Test
 - f) CCTV specification review

None of these amendments have impacted on public safety since the Policy was last presented to Full Council in December. Negotiation and a clear understanding of the Trade's concerns resulted in the policy being amended to the satisfaction of both the Trade and the Licensing Authority, but has resulted in an agreement as to how the required changes can best be implemented. Therefore the agreed changes enhance public safety with the inclusion of card payments, ensures larger vehicles are not disadvantaged by having to remove seats, a penalty points scheme and knowledge test which is fit for purpose, CCTV which complies with the latest regulations, all of which are supported by the trade.

13. The Taxi Association has indicated that they are in agreement with the changes at this time and are now in support of the revised policy. If approved, the policy will be uploaded to the council's website and email notification will be sent to licence holders regarding the amended policy. As a consequence of these amendments, 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

14. 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.

Environmental Impact

15. 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.
16. 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.
17. 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.
18. 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.
19. 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

20. 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.
21. 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

22. 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.

23. The request for a new HC7 post will be funded in this financial year and is cost neutral as follows:-

Cost of new post 01 Oct 2023 – 31 March 2024	£19,943
Saving from vacant HC7 post 6 months 22931 vacant during restructure and issues recruiting to replacement post.	£(19,943)

Legal implications

24. 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.
25. 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

26. The proposed policy will offer greater protection for the most vulnerable persons in our community whilst they are travelling within a council licensed vehicle.
27. 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

28. 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 in August 2022 with a third consultation exercise in May 2023. The outcome of these

exercises is available as Appendix 10. The table below summarises the consultation process, the key stages and main changes made. The Taxi Association have issued a response to state that “following some agreed amendments, the trade can now support the amended policy for Full Council in October 2023”.

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 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.	Numerous changes made to the new policy in addition to the 7 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.	Consultation from October to December 2021. Responses numbered over 83, some very detailed and complex, one being 13,000 words. Policy therefore referred back to officers to review.
January to July 2022, the officers review policy and consultation responses and meet the trade association(s). 2 nd consultation exercise undertaken in August 2022.	57 major significant changes made to policy and over 150 minor ones.	Consultation sent out with changes. This time only two consultees responded, with minor changes requested. It became clear that only five outstanding issues remained.
September to November 2022, the officers review	25 minor changes made to policy.	Outstanding matter remaining were:

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policy and the second consultation responses.		<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.
October to November 2022 – The officers and Cabinet Member consider the three outstanding matters.	Recommended no further changes to be made to policy.	<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.
December 2022 – The draft policy was presented to Council and the decision was to delay the decision whilst the Cab Member sought further detail resulting from the questions raised during the meeting.	This additional time was to give the trade and Cab Member further opportunity to present and consider any information which remained outstanding.	No further Instruction from Cab Member due to election.
May 2023 – consultation was undertaken on the inclusion of two new conditions associated with cashless payments and to have mandatory card payment machines in all Hackney Carriages	This came from safeguarding concerns and was also highlighted as a problem by the Taxi Association and other concerned trade members.	Consultation responses were positive and the condition was added into the conditions.
June 2023 – consultation review meetings with	These were to review the documents individually and make any	All documents reviewed with Taxi Association representatives over several meetings. The policy is now agreed with the Taxi Association and it is accepted by officers as having legal standing, and

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the Taxi Association	amendments required	been adapted from the original from Mr Button to suit the specific needs of Herefordshire.
September 2023 All Member Briefings	These sessions were to ensure Members were fully appraised of the proposed policy and the history to its presentation to Council in October 23	

Appendices

- i) Revised policy
- ii) Appendix 1 Penalty Points Scheme
- iii) Appendix 2 Dual Driver Licences
- iv) Appendix 3 Hackney Carriage Proprietor
- v) Appendix 4 Private Hire Vehicle Proprietor
- vi) Appendix 5 Private Hire Operator
- vii) Appendix 6 Table of proposed licensing decision-making function
- viii) Appendix 7 Summary consultation responses for first consultation in Dec 2021
- ix) Appendix 8 Consultation responses for second consultation in August 2022

Background papers

None identified

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 hackney carriage vehicles in accordance with the licence conditions.

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.

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 and Service Manager is authorised to make minor amendments to the policy. In addition, amendments to this policy may be authorised by the Council without consultation if they relate to statutory amendments.
- 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 departments. 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. If a licence is not renewed written details will contain the reasons for the refusal in order that the applicant may appeal the decision. This policy will also be used to inform licence holders of any action that may be taken against any existing licence.
- 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.
- 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 on the web site.

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 safety¹. 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;
 - e) to support all hackney carriage and private hire businesses by ensuring a consistent and fair approach.

¹ See DfT Best Practice Guide Para 8 and Statutory Standards Para 3.2

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
- 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;
- 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 6 months during which time additional and/or updated information can be provided to enable the application to proceed. After 6 months a new application would need to be made in its entirety.

- 12.5. Application form and fees for renewals of licences must be received before the expiry of the current licence, it is advised that the application is made at least 5 days before expiry to allow for it to be issued. Any application form and fee received after the expiry 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 within 24 hours of the appointment 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 may mean your licence cannot be issued before expiry.
- 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 [on the web-site](#).

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.

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”.
- 15.4. That guidance also contains guidelines on suitability which are almost identical to the DfT guidance in Statutory Standards. .
- 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 affect the safety and suitability to hold a hackney carriage or private hire licence.
- 15.7. DfT guidance in Statutory Standards provides guidance in most 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. If the DfT guidance in Statutory Standards 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 any penalty points under the Penalty Points Scheme which has previously been

considered and upheld by a Service Manager, Head of Service, or Director;

- 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. In certain circumstances the decision to revoke a Driver Licence will be delegated to Officers in consultation with the Chair of the Committee (or their nominee). This will be in cases where there is a reason the licence holder cannot attend and there is no alternative but to revoke, e.g. the licence holder is not able to attend Committee due to incarceration, not able to be traced or cannot appear due to a permanent health problem.

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 the most up to date 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 the 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 and private hire operator 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. It is the duty of the new applicant to ensure that they have completed the course and passed the test in sufficient time before applying for a grant of 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. 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).

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, Plough Lane, Hereford HR4 0LE.
- 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):
- a) must be aged at least 21;
 - b) 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;
 - c) must have the right to live and work in the UK;
 - d) provide an approved medical certificate;
 - e) pass the Council's approved knowledge test;

- f) passed the Council approved child sexual exploitation and safeguarding training;
- g) Been deemed suitable by checks on Occupational Health, 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 every 3 years via the DBS update service, unless a previous DBS has been provided as part of the dual 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.

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 must provide a basic DBS at the time of first application and then upon the 5 year renewal, telephone staff must provide a basic DBS at the time of first application and every three years after that, 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, a first 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. Further appeal following this decision will be referred to Committee/Panel.
- 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. After 12 months the points will be removed from the licence holder's record unless the detail relates to any public safety issue. After 5 years of expiry old points will not be considered relevant and will be permanently removed from the licence holders record.
- 1.8. Where a licensee accumulates more than 12 penalty points in any 12 month period, the matter will be referred to the Taxi Sub Committee for the Committee to decide whether the applicant 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 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 6 years of age within specified times	V1	4
Failure to have or maintain illuminated markings at entrances and exits, WAV only	V2	2
Failure to have/maintain grab handles, WAV only	V3	2
Failure to have a means of loading wheelchairs into a wheelchair access vehicle available at all times. Wheel chair vehicles only, WAV only	V4	6
Failure to supply a current mechanical tail lift safety certificate to the Licensing Authority within specified time limits. WAV only	V5	4
Failure to keep a wheelchair access vehicle available without modification at all times. WAV 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	4
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, other than by arrangement with the Licensing Authority for insurance or breakdown replacement vehicles	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

<u>Offence / Breach</u>	<u>Code</u>	<u>Points</u>
Display web site address large lettering than permitted	V18	2
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 neglectfully causing letters or figures in the statement to be obscured	V29	2
Failure to notify Licensing of accidents or damage affecting the safety or performance of the vehicle	V30	4
Failure to supply steering geometry and alignment reports following an accident if required	V31	12
Failure to get authorisation for a temporary transfer insurance vehicle or leaving the vehicle on for more than twelve weeks without prior consent from the Licensing Authority	V32	12
Failure to have insurance for the licensed vehicle at any time during the licence period	V33	12
Failure to keep a record of insurance/cover note in the vehicle	V34	2

<u>Offence / Breach</u>	Code	Points
Failure to notify Licensing Authority of change of insurer or particulars within specified time	V35	4
Failure to produce details to the Licensing Authority of drivers permitted to drive within specified time	V36	2
Failure to notify change of drivers within specified time	V37	2
Failure to notify Licensing Authority of change of address or other contact details within specified time	V38	2
Failure to carry a suitably marked approved fire extinguisher within the vehicle	V39	4
Failure to carry marked first aid equipment as specified in conditions	V40	2
Failure to obtain written permission to use trailers on Licensed vehicles	V41	6
Failure to present vehicle and trailer for inspection when requested	V42	12
Using a driver without the appropriate DVLA category code to tow a trailer	V43	12
Failure to maintain radio equipment in safe condition which poses a risk of injury to passengers	V44	2
Proprietor/Operator allowing a greater number of persons to be conveyed than is specified on the licence	V45	12
Failure to maintain a reasonable standard of behaviour	V46	4
Failure to provide information requested by an authorised officer	V47	4
Failure to provide reasonable assistance to an authorised officer who is asking for information regarding matter/matters relating to the licence held.	V48	4
Using CCTV equipment not in accordance with the provisions of the conditions and the data protection act	V49	4
Fail to have 3 CCTV signs	V50	2
Fail to check CCTV weekly	V51	2

<u>Offence / Breach</u>	Code	Points
Disconnecting CCTV system	V52	4
Obstructing CCTV Camera	V53	4
Providing alcoholic drinks not in accordance with the sale or supply of alcohol legislation	V54	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 before expiry (1 st Occasion)	D12	6
Failure to supply annual self-declaration and fee for a consecutive year before expiry (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 operate taxi meter correctly	D24	4
Tampering or allowing tampering of a taximeter	D25	6
Cancelling the fare or concealing the fare on meter before the hirer has agreed the fare	D26	2
Demanding more than the previously agreed fare	D27	6
Demanding more than the fare shown on the taxi meter or scale of charges on the tariff sheet	D28	6
Starting the fare before the hirer enters the vehicle unless specified in the tariff sheet	D29	4
Failure to notify proprietor of complaints made by the passengers	D30	2
Failure to notify passengers of their right to refer their complaint to the Licensing Authority	D31	2
Failure to attend at appointed time or place without sufficient cause	D32	2
Unnecessarily prolonging journey in distance or time	D33	4
Failure to provide copy of driver licence to operator	D34	2

<u>Offence / Breach</u>	<u>Code</u>	<u>Points</u>
Failure to notify Licensing Authority of change of address/telephone number within 7 days	D35	4
Failure to notify Licensing Authority of motoring offences over 3 penalty points issued at one time during the period of licence	D36	6
Failure to notify Licensing Authority of criminal conviction/s during the period of the licence	D37	12
Failure to notify Licensing Authority of motoring offences upon renewal of the licence	D38	6
Failure to notify Licensing Authority of the licence holders involvement in incidents which the Police are involved and may lead to a caution/criminal conviction being imposed on them	D39	6
Failure to notify Licensing Authority within specified times of serious injury or illness which affects your ability to drive. This can be by telephone if the applicant cannot notify us in writing, and can be notified by a relative/friend/employer if required	D40	12
Failure to notify the Licensing Authority of a DVLA notifiable condition.	D41	12
Failure to carry assistance dog without exemption	D42	4
Making additional charge for carrying assistance dog	D43	4
Failure to apply for or provide an exemption certificate on medical grounds for not being medically fit to carry an assistance dog	D44	4
Not using mobile phone in accordance with The Road Vehicle (construction and use) (Amendment) (No.4) Regulation 2003	D45	6
Failure to keep vehicle reasonably clean	D46	2
Failure to notify Licensing Authority of vehicle damage within specified times or present vehicle if requested to do so	D47	4

<u>Offence / Breach</u>	<u>Code</u>	<u>Points</u>
Failure to provide a written receipt for the fare paid if requested to do so by the passenger	D48	2
Failure to co-operate with any authorised officer of the Licensing Authority, Constable or any other clearly identifiable person nominated by the Licensing Authority	D49	6
Failure to comply the regulations governing the wearing of seat belts	D50	6
Refusing a fare without reasonable excuse	D51	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 and maintain insurance on vehicle	O2	12
Fail to provide valid insurance on expiry for any premises where the public have access	O3	6
Failure to notify the Licensing Authority of change of insurer within specified times	O4	2
Fail to provide evidence of public liability insurance for premises	O5	12
Failure to operate the business in a manner which does not cause a nuisance to the public	O6	4
Failure to provide a prompt, efficient or reliable service without reasonable excuse	O7	4
Failure to attend a booking at appointed time or place without sufficient cause	O8	6
Knowingly allowing a greater number of persons in the licensed vehicle than is prescribed on the licence	O9	12
Operating the business from a premises outside the County of Herefordshire	O10	12
Failure to keep booking or waiting areas which the public have access, clean, adequately heated, ventilated and lit	O11	2
Failure to provide seating facilities in waiting areas	O12	2
Failure to comply with planning permission or licence conditions for number of vehicles permitted	O13	4
Failure to supply written confirmation within specified time of changes to the particulars shown on the application form relating to the licence	O14	4

<u>Offence</u>	<u>Code</u>	<u>Points</u>
Fail to notify Licensing Authority of change of address within specified time	O15	2
Failure to notify the Licensing Authority within specified time of any criminal conviction imposed on them, during the period of the licence	O16	12
Failure to keep proper records for a period of not less than six months	O17	4
Fail to keep entries correctly	O18	2
Fail to keep records of private hire vehicles operated	O19	2
Displaying the word Taxi or Cab on a private hire vehicle	O20	4
Failure to keep records of all drivers employed or failure to produce details of the drivers	O21	4
Failure to notify Licensing Authority within specified time of the particulars of any driver who is no longer employed by the operator	O22	2
Failure to maintain telephone or radio equipment in good condition or failure to repair defects promptly	O23	2
Using unlicensed drivers to drive a Herefordshire Licensing Authority licensed vehicle	O24	12
Failure to keep a written record of all complaints or failure to make available to the Licensing Authority	O25	4
Failure to provide evidence of insurance or interim MOT	O26	6
Failure to carry out or provide the required DBS checks on dispatch staff	O27	6
Failure to record, maintain or provide details of checks on dispatch staff in a register	O28	6
Failure to make appropriate checks of any operator for which work is outsourced	O29	6

<u>Offence</u>	<u>Code</u>	<u>Points</u>
Failure to establish, maintain or provide a policy on employing ex-offenders to the licensing authority	O30	12
Failure to require notification of criminal conviction as part of the contract of employment	O31	12
Failure to notify licensing authority of any criminal conviction information relating to booking and dispatch staff in accordance with condition	O32	12

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

<u>Byelaw number</u>	<u>Offence</u>	<u>Code</u>	<u>Points</u>
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

Appendix 1 of Taxi and Private Hire Policy

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

**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.
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.
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, Plough Lane Offices, Hereford HR4 0LE, 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 form and fee 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. Other documents can be provided after expiry provided the application and fee is received before the renewal date.
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 DFT Statutory Guidance 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.
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 granted, all licensees will be required to subscribe to the DBS Update Service.

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

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.

38. The application will then be considered in the light of the DFT Guidance.
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 a 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;
 - b) basic English communication skills;
 - c) Basic numeracy skills
 - d) hackney carriage and private hire law licence conditions knowledge;

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.
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 when requested 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:

Appendix 2 of Taxi and Private Hire Policy

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 135cm 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 135cm 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 of six or more points issued for one offence, 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:

- (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.

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;

- (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.

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 or visible location. You must wear the driver's badge in the armband on your left upper arm, or the badge around the neck or visible location 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 if requested to do so:
- a) the licence expires, is suspended or revoked
 - b) you lose the right to work in the UK, or the right to remain in the UK
 - c) you wish to surrender your dual driver licence
 - d) the DBS Update Service has not been maintained
 - e) your medical fitness has changed and you may no longer be medically fit to drive a licensed vehicle
 - f) 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 are able to return to work.

Declaration of conviction / caution / criminal investigation

75. You must declare all criminal convictions, cautions, arrests, being charged with a criminal offence, being subject to a criminal investigation, 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 criminal offence, or accept a formal caution for an offence, or are made the subject of a CBO or CPN, 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) 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, or spit 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 report to the Council and/or local police any concerns (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. 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.

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 smart and not casual or sportswear.

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 when requested 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. In this case no more than 2 passengers may be carried in the front.
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" 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.
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, other than in accordance with the tariff sheet
138. You must ensure that when the vehicle is not hired the key is to be locked and the meter must be cleared.
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 Dual 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 or in a visible place, 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).
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 if requested to do so (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 the driver must accept cashless payment where it is offered for journeys over £5.00.

LEGAL REQUIREMENTS (contained in national legislation) when driving a private hire vehicle

Your dual 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, or other visible place, 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 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).

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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), unless a price has been agreed before the start of the journey
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.

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 DFT Guidance, 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, including 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, Plough Lane Offices, Hereford

HR4 OLE, 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 remove 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.
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

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- 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 every 3 years, as part of the application process. The same will be required of all partners (if they are involved in the operation of the business) 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 DFT Guidance.
- 31. In addition, the Council will take into account the compliance and maintenance history of previous and existing vehicles licensed by the applicant. All vehicles must be maintained to a satisfactory standard.

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, this must be reported to the Council within 48 hours (including weekends and bank holidays). The same requirement applies in relation to any DVLA penalty notices above 3 points, 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.

36. Licences will not be granted in respect of vehicles that were first registered (or, in the case of imported vehicles, manufactured) more than 5 years for WAV vehicles, prior to the date that the application was made.
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. There is no upper age limit upon renewal, however, the additional test criteria will apply. The licensed vehicle's appearance must also remain in good order and will be examined at the time of the compliance test.
39. All vehicles on the grant of a licence or change of vehicle on plate after March 2025 must meet or exceed Euro 5 emission standards. All new hackney carriage vehicles on plate must be wheelchair accessible.

Low Emission Vehicles

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

Acquired rights

42. If a non-wheelchair access vehicle has been continually licensed as a hackney carriage by the Council since 2002 that licence can continue to be attached to any category of vehicle provided a renewal application and fee is made before the expiry of that hackney carriage proprietor licence. If at any time an application form and fee is not received before the expiry of

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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.

Vehicle specification

43. 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.
44. Non-WAV vehicles can only be licensed in respect of a hackney carriage proprietor licence that has been in continual existence since 2002.
45. 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.
46. 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.
47. The following specifications detail the minimum requirements for each type of vehicle, together with the requirements for all hackney carriages.

Non-Wheelchair accessible vehicles

48. 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

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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 if being used when booked for a licensed journey:
 - 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 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.

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- 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 will not be licensed as a hackney carriage.

Additional requirements five or more passenger seat vehicles

- 49. 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)

- 50. 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.
- 51. 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.
- 52. 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;

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- 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;

All vehicles

53. 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

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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 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 use in an emergency.
- m) The vehicle must carry a first aid kit in a suitable container, with the licence number permanently marked on it.
- 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, other than an additional internal light;
- 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;

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- 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.

54. In addition, in all types of hackney carriage the following requirements must be met.

Seating

55. 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 must have at least 300mm at the narrowest point. The available boot space must allow room for a standard folded wheelchair. The seating configuration and number of passengers that can be carried is subject to assessment by the Council, but each seat must have a minimum width of 41cm. If the above cannot be complied with seats can only be removed to achieve compliance if the vehicle is designed at manufacture to remove seats as part of its design.

Documents

56. 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 public hire/hackney carriage use.
 - b) A compliance certificate issued by the Council approved tester which is less than 1 calendar month old.
 - c) 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.

57. 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.
58. All documentation must be originals when copied. If the document has already been produced we will not normally request a copy. Online copies will be accepted directly from the original issuer.

Engine/Chassis Numbers

59. 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 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

60. Vehicles must be maintained correctly and serviced in accordance with the manufacturer's recommendations. If the service history is not available, then an acceptable explanation for this must be provided to the authorised officer of the Council.

Vehicle tests

61. 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.
62. 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.
63. Compliance tests in relation to new applications and renewals are to be carried out at the Council's testing centre at Rotherwas in Hereford.
64. If required by age the vehicle must have an interim MOT certificate which is less than 4 weeks old.

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65. 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.
66. 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.

Dual Plating

67. Once a vehicle is 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"

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

Vehicle Use

69. You must maintain a policy of insurance for your licensed vehicle in accordance with section 143 of the Road Traffic Act 1988.
70. If your hackney carriage vehicle has an accident which results in damage which may affect its safety, performance, 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
71. You must not obstruct any Authorised Officer or police Officer. You must provide assistance or information they may reasonably require (section 73 of the 1976 Act).
72. 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

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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.

73. 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).
74. 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.
75. 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.
76. 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

77. 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.
78. The Council is not liable for any expense incurred in preparing or testing a vehicle which cannot be licensed for whatever reason.

79. Any unauthorised modifications made since a previous licence was issued may lead to the suspension, revocation or refusal to renew a licence.

Taximeters

80. All hackney carriage vehicles must be fitted with a Council approved taximeter.
81. The meter must be accurate, be capable of showing that the vehicle is for hire, it must be fitted with a key or other device that, when turned, will operate the meter and must be capable of locking the tariff until the end of the journey.

Duration and renewal of the licence

82. 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.
83. 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.
84. 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).
85. 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

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

Accidents and temporary vehicle transfer conditions

88. Accidents involving personal injury to passengers shall be notified to the Police. The Licensing Authority shall also be notified as soon as possible, but in any case within 24 hours or, when the office is closed, within 24 hours of it re-opening.
89. Vehicles that have sustained major accident damage will be required to provide a satisfactory steering geometry and alignment report. This shall be in the form of a written or printed document from an approved VBRA vehicle repairer. In addition the vehicle shall be required to undergo a further compliance test.
90. Vehicles which replace a licensed vehicle on a temporary basis shall meet the requirements contained within the standard vehicle licence conditions, other than door signs which can be magnetic.
91. All licensed vehicles including wheelchair accessible and vehicles of a larger seating capacity are allowed to be temporarily substituted by a standard vehicle for use as a replacement, but only for a limited period to be agreed with the Licensing section. This replacement shall comply with section 1 and 4 plus all other relevant conditions.
92. A temporary transfer will be valid for a 3 month maximum period unless authorised by the Licensing Authority due to extenuating circumstances.
93. If the transfer takes place during normal office working hours, the licensing Section shall be notified before the transfer takes place. Transfers outside of normal office working hours shall be notified to the Licensing Section immediately after the office reopens. In either case, no temporary transfer vehicle can be used without it having a licence plate attached to it.
94. Vehicles used as a temporary transfer vehicle must have a "Certificate of Readiness" which incorporates a certificate of compliance, inspection

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sheet. Valid insurance must be in place prior to the vehicle being used. Such vehicles shall comply with Section 4 of the standard licence conditions.

95. 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) Any refund against a licence will be calculated by the Council
 - d) A completed application for a change of vehicle on plate must be provided

Letting/leasing of vehicles

96. 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.
97. You must notify the Council in writing of anyone no longer having an interest in the vehicle within 72 hours of the event.

Advertisements

98. 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

99. 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. All devices must be securely located in a suitable cradle or other mounting device.

The taximeter and table of fares

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100. 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.
101. 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.
102. 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.
103. 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 and no fare is recorded on it.
104. 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.
105. The word "FARE" must be clearly visible on the meter so it clearly indicates the fare displayed.
106. 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

107. 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.
108. Any radio, booking systems/data heads and/or GPS equipment provided must not interfere with any other radio or telecommunication equipment.
109. 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

110. 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).
111. 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. The minimum width must be 45cm, with "Herefordshire Council" above and "Licensed Hackney Carriage" below the word "Taxi" on both the front and rear. The front of the sign shall be green in colour as specified by the Council. The rear of the sign shall be red in colour and may show the fleet number, not more than 7.5 cm in diameter, in the top right hand sign of the sign.
112. An adhesive sign must be permanently fixed to both front doors. These signs must be a minimum of 60 cm wide by 19 cm high and all lettering must measure at least 6 cm in height. It must incorporate the Council's logo and display the vehicle licence number.

CCTV – Specification available as a separate document

113. From twelve months from the date of decision 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 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.
114. 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.
115. 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 CCTV surveillance equipment is in operation.

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116. 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.
117. 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.
118. 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.
119. 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, or an operator authorised by the Council.
120. 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.

Seating Arrangements

121. 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.

Reportable Incidents

122. You must report to the Council and/or local police as appropriate, any concerns (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. 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.

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, community protection notices, civil injunctions that you receive.
126. If your vehicle has an accident which results in serious damage which may affect its safety, performance 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.

Drivers

127. 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.

128. Before you allow anyone to drive your licensed vehicle you must ask that person for their dual driver licence and keep a copy.
129. 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

130. 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

131. You must not obstruct any Authorised Officer of the Council or police officer. You must provide any assistance or information they may reasonably require.
132. 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 within 5 days of the request being made:
 - 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 insurance

Licence Plates

133. The licence plate remains the property of the Council and must be returned to the Council whenever the vehicle is not licensed as a hackney carriage.
134. 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 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.

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135. You must display the signage on the front doors and the internal signs 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.
136. You must report the theft or loss of the licence plates 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.
137. 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.
138. You must return the licence plates to the council if the hackney carriage proprietor (vehicle) licence is suspended, revoked or not renewed.

Vehicle inspection

139. You must allow an Authorised Officer of the Council, or police officer, to inspect your vehicle at any reasonable time.
140. You must ensure the vehicle is presented for test in accordance with instructions from the Council
141. 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

142. 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.
143. 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;
 - b) All opening windows must function correctly and be capable of being opened from within the vehicle;

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- 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 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) 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;
- h) The floor covering must not be torn or frayed;
- i) The vehicle must have an adequate functioning internal light to enable passengers to enter and leave the vehicle safely;
- j) The vehicle's bodywork and paintwork must be maintained to an acceptable standard free of dents or rust;
- k) 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;
- l) 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;
- m) The vehicle must be fitted with nearside and offside exterior rear view mirrors which must be maintained in a serviceable condition;
- n) 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;

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- o) 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;
- p) 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;
- q) At all times the vehicle must carry a first aid kit in a suitable container, with the licence number permanently marked on it;
- r) The vehicle must not be fitted with any additional lights other than those originally fitted by the manufacturer with the exception of an internal light, unless they have been approved by the Council.

Additional Conditions for wheelchair accessible hackney carriages

- 144. 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.
- 145. 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.
- 146. The door entrance and any steps must always be conspicuously marked where appropriate, to help visually impaired passengers.
- 147. All grab handles or rails must always be conspicuously marked to help visually impaired passengers.

Sliding doors

- 148. 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

- 149. 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

150. 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.
151. The meter must be accurate, be capable of showing that the vehicle is or is not hired, and lock the tariff until the end of the journey.
152. 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 be clearly displayed on the meter so it clearly indicates the fare displayed.
153. 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.
154. If the meter fails or does not comply with the conditions, you must ensure the vehicle is not used as a hackney carriage.
155. A notice showing the current Table of Fares must be displayed inside the vehicle in a position where any passengers can easily read it.
156. Functioning Cashless Payment Facility in Vehicles Proprietor(s) must ensure their vehicles are equipped with a functioning cashless payment facility. These cashless facilities must be registered as a "transport" provider or similar with the payment card reader provider. The minimum payment is £5.00, if the fare is less than this the driver will ask for cash.

Navigational devices

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

Signage

158. 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

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required by law, or has been agreed by the Council in writing. See below for detail-:

The advertisements will be assessed against the following criteria:

Non sexual

Non discriminatory

Not to cause public offence

Not misleading

Location does not distract from council vehicle signs

Not to obscure vision of the driver

Not to display, flags or any other national emblems.

The above list is not exhaustive and the assessments will be carried out by staff of the Licensing Authority, if this is contended the matter will be referred to the Officer Panel for a decision.

159. 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

160. 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;
 - (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.

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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;

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- (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 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

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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:
 - (a) convey a reasonable quantity of luggage;
 - (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.

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

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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 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

161. These are available from the Licensing Section.

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

162. It is an offence to provide false information when applying for a hackney carriage proprietors licence (section 40 of the 1847 Act).
163. The hackney carriage proprietor including any partners must notify the Council of any change of address (section 44 of the 1847 Act).
164. 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).
165. The hackney carriage proprietor must not employ an unlicensed driver (section 47 of the 1847 Act).

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166. The hackney carriage proprietor must hold a copy of the driver licence of those driving the vehicle, and must produce that copy if requested to do so by a magistrates' court (section 48 of the 1847 Act).
167. The hackney carriage proprietor must ensure that at all times the vehicle displays the hackney carriage plate (section 52 of the 1847 Act).
168. The hackney carriage proprietor must notify any transfer of the vehicle licence to another proprietor within 14 days (section 49 of the 1976 Act).
169. The hackney carriage proprietor must present the hackney carriage for inspection as required by the Council (section 50(1) of the 1976 Act).
170. 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).
171. 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).
172. 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).
173. 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).
174. It is an offence to interfere with a taximeter (section 71 of the 1976 Act).
175. 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).
176. The hackney carriage proprietor must not conceal or obscure the number of the hackney carriage whilst standing or plying for hire, or

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use the vehicle with a defaced or damaged plate (Hackney Carriage Byelaw 2).

177. The hackney carriage proprietor must provide a means of communication between passenger and driver (Hackney Carriage Byelaw 3).
178. The hackney carriage proprietor must ensure that the vehicle is watertight (Hackney Carriage Byelaw 3).
179. The hackney carriage proprietor must ensure that the windows open and close (Hackney Carriage Byelaw 3).
180. The hackney carriage proprietor must ensure that the seats are properly covered (Hackney Carriage Byelaw 3).
181. The hackney carriage proprietor must ensure that the floor is properly covered (Hackney Carriage Byelaw 3).
182. The hackney carriage proprietor must ensure that the vehicle is clean, well maintained and fit for public service (Hackney Carriage Byelaw 3).
183. The hackney carriage proprietor must ensure that there is a means for securing luggage if required (Hackney Carriage Byelaw 3).
184. The hackney carriage proprietor must ensure that the fire extinguisher is a readily available location (Hackney Carriage Byelaw 3).
185. The hackney carriage proprietor must ensure that the taximeter is plainly visible to passengers and illuminated (Hackney Carriage Byelaw 4).
186. The hackney carriage proprietor must not tamper with the taximeter (Hackney Carriage Byelaw 6).
187. 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).
188. 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).

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

1. 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.
2. 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.
3. 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.
4. There is also a list of the main legislation that applies to Private Hire Vehicle proprietors.

Introduction

5. 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.
6. 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.
7. 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

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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 Private Hire trade. You should appreciate that DFT Statutory Guidance, 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.

8. 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.
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 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.
11. 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.
12. The Council office for private hire and hackney carriage licensing purposes is The Licensing Section, Herefordshire Council, Plough Lane Offices,

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Hereford HR4 0LE, 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 Vehicle (proprietor) licence

13. Where a proprietor 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 and hackney carriage licensees.
15. 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.
16. The Committee may also suspend or revoke the Private Hire Vehicle (proprietor) licence (see below) or remove impose further penalty points.

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

17. 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.
18. 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) if fitted the faremeter is inaccurate.
19. 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

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offence(s)), the Council may take action against your licence which could lead to your Private Hire Vehicle (proprietor) licence being suspended revoked or the renewal refused.

20. Failure to comply with the Council's conditions may result in your Private Hire Vehicle (proprietor) licence being suspended, revoked or the renewal refused.
21. 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.
22. The Private Hire Vehicle (proprietor) licence remains the property of the Council.
23. 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.
24. 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

25. 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

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is not proof of ownership and if V5 is not available 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

26. 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.
27. All applicants (new and on renewal) will be required to provide a Basic Disclosure and Barring Service (DBS) check at their own expense every 3 years, as part of the application process. The same will be required of all partners (if they are involved in the operation of the business). 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.
28. The application will then be considered in the light of the DFT Statutory Guidance.
29. In addition, the Council will take into account the compliance and maintenance history of previous and existing vehicles licensed by the applicant.

Convictions

30. 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 above 3 points, Community Protection Notices, civil injunctions or Criminal Behaviour Orders that you receive.

Vehicles

31. 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

32. 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.

33. In order to reduce emissions it is important to set standards that are common to all within the licensed 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 licensed fleet, the following standards will apply.
34. 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. All vehicles on the grant of a licence or change of vehicle on plate after March 2025 must meet or exceed Euro 5 emission standards.
35. There is no upper age limit upon renewal, however, the additional test criteria will apply. The licensed vehicle's appearance must also remain in good order and will be examined at the time of the compliance test.

Low Emission Vehicles

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

Vehicle specification

38. 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.
39. 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.
40. 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

41. 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:
 - 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.
 - 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 and may be used when the vehicle is not being used for hire and must comply with relevant legislation. Trailers must comply with the following standards when being used as a licensed vehicle:

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- 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;
 - 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

42. 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)

43. 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.
44. 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:
- 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

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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;

Stretched Limousines

- 45. The term “stretched limousine” in this policy will be taken to mean any vehicle that has been manufactured as such.
- 46. 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.
- 47. 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.
- 48. All passenger seats must be equipped with a 3 point seat belt.

All vehicles

- 49. 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;

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- 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 puncture device 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 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

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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 in an emergency;

- m) The vehicle must carry a first aid kit in a suitable container, with the licence number painted on it;
- n) The vehicle must not be fitted with any additional lights other than those originally fitted by the manufacturer or internal lights 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.

50. In addition, in all types of Private Hire Vehicle the following requirements must be met.

Seating

51. 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 must have at least 300mm at the narrowest point. The available boot space must allow room for a standard folded wheelchair or a suitcase size xx xx xx. The seating configuration and number of passengers that can be carried is subject to assessment by the Council, but each seat must have a minimum width of 41cm. If the above cannot be complied with seats can only be removed to achieve compliance if the vehicle is designed at manufacture to remove seats as part of its design.

Documents

52. A vehicle licence will only be issued where the vehicle has evidence of:

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- a) A valid vehicle insurance certificate specifically stating that the vehicle is to be used for private hire use;
 - b) A compliance Certificate issued by the Council's approved tester which is less than 1 calendar month old;
 - c) A V5 vehicle registration document if the V5 is not yet available and 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;
53. 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.
54. All documentation must be originals unless it has been seen previously, in which case a copy will usually be accepted. Online copies will be accepted directly from the original issuer.

Engine/Chassis Numbers

55. 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

57. Vehicles must be maintained correctly and serviced in accordance with the manufacturer's recommendations. If the service history is not available, then an acceptable explanation for this must be provided to the authorised officer of the Council.

Vehicle tests

58. 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.
59. 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.
60. Compliance tests in relation to new applications and renewals are to be carried out at the Council's testing Centre at Rotherwas in Hereford.
61. If required by age, the vehicle must have an interim MOT certificate from any DVLA MOT testing centre. A compliance test or interim MOT in relation to that vehicle will remain as the previous date provided it is within 14 days of it's after the due test date (this is to avoid loss of time on a test).
62. 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.
63. 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.

Dual Plating

64. Once a vehicle is 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.
65. 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”

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

Vehicle Use

67. You must maintain a policy of insurance for your licensed vehicle in accordance with section 143 of the Road Traffic Act 1988.
68. If your private hire vehicle has an accident which results in damage which may affect its safety, performance, 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).
69. You must not obstruct any Authorised Officer of the Council or police officer. You must provide assistance or information they may reasonably require (section 73 of the 1976 Act).
70. 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.
71. 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).
72. 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.
73. 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

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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.

74. 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

75. 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.
76. The Council is not liable for any expense incurred in preparing or testing a vehicle which cannot be licensed for whatever reason.
77. Any unauthorised modifications made since a previous licence was issued may lead to the suspension, revocation or refusal to renew a licence.

Taximeters

78. 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 and must comply with hackney carriage conditions for meters.

Duration and renewal of the licence

79. 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 private hire vehicle. If the renewal application form and fee 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.
80. 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

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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. This will only be considered if there are no safeguarding or public safety implications to issuing a temporary licence.

81. 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).
82. 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

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

Accidents and temporary transfer conditions

85. Accidents involving personal injury to passengers shall be notified to the Police. The Licensing Authority shall also be notified as soon as possible, but in any case within 24 hours or, when the office is closed, within 24 hours of it re-opening.
86. Vehicles that have sustained major accident damage will be required to provide a satisfactory steering geometry and alignment report. This shall be in the form of a written or printed document from an approved VBRA vehicle repairer. In addition the vehicle shall be required to undergo a further compliance test.
87. Vehicles which replace a licensed vehicle on a temporary basis shall meet the requirements contained within the standard vehicle licence conditions with the exception of allowing magnetic signs on a temporary basis.
88. All licensed vehicles including wheelchair accessible and vehicles of a larger seating capacity are allowed to be temporarily substituted by a standard vehicle for use as a replacement, but only for a limited period to be agreed with the Licensing section. This replacement shall comply with section 1 and 4 plus all other relevant conditions.

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89. A temporary transfer will be valid for a 12 week maximum period unless authorised by the Licensing Authority due to extenuating circumstances.
90. If the transfer takes place during normal office working hours, the licensing Section shall be notified before the transfer takes place. Transfers outside of normal office working hours shall be notified to the Licensing Section immediately after the office reopens. In either case, no temporary transfer vehicle can be used without it having a licence plate attached to it.
91. Vehicles used as a temporary transfer vehicle must have a "Certificate of Readiness" which incorporates a certificate of compliance, inspection sheet. Valid insurance must be in place prior to the vehicle being used. Such vehicles shall comply with Section 4 of the standard licence conditions.

Letting/leasing of vehicles

92. 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.
93. You must notify the Council in writing of anyone no longer having an interest in the vehicle within 48 hours of the event.

Advertisements

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. As detailed below:-

The advertisements will be assessed against the following criteria:

Non sexual

Non discriminatory

Not to cause public offence

Not misleading

Location does not distract from council vehicle signs

Not to obscure vision of the driver

Not to display, flags or any other national emblems.

The above list is not exhaustive and the assessments will be carried out by staff of the Licensing Authority, if this is contended the matter will be referred to the Officer Panel for a decision.

Navigational devices

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

The taximeter (if fitted)

96. If fitted the meter 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. 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.

Radios and other equipment

100. 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.
101. Any radio, booking systems/data heads and/or GPS equipment provided must not interfere with any other radio or telecommunication equipment.
102. 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

103. 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).
104. The vehicle must not be fitted with any sign on the roof of the vehicle.
105. Private hire vehicles that wish to advertise their operator details on the vehicle shall also display two adhesive signs one on each front door of the vehicle which states "Private Hire and Advanced Booking Only". The lettering must measure at least 6cm in height. Magnetic signs may be used for temporary use vehicles.

CCTV

106. From twelve months from the date of decision 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 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. When the vehicle is being used privately the system must be capable of being switched off, but not accessible while the vehicle is being driven.
107. 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.
108. 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.
19. 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

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activate/deactivate audio recording. Once activated the audio recording must continue for an uninterrupted period until it is deactivated.

110. 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.
111. 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.
112. 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 or a person authorised by the Licensing Authority.
113. 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.

Seating Arrangements

114. 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.

Stretched limousines

115. 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

116. 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.
117. You must return your licence (and the plates and additional signage if requested by the Council):
118. 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, community protection notices, civil injunctions that you receive.
119. If your vehicle has an accident which results in serious damage which may affect its safety, performance 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.
120. You must report to the Council and/or local police any concerns (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. 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.

Drivers

121. 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.
122. Before you allow anyone to drive your private hire vehicle you must ask that person for their dual driver licence and keep a copy.
123. No person may drive a private hire vehicle, unless they hold a dual driver licence issued by the Council. Anyone found driving a private hire vehicle without a dual driver licence, may be prosecuted.

Insurance

124. 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

125. You must not obstruct any Authorised Officer of the Council or police officer. You must provide any assistance or information they may reasonably require.
126. 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

127. The licence plates 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.
128. You must secure and display the exterior licence plate permanently on the rear of the vehicle using the fittings provided by the Council. The method of fixing must prevent the plate being removed without the need for tools. The plate must at all times 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.
129. You must report the theft or loss of the licence plates 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.
130. 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.
131. You must return the licence plate to the Council if the Private Hire Vehicle (Proprietor) licence is suspended, revoked or not renewed.

Vehicle inspection

132. You must allow an Authorised Officer of the Council, or police officer, to inspect your vehicle at any reasonable time.
133. You must ensure the vehicle is presented for test in accordance with instructions from the Council
134. 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

135. 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.

136. 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.
 - 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 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) 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.
 - h) The floor covering must not be torn or frayed.
 - i) The vehicle must have an adequate functioning internal light to enable passengers to enter and leave the vehicle safely.
 - j) The vehicle's bodywork and paintwork must be maintained to an acceptable standard, free of dents or rust.
 - k) 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.
 - l) 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 meet the legal requirement for tyre depth.

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- m) The vehicle must be fitted with nearside and offside exterior rear view mirrors which must be maintained in a serviceable condition
- n) 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
- o) 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.
- p) 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.
- q) At all times the vehicle must carry a first aid kit in a suitable container, with the licence number permanently marked on it.
- r) The vehicle must not be fitted with any additional lights other than those originally fitted by the manufacturer with the exception of an internal light unless they have been approved or requested by the Council.

Additional Conditions for wheelchair accessible Private Hire Vehicles

- 137. 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.
- 138. 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
- 139. The door entrance and any steps must always be conspicuously marked where appropriate, to help visually impaired passengers.
- 140. All grab handles or rails must always be conspicuously marked to help visually impaired passengers.

Sliding doors

141. 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

142. 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 / card payment facility

143. 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.
144. The meter must be accurate, be capable of showing that the vehicle is or is not hired, and lock the tariff until the end of the journey.
145. 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 displayed on the meter so it indicates the fare displayed.
146. If a set fare and destination has been agreed at the time of booking for a private hire journey (as agreed between the operator and the hirer) more than the agreed fare cannot be charged.
147. 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.
148. Functioning Cashless Payment Facility in Vehicles Proprietor(s) must ensure their vehicles are equipped with a functioning cashless payment facility. These cashless facilities must be registered as a "transport" provider or similar with the payment card reader provider. The minimum payment is £5.00, if the fare is less than this the driver will ask for cash.

Navigational devices

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

Signage and advertising

150. 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.
151. The advertisements will be assessed against the following criteria:
Non sexual
Non discriminatory
Not to cause public offence
Not misleading
Location does not distract from council vehicle signs
Not to obscure vision of the driver
Not to display, flags or any other national emblems.
The above list is not exhaustive and the assessments will be carried out by staff of the Licensing Authority, if this is contended the matter will be referred to the Officer Panel for a decision.

No Smoking

152. 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

153. 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).
154. 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).
155. 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).
156. 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).

157. The Private Hire Vehicle proprietor must report any collision that has caused damage to the safety performance of the vehicle to the Council within 72 hours (section 50(3) of the 1976 Act).
158. 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).
159. 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).
160. 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).
161. It is an offence to interfere with a meter (section 71 of the 1976 Act).
162. 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).

CCTV – Specification available as a separate document

163. From twelve months from the date of decision 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.
164. 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.
165. 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.
166. 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

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activate/deactivate audio recording. Once activated the audio recording must continue for an uninterrupted period until it is deactivated.

167. 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.
168. 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.
169. 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 or a person delegated by the systems operator.
170. 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.

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 DFT Guidance, 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, Plough Lane Offices, Hereford HR4 0LE, 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 remove penalty points.

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.

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 DFT Guidance.
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 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. An application form and fee for the renewal of a licence, should be made at least 5 days prior to the expiry of the current licence. Any application form and fee received after the expiry date will be treated as a new application. 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.

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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.
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

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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 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 dual driver or private hire vehicle operator, employed or used by you holds a current dual driver or vehicle licence issued by the Council. You must hold a copy of the Private Hire Drivers and vehicle 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 DFT Guidance. You

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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 convicted of any criminal offence. The same requirement applies in relation to any fixed penalty notices, 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 customer's 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.

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)

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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.

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 DFT Guidance. 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 DFT Guidance 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 criminal 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, 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 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.
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 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;
 - 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.

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, Community Protection Notice (CPN), Criminal Behaviour Order (CBO), 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 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.

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

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dog and no additional charge can be made for any such booking (section 170 (1) & (2) of the Equality Act 2010).

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	Subcommittee decision required	Magistrate Court	Officers
Appeals following subcommittee decisions		Direct to Magistrate Court	
Grant/renewal of licence for dual driver with no information returned on checks.			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.			HC9, Service Manager or Head of Service level. May refer to taxi subcommittee.
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		

Grant/renewal of licence for operator with no information returned on checks.			HC7 grade or above if no information is received from a standard DBS, NR3 check, safeguarding or Police.
Application for operator licence with spent cautions/convictions not of a sexual, violent or similar nature.			HC9, Service Manager or Head of Service level. May refer to taxi subcommittee.
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			HC9, Service Manager or Head of Service level. May refer to taxi subcommittee.
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			HC9, Service Manager or Head of Service level. May refer to taxi subcommittee.
Request to change vehicle on plate within standard conditions			HC7 grade or above if all mandatory checks and test results are received and comply with policy and conditions.

Request to change vehicle on plate outside standard conditions			HC9, Service Manager or Head of Service level. May refer to taxi subcommittee.
Applications for dual driver with licence restored after disqualification under the totting up procedure.	All cases		
Applications for dual driver licence with isolated motoring cautions/convictions - not of a serious nature.			HC9, Service Manager or Head of Service level. May refer to taxi subcommittee.
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.			HC9, Service Manager or Head of Service level. May refer to taxi subcommittee.
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.			HC9, Service Manager or Head of Service level. May refer to taxi subcommittee.

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.			HC9, Service Manager or Head of Service level. May refer to taxi subcommittee 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 subcommittee.
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 subcommittee.

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 subcommittee 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 for refusal/suspension/revocation.
Applications for dual driver licence where medical condition is now advised by medical professional in writing 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 up to maximum permitted.			Service Manager or above. Any appeal must be made within 21 days of issue.
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 taxi sub-committee.
Suspension of vehicle licence on public safety grounds			HC9, Service Manager or Head of Service level. May refer to subcommittee.
Review/re-instatement of suspension of vehicle licence on public safety grounds			HC9, Service Manager or Head of Service level. May refer to subcommittee.
Amend Taxi and Private Hire Policy with changes to Statutory Guidance or Legislation.			Service Manager or Head of Service level.
Amend Taxi and Private Hire Policy with changes required due to administrative errors.			Service Manager or Head of Service level.
Amend Taxi and Private Hire Policy with changes required due to operational changes.			Head of Service or above.
Amend Taxi and Private Hire Policy with significant changes which could have cost implications to the trade.	All cases		

	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. 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	<p>Consultation and officer recommendation. Returned requirement to statutory minimum.</p>
8	Consultation process	<p>Consultation has been extended twice and once the responses have been fully considered, the revised document will be re-consulted upon with the trade.</p>
9	Door signage	<p>Consultation and officer recommendation. The adhesive door signs will remain on the front door of the hackney carriages as per the current policy.</p>
10	Medical Certificate	<p>Occupational Health Specialist and evidence. Medical certificates will continue to be referred to Occupational Health due to on-going evidence that</p>

		<p>medicals 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 chose 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	<p>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.</p> <p>Comments regarding holding areas and ranks have been understood and all possible improvements will be considered, although this falls outside of the policy.</p>
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>
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	<p>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</p> <p>Added in wording that only vehicles designed to have removable seats in original manufacture can remove seats.</p>
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	<p>Consultation and officer recommendation. Left that they should be engaged when in use</p> <p>Amended in vehicles to reflect appropriate use, i.e. not all the time.</p>
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 no 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 8 Taxi and Private Hire Policy

Consultation response 1

Herefordshire Council Hackney Carriage and Private Hire Policy Page 1
(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

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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

Page 3

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)

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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 Bylaw 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 Bylaw 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)*

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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)*

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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 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, 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 information, 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.

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 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.



Title of report: Capital Programme Review and Update

Meeting: Council

Meeting date: Friday 13 October 2023

Report by: Cabinet Member Finance and Corporate Services

Classification

Open

Decision type

Budget and policy framework

Wards affected

(All Wards);

Purpose

To approve the revised capital investment budget for 2023/24 onwards.

Recommendation(s)

That Council:

- a) Approve the revised capital programme for 2023/24 attached at appendix C;
- b) The chief finance officer be authorised, following consultation with the Cabinet Member Finance and Corporate Services to make in year amendments to the final value included for the investment project from Wye Valley Trust (WVT). Also the investment project from Hereford and Worcester Group Training Association (HWGTA), based on the final approved business case;
- c) Approve the Flexible Use of Capital Receipts of up to £1.6m in 23/24, to support transformation to generate ongoing revenue savings and reduce service delivery costs in future years; and
- d) The chief finance officer be authorised, following consultation with the Cabinet Member Finance and Corporate Services to make in year amendments to the final value included for the relocation of the library to the Shirehall (if this is the chosen option) based on the final approved business case and utilise the grant award from Stronger Towns Board.

Alternative options

1. It is open to Council to recommend alternative capital investment options to Council. Any amendment to proposals put forward by Cabinet, must have been discussed with the relevant service director to determine the context and possible consequences of the proposal and have secured confirmation from the chief finance officer that the action proposed is achievable. No alternative options have been brought forward to date and suggestions would require review and assessment, in line with those completed on the options presented in this report. As an amendment to proposals put forward by Cabinet, any amendment would either require the consent of the Leader of the Council or further consideration by Cabinet, before a decision could be taken in accordance with budget and policy framework rules.

Key considerations

2. The capital programme reflects capital investment generating benefit to the county for a period in excess of one year.
3. The programme was approved by Council in February 2023 having followed budget and policy framework rules; this report now proposes in year changes to the approved programme.
4. The current approved capital programme and forecast outturn is provided at appendix B. The profiling of the capital spend will be carried out in quarter 2 in line with external audit recommendations and reported separately to cabinet. Forecasting against budget is reported to Cabinet in the quarterly performance report, which includes an up to date forecast of the timing of capital spend, the position in appendix B was estimated at the mid-September.
5. The 2023/24 approved capital budget of £302.5m has already been revised to £327.3m as detailed in the table below. The revised capital budget includes £18.8m of unspent project budgets brought forward from 2022/23, approved movements of (£14.0m) and £20.0m of additional grants. A summary breakdown is shown in the Table below.

	2023/24 Budget £'000	2024/25 Budget £'000	2025/26 Budget £'000	2026/27 Budget £'000	Total
February 2023 Council Approved Budget	140,283	103,771	52,177	6,270	302,501
Other approved movements	(573)	(3,000)	(9,000)	(1,400)	(13,973)
22/23 Carry Forwards	18,790	-	-	-	18,790
Additional Grants	10,156	9,140	300	400	19,996
Revised Capital Budget	168,656	109,911	43,477	5,270	327,314

6. The additional grants are listed at the bottom of appendix B and have all been approved by the chief finance officer in year. The other two adjustments are the removal of the borrowing for eCargo bikes as a grant was received for more than the original budget. Along with the removal of the care home project that was approved in March at a cabinet briefing, as the project had not progressed as no suitable location has been found and having reflected on priority needs, a new direction for this project is being explored. A business case for the new project with funding requirements will be subject to future approval to be added to the capital programme.
7. As part of the 2023/24 capital programme review, priority capital investment needs for future years have been identified along with a number of other changes to remove projects to release funding or removal as they won't be delivered. The proposed changes for approval are detailed in appendix A and summarised below;

- a) Removal of the Passenger Transport Fleet, Masters House (phase 2) and Herefordshire Retrofit Hub as they were added subject to being funded by grant. No

grants are currently available to be bid for and therefore these will be removed but can always be added again if any external grant bids are successful.

- b) The removal of the Strategic Housing Development from the capital programme as this is not in line with the immediate cabinet priorities. Only the funding provided from the capital receipts reserve or corporate funded borrowing can be reallocated to other projects. It was the expectation that the housing project would have generated a return to repay all the funding required and therefore cannot be redistributed. The Super Hubs project is currently under review and therefore the budget has been removed until the project has been reassessed. Any future requirement will be reviewed during future budget setting processes.
- c) Development Partnership Activities budget is the balance held that has not be allocated to any projects and most of the potential projects were put on hold. Therefore removing this line in the capital programme, frees up the corporate borrowing and reserves to reallocate to alternative projects. External funding investment will be sought for a number of potential development projects.
- d) My Account budget underspent on the first phase and the budget was held for a phase 2, this is proposed to be removed and reallocate the funding and of course once a phase 2 proposal comes forward it can progress at that time for future funding approval.
- e) Fastershire proposal is to use income from BT clawback that is currently held in a reserve but has to be spent on broadband infrastructure to release £3.0m borrowing and also reduce the overall project budget by £2.0m, to release £5.0m corporate borrowing in total to be allocated to other projects. This is because this project will be coming to an end and replaced by Project Gigabit which is fully funded and run by BDUK.
- f) Inclusion of the £12.3m project budget towards the delivery of the Southern Link Road to enable land negotiations to commence and initial works to start, while a full business case is developed. External grants will be sought that will either increase the project budget or replace some of the corporate borrowing being allocated at this stage. This has been added as a key priority to the current cabinet and budget allocated to ensure work can start as early as possible.
- g) A project budget has been added for the Stronger Towns Library & Learning Centre relocation to Shirehall, this consists of the balance of the grant and use of reserves that is unspent but will be subject to any final approved allocation if this is the project that is approved at Cabinet on 26 October. Dependant on the decision regarding the location of the Library and Learning Centre, the budget for the option that does not progress will be removed from the capital programme at that time.
- h) Shirehall Improvement Works, £3.0m is being set aside to fund the minimum works required to get the building open and operational again. This budget is on top of the approximate £1.2m left to spend within the Estates Capital Programme 2019/22 capital budget. There are a number of other projects within the estates capital budget and as they deliver the work required any underspends can be utilised to further increase the funds available for the Shirehall building works.
- i) A budget of £0.1m has been included to do any works required in the Shirehall annex to create a Care Leavers Base, this hub will help support this group of people and ensure they are provided with the support they need.
- j) Significant investment is required to improve the road network, £10.0m budget has been allocated for Resurfacing Herefordshire Highways. This budget will be allocated to those roads identified as requiring the most urgent work.

- k) Both the WVT and HWGTA investment project budgets have been added but are subject to a cabinet decision to proceed, these are provisional amounts but can be adjusted by the chief finance officer in line with the recommendations in this report to the final amounts agreed. As these will both require repayment and the repayments will cover any interest costs, these are both added as return on investment with no overall effect on the revenue budget.
 - l) When the Employment Land & Incubation Space in Market Towns project was added to the capital programme it was added on the basis within the business case that the use of reserves would be repaid from capital receipts from sale of units/plots. The proposals require investment and have not progressed as the business cases have not been able to evidence a full return on investment. Therefore it is proposed to alter the requirement from the capital receipts reserve to be funded from existing receipts only and increased to £12.0m, switching some of the borrowing that would have been repaid from rental income. Therefore a total of £12.0m will be funded fully from the current capital receipt reserve balance with no expectation to replenish the reserve with future receipts. This will enable investment in employment land in Herefordshire.
8. A number of informal reviews were carried out to ensure all funding requests were manageable within the current borrowing limits in the medium term financial strategy and the available balance of the capital receipts reserve. These proposals allocate the balance available in the capital receipts reserve and reallocates all the corporate funded borrowing released from the removal of some projects.
 9. As part of the 2016/17 Local Government Finance Settlement, the government announced new flexibilities allowing local authorities to use capital receipts to fund transformation expenditure. This guidance was extended and updated in 2022/23 to extend the freedom for local authorities to use eligible capital receipts up to 2024/25 to help fund the revenue costs of transformation and release savings.
 10. The direction permits authorities to use the proceeds from asset sales to fund the revenue costs of projects that will deliver ongoing savings, reduce costs, increase revenue or support a more efficient provision of services. The council intends to take advantage of this flexibility to support the financing of qualifying expenditure to deliver transformation change programmes across the organisation.
 11. Approval of provision in the capital programme is not approval to proceed. Each project will be subject to its own governance, a full business case will be presented for approval where required and comply with the council's contract procedure rules as applicable.

Community impact

12. In accordance with the adopted code of corporate governance, Herefordshire Council achieves its intended outcomes by providing a mixture of legal, regulatory and practical interventions. Determining the right mix of these is an important strategic choice to make to ensure intended outcomes are achieved. The council needs robust decision making mechanisms to ensure our outcomes can be achieved in a way that provides the best use of resources while still enabling efficient and effective operations.
13. The capital investment proposals support the overall delivery plan and service delivery strategies in place. The overall aim of capital expenditure is to benefit the community through improved facilities and by promoting economic growth. A specific community impact assessment, including any health and safety implications or corporate parenting

responsibilities, will be included in the decision report required for any new capital scheme commencing and incurring spend.

Environmental Impact

14. Herefordshire 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.
15. Whilst this overarching budget setting document will not detail specific environmental impacts, consideration is always made to minimising waste and resources use in line with the council's Environmental Policy. A specific environmental impact assessment for the service specific budget proposals will be considered as appropriate to seek to minimise any adverse environmental impact and actively seek opportunities to improve and enhance environmental performance. An initial environmental assessment has been included in the outline business cases that were reviewed at Scrutiny and these will be developed and scoped for each project when they seek approval to spend and a separate governance decision.

Equality duty

16. 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.
17. 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. An equality impact assessment (EIA) will be carried out prior to any new scheme commencing and will form part of the approval process, required ahead of incurring capital spend.

Resource implications

18. The proposed revisions at appendix A, total a reduction of (£39.7m) over the next four years. Of this (£32.2m) is proposed reduction of capital grants, mainly for the 3 unfunded but the addition of the grant for Stronger Towns will be subject to approval. There is currently just over £14.2m unallocated balance in the capital receipts reserves, which is fully utilised by using some to fund the revenue transformation costs in line with the recommendation to be approved and the balance in the below proposals. All the corporate funded borrowing has been reallocated and (£20.5m) of prudential borrowing repayment costs will no longer need to be funded from additional revenue streams or savings in the revenue budget.

19. Where projects are in the capital programme but they depend on grant, if the grant request is not successful, the full project including any match funding will be removed unless a revised project is approved within the same funding allocations.

Scheme	Capital Grant funding £000	Redirected funding £000	Capital receipt funding £000	Funded by ROI £000	Corporate Funded PB £000	Total Request £000
Unfunded Projects						
Passenger Transport Fleet (Electric)	-35,000.0	0.0	0.0	-4,000.0	0.0	-39,000.0
Masters House	-762.0	0.0	0.0	0.0	0.0	-762.0
Herefordshire Retrofit Hub	-2,042.2	0.0	0.0	0.0	0.0	-2,042.2
Total Unfunded Projects	-37,804.2	0.0	0.0	-4,000.0	0.0	-41,804.2
Community:- Build communities to ensure everyone lives well and safely together						
Super Hubs (removal)	0.0	0.0	-2,000.0	0.0	0.0	-2,000.0
Strategic Housing Development (removal)	0.0	0.0	0.0	-19,708.4	0.0	-19,708.4
Total Community	0.0	0.0	-2,000.0	-19,708.4	0.0	-21,708.4
Economy:- Support an economy which builds on the county's strengths and resources						
Development Partnership activities (removal)	0.0	0.0	-139.6	0.0	-10,045.5	-10,185.0
My Account (removal)	0.0	0.0	0.0	0.0	-425.0	-425.0
Fastershire (reduction & use of Clawback)	3,014.0	0.0	0.0	0.0	-5,014.0	-2,000.0
Resurfacing Herefordshire Highways	0.0	0.0	815.5	0.0	9,184.5	10,000.0
Southern Link Road	0.0	0.0	7,000.0	0.0	5,300.0	12,300.0
Stronger Towns Library & Learning Centre relocation to Shirehall	2,610.7	0.0	394.7	0.0	0.0	3,005.4
Work to Shirehall Annex (Care Leavers Base)	0.0	0.0	100.0	0.0	0.0	100.0
Shirehall Improvement Works	0.0	0.0	2,000.0	0.0	1,000.0	3,000.0
Wye Valley Trust - Education Centre Investment	0.0	0.0	0.0	6,000.0	0.0	6,000.0
HWGTA - Development of Vocational Work Based Skills Investment	0.0	0.0	0.0	2,000.0	0.0	2,000.0
Investment in Employment Land in Herefordshire (adjustment)	0.0	0.0	4,786.0	-4,786.0	0.0	0.0
Total Economy	5,624.7	0.0	14,956.6	3,214.0	0.0	23,795.3
Total	-32,179.5	0.0	12,956.6	-20,494.4	0.0	-39,717.2

Legal implications

20. In year changes to the capital programme must be approved by Council unless certain circumstances in the constitution apply, which do not apply in these cases.
21. Each project will be subject to its own governance, a full business case will be presented for Cabinet approval where required and will be undertaken in compliance with the council's contract procedure rules as applicable.
22. Section 106 of the Local Government Finance Act 1992 precludes a councillor from voting on the Council's budget if he or she has an outstanding council tax debt of over two months. If a councillor who is precluded from voting is present at any meeting at which relevant matters are

discussed, he or she must disclose that section 106 applies and may not vote. Failure to comply is a criminal offence.

Risk management

23. For all capital projects monthly budget control meetings give assurance on the robustness of budget control and monitoring, to highlight key risks and to identify any mitigation to reduce the impact of pressures on the council's overall position for example through phasing of spend, identifying and securing scheme changes or alternative funding sources.
24. Capital projects inherently give rise to risks in their delivery, both in time and budget. Individual scheme reporting and associated project boards exist to mitigate these risks. Furthermore slower delivery than forecast can mean the strategic ambitions are not being met as planned. All projects are expected to be managed through the programme management office once resources are in place, so further mitigating the risk of overspend or delays.
25. The proposed additions have been reviewed in relation to risks, both in deliverability, costs, impact and associated scheme interdependencies. The individual scheme detail of the risks will be provided as individual schemes progress to approval to deliver.

Consultees

26. All political groups have been consulted on the Shirehall Improvement Works, Library relocation and both investment projects from WVT and HWGTA, with discussion at previous cabinet meetings and are subject to further cabinet meetings. Therefore no separate consultation has been done for inclusion in this report.
27. Both the Employment Land and Southern Link Road projects will have various consultations with all interested parties as the business cases are developed and spend decisions are progressed.
28. Political Group consultation is not required for budget and policy framework but they were able to make recommendations on the proposals being recommended to council, to cabinet during the meeting for them to consider.
29. Cabinet on 5 October 2023, considered the revised capital programme and approved the proposals as set out in this report.

Appendices

Appendix A - Proposed capital investment revisions from 2023/24

Appendix B - Current status of approved capital programme

Appendix C - Total proposed capital programme

Background papers

None identified

Glossary of Terms

Capital Grant Funding – External income from another organisation

Redirected Funding – Use of revenue reserves to fund capital

Capital Receipt Funding – Use of the capital receipts reserve generated from sale of land, buildings and other assets of the council

Funded by Return on Investment – this is where there is a return on investment to repay the borrowing costs, such as increased income or savings on the current budget by reducing on going costs

Corporate funding by Prudential Borrowing – this is where prudential borrowing is repaid from the corporate revenue budget

Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published		
Governance	John Coleman	Date 05/10/2023
Finance	Rachael Hart	Date 19/09/2023
Legal	Emma-Jane Brewerton	Date 05/10/2023
Communications	Luenne Featherstone	Date 19/09/2023
Equality Duty	Harriet Yelling	Date 20/09/2023
Procurement	Lee Robertson	Date 18/09/2023
Risk	Kevin Lloyd	Date 18/09/2023

Approved by

Andrew Lovegrove

Date 05/10/2023

Scheme	Current Capital Programme £000	Total 23/24 £000	Total 24/25 £000	Total 25/26 £000	Total 26/27 £000	Capital Grant funding £000	Redirected funding £000	Capital receipt funding £000	Funded by ROI £000	Corporate Funded PB £000	Total Request £000
Unfunded Projects											
Passenger Transport Fleet (Electric)		-7,800.0	-15,600.0	-15,600.0	0.0	-35,000.0	0.0	0.0	-4,000.0	0.0	-39,000.0
Masters House		-762.0	0.0	0.0	0.0	-762.0	0.0	0.0	0.0	0.0	-762.0
Herefordshire Retrofit Hub		-2,042.2	0.0	0.0	0.0	-2,042.2	0.0	0.0	0.0	0.0	-2,042.2
Total Unfunded Projects	0.0	-10,604.2	-15,600.0	-15,600.0	0.0	-37,804.2	0.0	0.0	-4,000.0	0.0	-41,804.2
Community:- Build communities to ensure everyone lives well and safely together											
Super Hubs (removal)		-2,000.0	0.0	0.0	0.0	0.0	0.0	-2,000.0	0.0	0.0	-2,000.0
Strategic Housing Development (removal)		-7,300.0	-6,504.2	-5,904.2	0.0	0.0	0.0	0.0	-19,708.4	0.0	-19,708.4
Total Community	0.0	-9,300.0	-6,504.2	-5,904.2	0.0	0.0	0.0	-2,000.0	-19,708.4	0.0	-21,708.4
Economy:- Support an economy which builds on the county's strengths and resources											
Development Partnership activities (removal)		-1,999.9	-3,000.2	-5,185.0	0.0	0.0	0.0	-139.6	0.0	-10,045.5	-10,185.0
My Account (removal)		-425.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-425.0	-425.0
Fastershire (reduction & use of Clawback)		0.0	-2,000.0	0.0	0.0	3,014.0	0.0	0.0	0.0	-5,014.0	-2,000.0
Resurfacing Herefordshire Highways		0.0	5,000.0	5,000.0	0.0	0.0	0.0	815.5	0.0	9,184.5	10,000.0
Southern Link Road		1,000.0	2,000.0	4,000.0	5,300.0	0.0	0.0	7,000.0	0.0	5,300.0	12,300.0
Stronger Towns Library & Learning Centre relocation to Shirehall		394.7	2,610.7	0.0	0.0	2,610.7	0.0	394.7	0.0	0.0	3,005.4
Work to Shirehall Annex (Care Leavers Base)		100.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0	100.0
Shirehall Improvement Works		0.0	3,000.0	0.0	0.0	0.0	0.0	2,000.0	0.0	1,000.0	3,000.0
Wye Valley Trust - Education Centre Investment		0.0	6,000.0	0.0	0.0	0.0	0.0	0.0	6,000.0	0.0	6,000.0
HWGTA - Development of Vocational Work Based Skills Investment		0.0	2,000.0	0.0	0.0	0.0	0.0	0.0	2,000.0	0.0	2,000.0
Investment in Employment Land in Herefordshire (adjustment)		0.0	0.0	0.0	0.0	0.0	0.0	4,786.0	-4,786.0	0.0	0.0
Total Economy	0.0	-930.2	15,610.6	3,815.0	5,300.0	5,624.7	0.0	14,956.6	3,214.0	0.0	23,795.3
Total	0.0	-20,834.4	-6,493.6	-17,689.2	5,300.0	-32,179.5	0.0	12,956.6	-20,494.4	0.0	-39,717.2
Annual Funding Limit										26,800.0	
Allocated Previously										- 26,800.0	
Total Funding Available										-	
Funding Variance										-0.0	

Scheme Name	2023/24		2023/24 Forecast		2024/25			2025/26			2026/27			Total					
	Prior Years £000	Total Budget £000	Forecast Q2 £000	Variance to Budget £000	Total Budget £000	Total Budget £000	Total Budget £000	Total Budget £000	Total Budget £000	Total Budget £000	Total Budget £000	Total Budget £000	Scheme Budget £000	Capital receipts £000	Grant & funding cont £000	Prior Years £000	Total Funding £000		
Hereford City Centre Transport Package	37,224	6,255	1,500	(4,755)	3,500	0	0	0	0	0	0	46,979	0	6,081	3,674	9,755	37,224		
Hereford City Centre Improvements (HCCI)	3,500	2,500	2,050	(450)	0	0	0	0	0	0	0	6,000	0	0	2,500	2,500	6,000		
Hereford ATMs and Super Cycle Highway	1,000	1,000	500	(500)	0	0	0	0	0	0	0	1,000	0	0	1,000	1,000	1,000		
Emergency Active travel Fund	119	119	119	0	0	0	0	0	0	0	0	119	0	119	119	0	119		
Active Travel Fund 4	306	306	156	(150)	0	0	0	0	0	0	0	306	0	306	306	0	306		
LUF - Active Travel Measures (north of river)	251	1,025	500	(525)	3,190	0	0	0	0	0	0	4,466	0	4,215	4,215	251	4,466		
LUF - Active Travel Measures (south of river)	2	4,036	750	(3,286)	5,159	0	0	0	0	0	0	9,197	0	9,194	9,194	2	9,197		
Passenger Transport Fleet (Electric)		7,800	0	(7,800)	15,600	15,600	0	0	0	0	0	39,000	0	35,000	4,000	39,000	0	39,000	
Sustainable Transport & Place Making Delivery Board	40,976	23,041	5,575	(17,466)	27,449	15,600	0	0	0	0	0	107,066	0	54,915	11,175	66,090	40,976	107,066	
Local Transport Plan (LTP)		15,466	15,466	0	15,466	0	0	0	0	0	0	30,932	0	30,932	30,932	0	30,932		
Priority Flood Repair Works	2,868	1,159	347	(812)	0	0	0	0	0	0	0	4,027	0	0	1,159	1,159	2,868	4,027	
Extra Ordinary Highways Maintenance & Biodiversity Net Gain	1,891	408	94	(314)	0	0	0	0	0	0	0	2,299	0	0	408	408	1,891	2,299	
Public Realm Maintenance - Mitigating Risk on the Network	1,101	3,849	3,656	(193)	0	0	0	0	0	0	0	4,950	0	0	3,849	3,849	1,101	4,950	
Highways Maintenance and pot hole repairing 2023/24		2,558	2,558	0	0	0	0	0	0	0	0	2,558	0	2,558	2,558	0	2,558		
Winter Resilience		677	227	(450)	290	435	0	0	0	0	0	1,402	0	1,402	1,402	0	1,402		
Highways Equipment	41	507	507	0	0	0	0	0	0	0	0	548	0	507	507	41	548		
Natural Flood Management	97	489	220	(269)	279	239	170	0	0	0	0	1,274	0	1,176	1,176	97	1,274		
Highways Infrastructure Investment		4,085	1,335	(2,750)	4,085	3,985	3,885	0	0	0	0	16,040	0	15,800	14,460	16,040	0	16,040	
Public Realm Improvements for Ash Die Back		315	315	0	367	367	367	0	0	0	0	1,416	0	1,416	1,416	0	1,416		
Moving Traffic Enforcement Phase 2		144	25	(119)	0	0	0	0	0	0	0	144	0	144	144	0	144		
Masters House		762	0	(762)	0	0	0	0	0	0	0	762	0	762	762	0	762		
Highways Maintenance Delivery Board	5,998	30,419	24,750	(5,669)	20,487	5,026	4,422	0	0	0	0	66,352	0	37,008	23,345	60,354	5,998	66,352	
E & E's S106		4,558	1,979	(2,579)	1,092	1,922	0	0	0	0	0	7,572	0	7,572	7,572	0	7,572		
C & F's S106		1,376	860	(516)	351	2,265	0	0	0	0	0	3,992	0	3,992	3,992	0	3,992		
Planning Delivery Board	0	5,933	2,839	(3,094)	1,443	4,187	0	0	0	0	0	11,563	0	11,563	0	11,563	0	11,563	
Integrated Wetlands	2,252	748	410	(339)	0	0	0	0	0	0	0	3,000	0	748	748	2,252	3,000		
Solar Photovoltaic Panels	862	1,272	265	(1,007)	0	0	0	0	0	0	0	2,134	0	1,272	1,272	862	2,134		
Wye Valley AONB	55	155	155	0	116	0	0	0	0	0	0	326	0	272	272	55	326		
SEPCUBU Grant	88	344	17	(327)	0	0	0	0	0	0	0	432	0	344	344	88	432		
Waste		18,090	0	(18,090)	0	0	0	0	0	0	0	18,090	0	5,800	12,290	18,090	0	18,090	
E-Cargo Bike Share		85	85	0	0	0	0	0	0	0	0	85	0	85	0	85	0	85	
Local Electric Vehicle Infrastructure Capital Fund (LEVI)		124	124	0	300	300	400	0	0	0	0	1,124	0	1,124	1,124	0	1,124		
Herefordshire Retrofit Hub		2,042	0	(2,042)	0	0	0	0	0	0	0	2,042	0	2,042	2,042	0	2,042		
Green Homes Grant - Local Authority Delivery		526	293	209	(84)	0	0	0	0	0	0	819	0	293	293	526	819		
Home Upgrade Grant		522	4,301	3,733	(568)	4,646	0	0	0	0	0	9,469	0	8,947	8,947	522	9,469		
Environment & Sustainability Delivery Board	4,304	27,455	4,998	(22,457)	5,063	300	400	0	0	0	0	37,521	0	19,655	13,562	33,217	4,304	37,521	
Hereford Enterprise Zone	14,526	421	421	(0)	0	0	0	0	0	0	0	14,947	0	421	421	14,526	14,947		
Marches Business Investment Programme	2,884	544	486	(58)	0	0	0	0	0	0	0	3,428	0	544	544	2,884	3,428		
Employment Land & Incubation Space in Market Towns	341	3,500	100	(3,400)	10,000	6,860	0	0	0	0	0	20,701	0	7,214	2,053	11,093	20,360	341	20,701
Leominster Heritage Action Zone	1,095	2,009	1,356	(653)	0	0	0	0	0	0	0	3,104	0	1,623	386	2,009	1,095	3,104	
Safer Streets / CCTV	340	43	4	(39)	0	0	0	0	0	0	0	383	0	43	43	340	383		
Fastershire Broadband	26,990	1,216	4,240	3,024	7,532	0	0	0	0	0	0	35,738	0	839	7,909	8,748	26,990	35,738	
Development Partnership activities	10,415	2,000	0	(2,000)	3,000	5,185	0	0	0	0	0	20,600	0	140	10,045	10,185	10,415	20,600	
Economic Development Delivery Board	56,591	9,734	6,608	(3,126)	20,532	12,045	0	0	0	0	0	98,901	9,398	3,865	29,048	42,310	56,591	98,901	
Stronger Towns Fund - Hereford Museum & Art Gallery Redevelopment	1,535	10,665	700	(9,965)	5,800	0	0	0	0	0	0	18,000	0	7,946	8,519	16,465	1,535	18,000	
Stronger Towns Fund - Greening the City	81	323	23	(300)	0	0	0	0	0	0	0	404	0	323	323	81	404		
UK Shared Prosperity Fund		290	290	0	845	0	0	0	0	0	0	1,135	0	1,135	1,135	0	1,135		
Rural Prosperity Fund		850	850	0	856	0	0	0	0	0	0	1,706	0	1,706	1,706	0	1,706		
Stronger Towns Fund - Maylord Orchard Redevelopment and Learning Resource Centre	434	3,066	455	(2,611)	0	0	0	0	0	0	0	3,500	0	395	2,671	3,066	434	3,500	
Major External Funded Delivery Board	2,050	15,194	2,318	(12,876)	7,500	0	0	0	0	0	0	24,744	8,341	14,354	0	22,694	2,050	24,744	
Electronic Document Management Storage	303	42	0	(42)	0	0	0	0	0	0	0	315	0	0	12	12	303	315	
Capital Development Fund		1,000	0	(1,000)	0	0	0	0	0	0	0	1,000	0	1,000	1,000	0	1,000		
Key Network Infrastructure (Core Data Centre Switches & Corporate Wi-Fi)	143	412	412	0	0	0	0	0	0	0	0	555	0	412	412	143	555		
HARC SAN Lifecycle Replacement		372	2	(370)	0	0	0	0	0	0	0	372	0	372	372	0	372		
Data Centre Equipment Lifecycle Replacement		329	329	0	0	0	0	0	0	0	0	329	0	329	329	0	329		
Windows Server Upgrades		330	330	0	0	0	0	0	0	0	0	330	0	330	330	0	330		
Backup Storage		82	52	(30)	0	0	0	0	0	0	0	82	0	82	82	0	82		
Device and Ancillary kit replacement programme		365	265	(100)	365	415	448	0	0	0	0	1,593	0	1,593	1,593	0	1,593		
M365 E5 Implementation		300	300	0	150	0	0	0	0	0	0	450	0	450	450	0	450		
Primary Data Storage Area Network (Plough Lane)		272	63	(209)	0	0	0	0	0	0	0	335	0	63	63	272	335		
IT Services Partnership Board	718	3,265	1,701	(1,564)	515	415	448	0	0	0	0	5,361	0	1,000	3,643	4,643	718	5,361	
Flexible Futures	268	582	582	0	0	0	0	0	0	0	0	850	0	582	582	268	850		
My Account	11	432	7	(425)	0	0	0	0	0	0	0	443	0	432	432	11	443		
Corporate Transformation Delivery Board	280	1,013	589	(425)	0	0	0	0	0	0	0	1,293	0	0	1,013	1,013	280	1,293	
Schools Capital Maintenance Grant		5,693	2,986	(2,707)	1,195	0	0	0	0	0	0	6,888	0	4,181	2,707	6,888	0	6,888	
Peterchurch Area School Investment	232	7,446	30	(7,416)	3,175	0	0	0	0	0	0	10,853	0	5,433	5,188	10,621	232	10,853	
Brookfield School Improvements	375	3,830	750	(3,080)	795	0	0	0	0	0	0	5,000	0	919	3,706	4,625	375	5,000	
High Needs Grant	77	1,3																	

Reserve to be topped back up by future receipts

Approved at February 2022 Council	98,060	140,283	103,771	52,177	6,270	400,561
Reprofile Budget		0	0	0	0	0
Grant/Funding Movement		10,156	9,140	300	400	19,996
22/23 Carry Forward		18,790				18,790
Remove Care Home project		(500)	(3,000)	(9,000)	(1,400)	(13,900)
Remove eCargo Bike borrowing requirement		(73)				(73)
Budget not carried forward for projects completed	(4,269)					(4,269)
Use of Reserves						0
Prior Year Spend adj (closed projects and 22/23 one off grant excluded)		24,140				24,140

Change in Capital Programme	0	10,083	9,140	300	400	19,923
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Note 1

Overall Change Financed By

	£000	£000	£000		£000	£000
Prudential Borrowing		(73)				(73)
Grant and funding contributions (Inc Reserves)		10,156	9,140	300	400	19,996
Capital receipts						0
	0	10,083	9,140	300	400	19,923

Note 1

Grant Amendments since February Council

	£000
Levelling up fund for North and South ATMs	13,412
Integrated Wetlands - NHB	900
Changing Places	287
Highways Maintenance and pot hole repairing 2023/24	2,558
Active Travel Fund 4	306
DfE increase to schools maintenance grant 23/24	33
Fly-Tipping Intervention Grant	30
23/24 DFG additional grant	467
Wye Valley AONB additional grant	70
eCargo Bike Grant	85
Greening the City Adjustment for Grant Award	-6
Remove LTA Grant assumption	-180
Single Homelessness Accommodation Programme (SHAP)	910
Local Electric Vehicle Infrastructure Capital Grant	1,124
	19,996

Scheme Name	Spend in					Total Scheme Budget £000	Grant & Prudential					Total Funding £000
	Prior Years £000	Total Budget £000	Total Budget £000	Total Budget £000	Total Budget £000		Capital receipts £000	funding cont £000	Prudential borrowing £000	Total £000	Prior Years £000	
Hereford City Centre Transport Package	37,224	6,255	3,500	0	0	46,979		6,081	3,674	9,755	37,224	46,979
Hereford City Centre Improvements (HCCI)	3,500	2,500	0	0	0	6,000			2,500	2,500	3,500	6,000
Southern Link Road		1,000	2,000	4,000	5,300	12,300	7,000		5,300	12,300	0	12,300
Hereford ATMs and Super Cycle Highway		1,000	0	0	0	1,000			1,000	1,000	0	1,000
Emergency Active travel Fund		119	0	0	0	119		119		119	0	119
Active Travel Fund 4		306	0	0	0	306		306		306	0	306
LUF - Active Travel Measures (north of river)	251	1,025	3,190	0	0	4,466		4,215		4,215	251	4,466
LUF - Active Travel Measures (south of river)	2	4,036	5,159	0	0	9,197		9,194		9,194	2	9,197
Sustainable Transport & Place Making Delivery Board	40,976	16,241	13,849	4,000	5,300	80,366	7,000	19,915	12,475	39,390	40,976	80,366
Local Transport Plan (LTP)		15,466	15,466	0	0	30,932		30,932		30,932	0	30,932
Priority Flood Repair Works	2,868	1,159	0	0	0	4,027		1,159	1,159	2,868	0	4,027
Extra Ordinary Highways Maintenance & Biodiversity Net Gain	1,891	408	0	0	0	2,299		408	408	1,891	0	2,299
Public Realm Maintenance - Mitigating Risk on the Network	1,101	3,849	0	0	0	4,950		3,849	3,849	1,101	0	4,950
Highways Maintenance and pot hole repairing 2023/24		2,558	0	0	0	2,558		2,558	2,558	0	0	2,558
Resurfacing Herefordshire Highways		0	5,000	5,000	0	10,000	816	9,185		10,000	0	10,000
Winter Resilience		677	290	435	0	1,402		1,402	1,402	0	0	1,402
Highways Equipment	41	507	0	0	0	548		507	507	41	0	548
Natural Flood Management	97	489	279	239	170	1,274		1,176	1,176	97	0	1,274
Highways Infrastructure Investment		4,085	4,085	3,985	3,885	16,040		1,580	14,460	16,040	0	16,040
Public Realm Improvements for Ash Die Back		315	367	367	367	1,416			1,416	1,416	0	1,416
Moving Traffic Enforcement Phase 2		144	0	0	0	144		144	144	0	0	144
Highways Maintenance Delivery Board	5,998	29,657	25,487	10,026	4,422	75,590	816	45,431	23,345	69,592	5,998	75,590
E & E's S106		4,558	1,092	1,922	0	7,572		7,572	7,572	0	0	7,572
C & F's S106		1,376	351	2,265	0	3,992		3,992	3,992	0	0	3,992
Planning Delivery Board	0	5,933	1,443	4,187	0	11,563	-	11,563	0	11,563	0	11,563
Integrated Wetlands	2,252	748	0	0	0	3,000		748	748	2,252	0	3,000
Solar Photovoltaic Panels	862	1,272	0	0	0	2,134		1,272	1,272	862	0	2,134
Wye Valley AONB	55	155	116	0	0	326		272	272	55	0	326
SEPUBU Grant	88	344	0	0	0	432		344	344	88	0	432
Waste		18,090	0	0	0	18,090		5,800	12,290	18,090	0	18,090
E-Cargo Bike Share		85	0	0	0	85		85	0	85	0	85
Local Electric Vehicle Infrastructure Capital Fund (LEVI)		124	300	300	400	1,124		1,124	1,124	0	0	1,124
Green Homes Grant - Local Authority Delivery	526	293	0	0	0	819		293	293	526	0	819
Home Upgrade Grant	522	4,301	4,646	0	0	9,469		8,947	8,947	522	0	9,469
Environment & Sustainability Delivery Board	4,304	25,413	5,063	300	400	35,479	0	17,613	13,562	31,175	4,304	35,479
Hereford Enterprise Zone	14,526	421	0	0	0	14,947		421	421	14,526	0	14,947
Marches Business Investment Programme	2,884	544	0	0	0	3,428		544	544	2,884	0	3,428
Investment in Employment Land in Herefordshire	341	3,500	10,000	6,860	0	20,701	12,000	2,053	6,307	20,360	341	20,701
Leominster Heritage Action Zone	1,095	2,009	0	0	0	3,104	1,623	386		2,009	1,095	3,104
Safer Streets / CCTV	340	43	0	0	0	383		43	43	340	0	383
Faster Broadband	26,990	1,216	5,532	0	0	33,738		3,853	2,895	6,748	26,990	33,738
Economic Development Delivery Board	46,176	7,734	15,532	6,860	0	76,301	14,044	6,879	9,202	30,125	46,176	76,301
Stronger Towns Fund - Hereford Museum & Art Gallery Redevelopment	1,535	10,665	5,800	0	0	18,000	7,946	8,519		16,465	1,535	18,000
Stronger Towns Fund - Greening the City	81	323	0	0	0	404		323	323	81	0	404
UK Shared Prosperity Fund		290	845	0	0	1,135		1,135	1,135	0	0	1,135
Rural Prosperity Fund		850	856	0	0	1,706		1,706	1,706	0	0	1,706
Stronger Towns Library & Learning Centre relocation to Shirehall		395	2,611	0	0	3,005	395	2,611		3,005	0	3,005
Stronger Towns Fund - Maylord Orchard Redevelopment and Learning Resource Centre	434	3,066	0	0	0	3,500		395	2,671	3,066	434	3,500
Major External Funded Delivery Board	2,050	15,589	10,111	0	0	27,750	8,735	16,964	0	25,700	2,050	27,750
Electronic Document Management Storage	303	12	0	0	0	315		12	12	303	0	315
Capital Development Fund		1,000	0	0	0	1,000		1,000	1,000	0	0	1,000
Key Network Infrastructure (Core Data Centre Switches & Corporate Wi-Fi)	143	412	0	0	0	555		412	412	143	0	555
HARC SAN Lifecycle Replacement		372	0	0	0	372		372	372	0	0	372
Data Centre Equipment Lifecycle Replacement		329	0	0	0	329		329	329	0	0	329
Windows Server Upgrades		330	0	0	0	330		330	330	0	0	330
Backup Storage		82	0	0	0	82		82	82	0	0	82
Device and Ancillary kit replacement programme		365	365	415	448	1,593		1,593	1,593	0	0	1,593
M365 E5 Implementation		300	150	0	0	450		450	450	0	0	450
Primary Data Storage Area Network (Plough Lane)	272	63	0	0	0	335		63	63	272	0	335
IT Services Partnership Board	718	3,265	515	415	448	5,361	0	1,000	3,643	4,643	718	5,361
Flexible Futures	268	582	0	0	0	850			582	582	268	850
Wye Valley Trust - Education Centre Investment	0	0	6,000	0	0	6,000		6,000	6,000	0	0	6,000
HWGTA - Development of Vocational Work Based Skills Inv	0	0	2,000	0	0	2,000		2,000	2,000	0	0	2,000
My Account		7	0	0	0	7		7	7	0	0	7
Corporate Transformation Delivery Board	268	588	8,000	0	0	8,857	0	0	8,588	8,588	268	8,857
Schools Capital Maintenance Grant		5,693	1,195	0	0	6,888		4,181	2,707	6,888	0	6,888
Peterchurch Area School Investment	232	7,446	3,175	0	0	10,853	5,433		5,188	10,621	232	10,853
Brookfield School Improvements	375	3,830	795	0	0	5,000	919	3,706		4,625	375	5,000
High Needs Grant	77	1,300	2,678	0	0	4,055				3,978	77	4,055
Basic Needs Funding		7,674	8,610	0	0	16,284		16,033	251	16,284	0	16,284
Preliminary works to inform key investment need throughout the county	213	303	0	0	0	516			303	303	213	516
School Accessibility Works		1,003	0	0	0	1,003			1,003	1,003	0	1,003
Estates Capital Programme 2019/22	3,760	2,322	0	0	0	6,082			2,322	2,322	3,760	6,082
Work to Shirehall Annex (Care Leavers Base)		100	0	0	0	100	100			100	0	100
Shirehall Building Improvements		0	3,000	0	0	3,000	2,000		1,000	3,000	0	3,000
Residual property works identified in the 2019 condition reports	40	1,351	0	0	0	1,392			1,351	1,351	40	1,392
Estates Building Improvement Programme 22-25	174	2,569	264	0	0	3,007			2,833	2,833	174	3,007
Estates Building Improvement Programme 2023-25		2,280	1,247	0	0	3,527		1,285	2,242	3,527	0	3,527
Fly-Tipping Intervention Scheme		30	0	0	0	30		30		30	0	30
Upgrade of Hereford CCTV Cameras	38	4	0	0	0	42		4		4	38	42
Changing Places		287	0	0	0	287		287		287	0	287
Hereford Library	145	200	0	0	0	345			200	200	145	345



Title of report: Leaders report to Council

Meeting: Council

Meeting date: Friday 13 October, 2023

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 28 July, 2023.

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 for the Leader of the Council to provide a report to the council meeting, other than the budget meeting, on the work of cabinet since the last meeting. My report to council is set out in appendix 1.
3. 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.
4. It is customary for all of the decisions to be listed in an annex to this report (appendix 2). 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.

5. Of the decisions taken since my last report no key decisions have been 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).
6. Included in my report is a summary of what I consider the most significant priorities, as well as some additional subjects that I hope will be of interest.

Community impact

7. 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

8. 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

9. 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.
10. 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 2, and will inform any future decision making.

Resource implications

11. 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 B 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

12. 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.
13. 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

14. 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 1: Leaders report to Council, 28 July to 5 October, 2023


Appendix 2: Executive decisions taken since 28 July to 5 October, 2023

Appendix 3: Cabinet member portfolios

Background papers

None Identified

Appendix 1: Report of the Leader of the Council - 28 July to 5 October

Leader's Report	
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Since my first report I wish to update on the progress we have made on a number of our priority areas.

Improving children's services remains my number one priority. We continue to implement our improvement plan whilst also working with our national partners in the Department for Education (DfE), Leeds, and the Local Government Association (LGA) who continue to provide leadership and example. I am hugely grateful for their insights and support.

Work continues at pace with our wider priorities. I am pleased to report our progress on some of the more prominent areas of activity in my report below.

In unrelated events, I was delighted to be guest of honour at the Herefordshire, Ludlow and North Shropshire college graduation ceremony on Wednesday 20 September. The ceremony was held at Hereford Cathedral. It was truly inspiring to see the next generation of talents taking their first tentative steps in to their new careers. Careers that cover some vitally needed skills such as Health and Social Care, Early years and Adult Care. I wish them all well in their future endeavours.

Priority No. 1: Children's Services

1. Update Children's services

Since my last report, Ofsted inspectors have undertaken a further monitoring visit to review our Children's Services. Inspectors visited the council's service in September specifically to review progress in the way children in our care are looked after. Ofsted are yet to publish their most recent letter explaining their latest findings.

Following a previous review in July - we know we are on the right path but that the pace of change needs to be quicker and improvements more consistently embedded. While we have taken some positives from the July visit our full and undivided focus remains resolute on where improvements continue to be needed and what we need to do to address areas of ongoing concern.

Since our July Council meeting, new and positive new developments have come in to place. Our new partnership with colleagues from Leeds City Council is proving to be a huge help. The experience and insight they bring – having been on this journey themselves and helped other council's children's services – is invaluable to building the service we all want to see at Herefordshire. We are also working with the LGA who continue to offer valued advice and experience in helping the council to develop its corporate parenting panel and in assisting scrutiny to provide strong and effective critical friend challenge around the services we are delivering.

It is my expectation that the outcomes of the review in September will continue to show that there is still much to do. The improvement of Children's Services remains the top priority for the council. We are determined to continue working with Ofsted and partners to ensure improvements continue to be made.

2. Hampton Dene Primary School – expansion of the Language and Communication Centre (LCC)

I was delighted that, on 28 September, Cabinet approved, subject to the necessary planning consents, up to £2.4m of the high needs provision capital grant be allocated to extend Hampton Dene Primary School's LCC.

This investment enables the council to deliver much needed additional capacity that will continue to ensure that our statutory responsibility to provide high quality education places for children and young people with Special Educational Needs or disability (SEND) is met.

The LCC at Hampton Dene caters for children with Speech, Language and Communication Needs (SLCN) and Autistic Spectrum Disorder (ASD). This unit has been at full operating capacity since 2018, but demand for the service has increased significantly (by 50%) over recent years. The expansion of Hampton Dene will include two additional classrooms with the appropriate support room, toilets and outdoor space. This flexible learning environment will accommodate 16 additional learners.

This decision will ensure the delivery of a high quality specialist educational accommodation for children and young people with an Educational Health Care Plan (EHCP) in Herefordshire. The extension of the LCC at Hampton Dene Primary School will be one of a number of projects that will come forward in order to fully utilise the grant funding.

This is a school leading in example, I look forward to reporting further progress on other similar initiatives to the council in due course

Priority No. 2: River restoration

3. There have been no new Cabinet decisions since my last report. However, I would not wish members to think that we have not been active on a number of fronts. There are significant new initiatives and developments that I wish to bring to your attention.

Active work is underway to;

- i. Retrofit septic tanks in schools within the Lugg catchment to improve the discharge which is hoped to deliver both phosphate savings and value for money.
- ii. Create a second wetland at Tarrington having obtained planning permission.
 - Our first wetland at Luston continues to mature and increase in biodiversity
- iii. Explore the potential phosphate reduction on council owned farms.
- iv. Develop pre- application advisory service for private phosphate mitigation schemes to help support housing delivery and river betterment.
- v. Facilitate a conference to learn more about the agricultural sector response to nutrient enrichment of the river catchment.

Priority No. 3: Road improvements

4. Pothole repair fund

Following the decision by the Cabinet Member for Roads and Regulatory Services to commit the just under £2.6m toward highways maintenance repair work is now underway.

This programme of works has been prioritised according to established asset management processes. These are based upon available data (from surveys and statutory inspections) to select sections of our road that are at their optimum point for surface dressing. Feedback from the public has consistently specific focus on local C and U roads is to enable improved links between our rural communities. The programme of works is beginning with initial works focusing on patching repair.

As weather is a material factor facilitating deterioration in our county's roads we are also looking at highways drainage issues. This programme of works will help prevent further deterioration to the point where our roads require expensive resurfacing. Our delivery partners, Balfour Beatty Living Places, are delivering these works with instruction to ensure cost effective repairs with minimal disruption to our local communities.

The web-page can be found by following: <https://www.herefordshire.gov.uk/roads-1/herefordshire-road-investment>

5. Capital Investment in Highways Infrastructure

Plans are moving forward with a programme of capital investment in our highways infrastructure. The funding aims to support the council's Highways Asset Management Strategy, complimenting the Capital Funding provided by the Local Transport Plan.

A further injection of funding in 2024/25 will focus on more extensive surface treatment. This programme also lays the foundations for more targeted future years' highways maintenance. For members and members of the public who are interested in monitoring our progress a dedicated web page has been developed.

Our major roads in the county suffer from significant deterioration. The rate of that deterioration will accelerate if a planned programme of investment and maintenance is not progressed. The proposed programme will focus on the outstanding preventative maintenance backlog. Our investment will need to be targeted toward slowing further deterioration and avoiding the risk of road closures.

Priority No. 4: County Wide Infrastructure

6. Objectives of the new local transport plan

Work is ongoing in developing the core objectives to underpin our Local Transport Plan (LTPs). The Department for Transport intends that LTPs should offer a vision-led approach to achieving better outcomes for people, businesses and places of Herefordshire. While we are currently looking at the detail, it is my expectation that our local plan will deliver just this.

The new Herefordshire LTP will set out the council's policy and strategic framework for local transport and travel. It will establish the long-term strategy for the progression, development, management and maintenance of the county's highway and transport systems. Measures can include a wide range of transport improvements, from new highway infrastructure to support growth or tackle safety problems, to road safety schemes or improvements to pedestrian facilities.

We are also looking at alignment with the Local Plan. There are intrinsically linked connections between transport and place-shaping. So our objectives will cover the following interlinked themes:

- i. Supporting a thriving and prosperous economy
- ii. Enabling healthy behaviours and improving wellbeing
- iii. Tackling climate change
- iv. Protecting and enhancing the natural and built environment
- v. Improving accessibility and inclusivity
- vi. Improving transport safety and security

7. Acceptance and approval to allocate the Local Electric Vehicle Infrastructure Grant

In September, the Cabinet Member for Transport and Infrastructure accepted and approved the allocation £240,260 from the Local Electric Vehicle Infrastructure (LEVI) Capability Fund. In addition accepting Herefordshire Council's allocation of £1,124,000 from the Local Electric Vehicle Infrastructure Capital Fund. In accepting these grants, we will participate in a consortium of local authorities seeking to expand the EV charging point network across the area.

The Electric Vehicle Infrastructure Strategy (EVIS) is designed to address Herefordshire Council's commitment to increasing the availability of charge point infrastructure – specifically in our council car parks. LEVI also provides funding to deliver charge-point infrastructure to support residents without off-street parking.

The Capability fund, as well as increasing the capacity and capability of EV infrastructure, will also create two employment positions for a duration of 23 months (Principal Electric Vehicle Infrastructure Officer & Electric Vehicle Infrastructure Strategy Officer). Delivery of electric vehicle infrastructure is planned for 2024/25 / 2025-26.

8. Marches Forward partnership

Over recent weeks, my cabinet and I have been looking into the opportunities to work collaboratively with Shropshire, Monmouthshire and Powys County Councils. The Marches Forward Partnership brings together strategic joint working to support government ambitions around Union Connectivity, between England and Wales, helping to attract investment and accelerate delivery of key infrastructure projects.

Whilst initially focused on more efficient and effective service delivery, the partnership provides opportunity for constituent partners to generate a greater economy of scale. The scope of this partnership working includes areas such as healthcare, education, skill development, jobs, service provision and transport infrastructure (including road, rail and bus travel and cycling).

As part of this early scoping work a draft Memorandum of Understanding (MOU) has been developed and six key objectives have been prioritised around:

- i. Data, Evidence and Research:
- ii. Nature, Energy and Climate Adaptation:
- iii. Transport and Digital Transformation
- iv. Sustainable Communities
- v. Food, Rural Development and Visitor Economy
- vi. Government and Strategic Relations

The Cabinet and I are keen to stress that these objectives provide a starting point, a starting point that we remain interested to influence. At our first meeting with the partnership and other respective leaders (on Friday 6 October), I took the opportunity to raise the need for us to work together to secure critical investment in our road and rail networks. I also used this as an opportunity to raise the profile of proposals for a station at Pontrilas.

We are also clear, however, that the priorities of this council must be front and centre of our collective efforts. I intend to review our position in 12 months to consider if the MOU remains on track, and if the partnership is achieving its desired outcomes.

Other matters of note...

9. Q1 Budget and Performance report

The council's approved net revenue budget for 2023/24 is £193.3 million which includes planned savings of £20 million comprising £14.1 million of Directorate savings and £5.9 million of Central budget savings.

The Quarter 1 Budget and Performance Report was presented to the 28 September Cabinet. The report forecasts an overspend of £13.5 million for 2023/24 and this position reflects significant national pressures including inflation, unprecedented demand for adults and children's social care and national living wage increases.

If no recovery action is taken in 2023/24, the overspend will require full utilisation of the Financial Risk Reserve and a review of the council's reserves will be required to fund the additional balance. This will reduce the reserves available to manage risk in future years.

At our Cabinet meeting we agreed to continue to monitor the forecast revenue outturn position and the impact of actions identified to address it through monthly budget monitoring reports. We have asked that Scrutiny Management Board review the budget monitoring position and that relevant Cabinet Members provide explanation for key variances and actions identified to address key pressures. We continue to work with the council's senior management team to strengthen management actions to reduce the forecast overspend going forward.

10. National Lottery Heritage Fund Delivery Grant Acceptance (Hereford Museum & Art Gallery)

In August, the Cabinet Member for Community Services and Assets accepted £5,084,465 of delivery grant funding from the National Lottery Heritage Fund. This grant forms part of an £18 million redevelopment of Hereford Museum and Art Gallery - a flagship project for Stronger Hereford and the Town's Investment Plan.

The grant will support the redevelopment of Hereford Museum and Art Gallery. The council

submitted three project proposals to the Board, including the redevelopment of Hereford Library and Museum into a state-of-the-art museum and art gallery. The application committed to creating a museum of regional significance, I believe we will surpass that promise and deliver something that is world class.

The project will significantly enhance the city's cultural offer, support community engagement and attract visitors into the city. Hereford will become a better place for people to live, study, work and invest in, as a result of this decision. The heritage-focused attraction in a new cultural quarter will significantly contribute to the regeneration of the city centre as a whole.

11. Procurement of Waste Contract

On 5 October, Cabinet gave approval to progress the delivery of the Waste Management Strategy objectives. The current waste collection contract is due to expire on 31 August 2024.

This decision will pave the way to securing environmental improvements, by continuing the procurement of a waste collection service under the existing collection model. However, there is built in to this the scope for Cabinet to agree phased implementation of the new collection model to enable the services to transition to:

- i. a three weekly, twin stream recycling service,
- ii. introduce a weekly food waste collection service and:
- iii. introduce a non-mandatory, seasonable, two weekly, chargeable (full cost recovery) garden waste service.

12. THRIVE

The council has a significant requirement to reduce the cost of service delivery due to substantial inflationary pressures and increasing demand for services. In September, the Cabinet Member for Finance and Corporate committed to investing to save through the council's THRIVE strategy. This is a four year council wide transformation strategy designed to assist the council to both improve customer experiences as well as rationalise the many customer contact points.

Customer contact in Herefordshire is primarily carried out by email and phone. An assessment of our council work identified the main opportunities to address and digitise a number of customer entry points. Development of digital self-service has huge potential to create a more efficient service enabling the release of financial benefit, whilst ensuring customers who need support can access this more easily.

A central aim of our THRIVE strategy is to improve customer interaction points which in turn can drive forward the ability create a sustainable financial position. This invest to save digital transformation offers a win-win scenario; creating an improved and responsive customer experience (often available on a 24/7 basis) alongside excellent value for money. A substantial contribution can be saved toward the council's savings requirement of £1.0 million - which is expected to be delivered through transformation activity. I look forward to reporting further progress to you on this exciting new strategy in due course

13. Transaction of functions from the Local Enterprise Partnership.

Earlier this year the Government's announced that they would no longer fund Local Enterprise Partnerships (LEP). It is intended that their current functions to be transferring to

Local Authorities by April 2024. In preparation for this, my Cabinet and I have commenced discussion with the LEP board and our neighbouring local authorities. During this period of change we have been clear that we do not wish to see any loss of business support services given to our local business communities.

Cabinet will take a decision in October to set out the governance arrangements relating these transition arrangements, going forward.

Appendix 2: Executive Decisions taken from 21 July to 5 October, 2023

Decision	Decision Notice published	Effective From
Accommodation based and floating support services	27/07/2023	03/08/2023
Q1 Budget and Performance Report	28/09/2023	06/10/2023
Marches Forward Partnership Memorandum of Understanding	28/09/2023	06/10/2023
Housing Benefit Risk Based Verification Policy	28/09/2023	06/10/2023
High Needs Capital Grant: Hampton Dene Primary School, Extension of Learning Communication Centre	28/09/2023	06/10/2023
Local Electric Vehicle Infrastructure Main Grant	29/09/2023	06/10/2023
To allocate and spend the Active Travel Fund Grant on the delivery of various Active Travel Measures	31/08/2023	07/09/2023
Aston Ingham Neighbourhood Plan and the consequential updates to the countywide policies map	01/09/2023	08/09/2023
Adoption of the revised Bartestree with Lugwardine Neighbourhood Plan and the consequential updates to the countywide policies map	04/08/2023	11/08/2023
Thrive Transformation Programme - commissioning of support for invest to save projects	28/09/2023	11/10/2023
2023 highways maintenance and pothole repair funding, 2023 to 2024	10/08/2023	17/08/2023
National Lottery Heritage Fund Delivery Grant Acceptance (Hereford Museum & Art Gallery)	11/08/2023	18/08/2023
Executive response to the Environment and Sustainability Scrutiny Committee: Local Flood Risk Management Strategy Action Plan	16/08/2023	23/08/2023
Placement Sufficiency Strategy for Children and Young People 2023 – 2028	23/08/2023	31/08/2023
Scrutiny Report Flood Risk Executive Response Cabinet 5th October	01/10/2023	06/10/2023
Capital Programme Review and Update	03/08/2023	06/10/2023
Procurement of new waste collection service - update	21/08/2023	Recommendations Approved (s subject to call-in)

Appendix 3: Section1 - Cabinet member portfolios

Leader (corporate strategy and budget): Councillor Jonathan Lester

Cabinet Support Members: Councillors Dan Hurcomb and Nick Mason

- Corporate policy and strategy
- Corporate budget
- Represent the Council on various business and economy organisations including the Marches LEP, Herefordshire Business Board and the Enterprise Zone Board. Working with the Portfolio holder for the Economy.
- Governance of external arrangements with companies, outside bodies and partnerships
- Member of the Council's Shareholder Committee
- External liaison and relationships
 - Local Government Association (LGA)/County Councils' Network (CCN)
 - European and national matters
 - Regional matters
 - Marches Local Enterprise Partnership
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any initiative not specifically allocated to any other portfolio

Environment (Deputy Leader): Councillor Elissa Swinglehurst

Cabinet Support Members: Councillors Dan Hurcomb and Nick Mason

- Deputise for the Leader in their absence.
- Waste Management Strategy
- Waste collection and disposal
- Cabinet Commission on Phosphates
- Planning services, land use strategies including Core Strategy
- Environmental and conservation promotion, protection and sustainability including response to climate emergency.
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any other specific responsibilities as allocated by the leader

Community Services and Assets: Councillor Harry Bramer

- Council asset, investment property strategies and property strategies
- Council property services including facilities management
- Major Contracts
- Commissioning and procurement strategy and policy
- Community services:
 - Parks and countryside
 - Leisure Services
 - Cultural services
 - Libraries
 - Heritage Services
 - Archives
 - Public conveniences
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any other specific responsibilities as allocated by the leader

Children and Young People : Councillor Ivan Powell

- To provide leadership and ensure coordination across the range of council children's services, and through engagement with partners, with a particular focus on children and young people's health & wellbeing and safeguarding
- Services for vulnerable young people/children/families
- Lead member for children's services in accordance with the Children's Act 2004
- Corporate parenting
- Children and young people's education and attainment
- Post 16 education, training and skills development, including NMiTE
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any other specific responsibilities as allocated by the leader

Finance and Corporate Services: Councillor Pete Stoddart

- Agreeing and leading the process for developing revenue and capital budgets, medium term financial strategy, council tax and NNDR
- Financial policy, fees and charging policy, financial control and reporting
- Council tax benefits
- Council ICT services and digital strategy
- Human Resources
- Health and safety
- Performance, improvement, risk management, research and intelligence
- Services under Governance and Legal Services
- Registrars and Coroner Services
- Communications, and social media including website
- Digital Connectivity
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any other specific responsibilities as allocated by the leader

Adults, Health and Wellbeing: Councillor Carole Gandy

- Provide leadership and ensure coordination across the range of council adult social care services, and through engagement with partners
- Services for vulnerable adults
- Adult safeguarding
- Homelessness, housing allocation and condition
- Leadership of Health and Wellbeing Board and partnership working with health
- Co-chair of the Integrated Care Partnership Assembly
- Public Health Strategy
- Emergency planning and business continuity
- Community engagement and development, encompassing Talk Community, Talk Parish Summits and Parish Shared Services
- Customer services
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Community Safety including the Community Safety Partnership
- Bereavement services
- Any other specific responsibilities as allocated by the leader

Economy and Growth: Councillor Graham Biggs

- Economic development and regeneration
- Strategic Housing
- Tourism strategy
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any other specific responsibilities as allocated by the leader.

Roads and Regulatory Services: Cllr Barry Durkin

- Animal health and welfare
- Environmental health and trading standards
- Markets and fairs
- Licensing
- Car parking policy and services
- Public realm contract management
- Gypsy and traveller services
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any other specific responsibilities as allocated by the leader

Transport and Infrastructure: Councillor Philip Price

- Transport and highways policy and strategy
- Public Transport and active travel measures
- Land drainage, flood alleviation, rivers and waterways
- Public Rights of Way
- Street scene design, policy and delivery
- Traffic Management
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any other specific responsibilities as allocated by the leader



Title of report: Motions on notice

Meeting: Council

Meeting date: Friday 13 October 2023

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 motion listed at paragraph 6 is 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.
- 5 Up to one and a half hours will be allocated to debate motions on notice but that time may

Further information on the subject of this report is available from
Matthew Evans, democratic services officer on Tel (01432) 383690

be varied at the discretion of the chairman.

- 6 One motion has been received and will be debated at the meeting. The motions for discussion are set out below:

Motion 1 – Net Zero Targets

(Proposed by Councillor Ben Proctor, Seconded by Councillor tbc)

At its meeting on 28th July 2023 Council unanimously resolved to reaffirm its earlier declaration of a climate and ecological emergency. Underpinning this is our ambitious target to achieve net zero across the County by 2030. To achieve this, Herefordshire Council must work in partnership with local people and businesses, other local authorities and with government.

Since that meeting the UK Government has unexpectedly announced that it will roll back on many key commitments that it had previously made to help move the country along the path to net zero. These commitments are vital to enable all sectors to plan investment effectively and for people, businesses and other organisations in Herefordshire to take the steps we all need to reduce carbon emissions from all activity across the County. More importantly, our commitment to achieving the goal of a zero-carbon, nature-rich Herefordshire by 2030 will be undermined.

The government’s weakening of its role in transition is bad for the UK and for Herefordshire and our net zero target. The council, in representing the people of Herefordshire, has a duty to warn the government of the impact of their decision and inviting them to think again.

Council therefore resolves to:

Instruct the Chief Executive to write to:

- **the Secretary of State for Transport to ask him to return to the government’s previous target of ending the sale of new petrol and diesel cars by 2030**
- **the Secretary of State for Energy Security and Net Zero asking her to return to the previous target of ending the sale of new fossil fuel boilers by 2030**
- **the Secretary of State for Levelling Up, Housing and Communities asking him to continue to require landlords to upgrade the energy efficiency of their properties**

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
28 January 2022	Water Protection Zone for River Wye System	A Water Protection Zone can be introduced by the Secretary of State DEFRA (Welsh Minister in Wales) upon recommendation from the Environment Agency (NRW in Wales). The Council wrote to the Minister responsible in 2022 requesting a water protection zone. The request

	<p>was considered by the minister who declined to introduce one at this stage explaining other measures needed to be tried first. None of the national agencies currently advise the need for a WPZ which would need extensive consultation on both sides of the border and potentially Public Enquiries before being introduced. The present Nutrient Management Plan is a voluntary plan. A continuum of powers and measures exists between the present voluntary plan and a full water protection zone. In view of the decision by the Minister not to introduce a WPZ a process of evidence review, solution design, education and support for farmers backed by a strong mandatory regulatory floor for all farm businesses needs to be explored, something that can only be done in partnership with the other agencies and not one the Council can lead on, nor can it deliver on its own. On that basis, the Executive has been pressing for a politically led cross border task force to address the issues NMB is unable to address.</p>
<p>RESOLVED: That –</p> <p>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.</p> <p>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.</p>	

Date of meeting	Motion	Current Status
29 July 2022	Cabinet Commission on Phosphates	The Cabinet Commission was set up in response to the ministerial response declining to introduce a Water Protection Zone and the lack of progress NMB was making in progressing a plan. Since the March Cabinet update report on the Commission the Agencies have become more engaged with the need for a governance review of NMB and the incoming administration met with the Secretary of State in May calling for a cross border task force. The Commission has yet to meet formally however all four Councils are in contact at an Executive level and are monitoring developments closely. Once the governance mechanisms become clearer the four Council's will consider what the likely future remit of the Cabinet Commission will be. All Councils are clear on the

strengthen the voice of local democracy brings to discussions about the river.

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
9 December 2022	Multi-storey car park (Bus Station)	The Parking Service is seeking to undertake a review of parking in the city, this review will help to inform plans for future parking provision. Once the review is complete then we will be in a position to determine the future parking requirements and whether or not a new multi storey car park on the Bus Station site would be a part of the solution.
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.		

Date of meeting	Motion	Current Status
28 July 2023	County Athletics Track	Funding from the public health budget has been allocated to support the project.
<p>RESOLVED: This Council asks the cabinet to reconsider the decision made by council back in February, at the budget meeting, regarding funding for the County Athletics Track in Hereford. Since that meeting they have attracted additional funding from the levelling up government fund and the local community following the initial pump prime funding from Hereford City council of £70k the short fall for the project to be fully funded is £70k the total project cost is £450k.</p>		

Date of meeting	Motion	Current Status
28 July 2023	Climate and ecological emergency	An Executive Response to the Motion Regarding the Climate and Ecological Emergency is being prepared.
<p>RESOLVED: That this Council resolves to declare its recognition of the climate and ecological emergency, and calls on the executive to:</p>		

- a) Integrate consideration of climate mitigation and adaptation, and nature recovery, into all council decision-making; and ensure that all decisions are compatible with the goal of a zero-carbon, nature-rich Herefordshire by 2030;
- b) Commit to further accelerating reduction of the council's own carbon footprint towards the target of net zero by 2030, including taking every opportunity to reduce use of fossil fuels;
- c) Commit to taking every opportunity to improve wildlife protection and better management of land for nature, including on council-owned land;
- d) Support and strengthen action with partners towards the goal of a zero-carbon, nature-rich Herefordshire by 2030, including through the Herefordshire Climate and Nature Partnership Board;
- e) Provide the necessary resources for officers to deliver on the council's carbon reduction and nature protection commitments, and to develop evidence based indicators to enable the council to monitor and report annually on the county's position.

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

