

## Appendix 10

### Consultation response 1

#### Herefordshire Council Hackney Carriage and Private Hire Policy

(166 pages in total)

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

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

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

#### 8. Objectives

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

#### Section 1 of Taxi Policy

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

#### 12. Applications and licences

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

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

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

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

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

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

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

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

## PENALTY POINTS SCHEME

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

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

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

Failure to maintain seat belts in a safe condition V8 12

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

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

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

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

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

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

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

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

Failure to ensure insurance cover for driver to drive vehicle D38 4

*(That is serious merits and 12 points unlike simply not showing proof of cover as above)*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Duration 23.

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

38. All applicants (new and on renewal) will be required to provide an enhanced Disclosure and Barring Service (DBS) check with a check of both the Adult and Children Barred Lists, at their own expense, as part of the application process. This is conducted via the Council, but the DBS Certificate is sent to the applicant's home address. Once a licence has been 2 available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/675533/A\\_Licensing\\_Authority\\_guide\\_to\\_right\\_to\\_work\\_checks\\_-\\_England\\_and\\_Wales.pdf](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?)*

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**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)*

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

c) Have a minimum seating capacity for one adult passenger, and vehicles that seat more passengers must provide at least four adult passengers based on a width of not less than 410 mm per person across the rear seat; *(That is not currently being enforced)*

g) The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating. They must have at least 2 mm of tread across the entire contact surface *(It was agreed to return to MOT requirement 1.6)*

l) The vehicle's power output must not be less than 100 bhp or 74.5 kw; *(Check on new vehicle engines)*

m) The vehicle must carry a 1kg dry powder extinguisher or a 2 litre AFFF extinguisher approved to BS EN3: 1996, with the licence number permanently marked on it. The fire extinguisher be properly maintained in accordance with BS 5306: Part 3 and be secured in such a position in the vehicle as to be accessible for immediate use in an emergency, including the boot. There must also be adequate signage visible to all passengers to identify the location of the fire extinguisher; n) The vehicle must carry a first aid kit in a suitable container, with the licence number painted on it. There must also be adequate signage visible to all passengers to identify the location of the first aid kit; *(Currently no signage and it has never been a problem therefore Unreasonable and unnecessary)*

d) The complete service history for the vehicle. *(It was agreed that this was unreasonable and unnecessary)*

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

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

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

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

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

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

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



## Incident logs

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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## **Licensed Vehicle CCTV Technical Specification and System Requirements**

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

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

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

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

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

## **Consultation response 2**

### **Herefordshire Council Hackney Carriage and Private Hire Policy**

(166 pages in total)

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

2.9. The Council will consider all new and renewal applications in the light of this policy. There will be situations where a licence was granted under a previous policy, and this policy may differ from the previous policy. In those circumstances the fact that a licence was granted previously will be a factor that will be taken into account when the Council consider an application to renew, but there is no guarantee that any licence will be renewed. There is no legitimate expectation that any hackney carriage or private hire licence will be renewed<sup>1</sup>. This policy will also be used to inform action that may be taken against any existing licence.

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

## **8. Objectives**

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

### **Section 1 of Taxi Policy**

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

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

## **12. Applications and licences**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## PENALTY POINTS SCHEME

1.5. Licensees involved will be given the opportunity to respond to the imposition of penalty points once the letter is received detailing the circumstances that led to the points being awarded. The outcome of any investigation may result in officers determining that: no further action be taken; penalty points be imposed; a formal warning be issued, and/or prosecution.

Respond after the fact? Really, I refer back to ECHR right to a fair hearing, once punished by the imposition of penalty points, the decision has already been made

with zero opportunity for a fair hearing. This entire paragraph needs re writing in order to make sense:

They can reply after being punished...

Once the response has been received, then points may be awarded? They already have been before even being questioned, this is back to front and makes very little sense.

1.6. If a licensee wishes to challenge the imposition of penalty points, an appeal will be referred to the Service Manager or Head of Service to review the information. At that review the officers can remove the penalty points, uphold the penalty points, increase the penalty points (and this includes imposing more points than displayed on the tariff), suspend or revoke the licence, or recommend prosecution.

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

Failure to maintain seat belts in a safe condition V8 12

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

Display web site address large lettering than permitted V18 2

Private hire displaying the word "taxi" V20 4

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

Failure to get authorisation for a temporary transfer vehicle or leaving the vehicle on for more than two weeks without prior consent from the Licensing Authority V33 12

Authorisation? Then surely it would not be transferred...not sure what this means, as for "keeping the vehicle on for more than 2 weeks, there should be no strict time limit, as many repairs are dependent on the availability of repair shops, and parts, drivers or vehicle owners have no control over this, nor does the council, so this time frame should not exist.

Failure to provide assistance to an authorised officer V50 4

Define assistance

Failure to provide evidence of insurance or interim MOT/compliance test prior to V51 12

Carry a member of family/friend in a licensed vehicle when it is for hire/hired D18 2

What if the hirer is a family member or friend? This is not clear enough, besides which, is perfectly lawful "provided the hirer is aware and agrees to the additional passenger."

Failure to ensure insurance cover for driver to drive vehicle D38 4

That is a prosecutable offence under the road traffic act, rendering the issue of points meaningless.

Failure to ensure vehicle is licensed by Licensing Authority for the purpose used D39 2  
See above

Failure to notify Licensing Authority of motoring offences over 3 penalty points or criminal convictions during the period of licence D41 12

Failure to notify Licensing Authority of motoring convictions up to 3 penalty points during the period of licence D42 6

Unnecessary repetition! Pick one, lose the other

Failure to notify Licensing Authority of involvement in incidents which the Police are involved and may lead to a caution/conviction D43 12

Does this include being a witness in a case which leads to someone else being prosecuted? not clear enough as the licensee is still "involved" but only as a supporting witness, should all drivers refuse to get involved and support officers in order to avoid points? Oh, hang on, this would also incur points under V50 4, this is a lose lose issue here really?

Failure to notify Licensing Authority in writing within specified times of serious injury or illness D44 12

How long exactly does the council allow people to recover and get out of intensive care following "serious injury or illness"? what exactly are the "specified times" that apply here, does God himself get involved in order to ensure compliance?

Failure to notify the Licensing Authority of a DVLA notifiable condition D45 12

Operating more vehicles than stated on licence O1 2

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

Failure to comply with planning permission or licence conditions for number of vehicles permitted O15 4

Unnecessary repetition again, see O1 2.....pick one, and read up on double jeopardy.

Displaying the word Taxi or Cab on a private hire vehicle O24 4

Failure to have or produce evidence of a Licence issued by the Department of Trade and Industry licence for all radio equipment O28 2

Hmmm, pretty sure you mean OFFCOM here, but hey, who are we to dictate government departments,

Late to provide evidence of insurance or interim MOT O31 12  
Unreasonable repetition see V51 12

12. Failure by driver to carry the badge provided by the Licensing Authority when plying for hire B12 2

I assume you mean “wear” in accordance with the miscellaneous provisions act, as opposed to driving one handed whilst they “carry” the badge as stipulated here?

17. Failure to notify lost property to the Police within 48 hours of discovery B15 2

The police don't do lost property anymore, so licensees now get points due to the police station being closed.....sound “fair or reasonable” to you?

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

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

Actually no, they don't, under the bill of sales act, the driver has paid for it, has a bill of sale or receipt for the payment, and therefore owns the property, whilst there is an expectation that any such badges be returned on expiry, revocation, or suspension, this does not actually make the items council property at all.

Duration 23.

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

Fair point and reasonable.

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



I was about to remove the red marking here, as the detail actually explains that due to the DBS update service, a renewal does NOT need to supply a new certificate at all, (it could have been worded much clearer (suggestion below for a reword), but there is a bigger problem within this paragraph, the last part is meaningless, if the DBS update is not maintained, then the only thing that expires and needs renewing, is the DBS certificate, the badge does not automatically expire at all, as there is absolutely zero evidence of any offences having been committed, merely evidence to suggest that a debit card has expired! An expired debit card is NOT a justifiable reason to revoke a drivers license.

Suggested re word

38. All applicants will be required to provide an enhanced Disclosure and Barring Service (DBS) check with a check of both the Adult and Children Barred Lists, at their own expense, as part of the application process. This is conducted via the Council, but the DBS Certificate is sent to the applicant's home address. Once a licence has been issued, it must be produced to the council before the license can be granted, all licensees will also be required to subscribe to the DBS Update Service. Once a licensed driver has subscribed to the update service then the certificate should be kept secure along with the DBS update service reference number, as these will be required at each subsequent renewal, provided the applicant maintains the subscription to the service and there are no changes to the DBS status, the applicant is not required to repeat the DBS application process.

61. Any behaviour which would lead to a licence not being granted under this policy, where a driver acquires 6 or more penalty points on their DVLA licence, or any breach of any legislation, byelaw or requirement of the Code of Conduct, may lead to the driver being subject to enforcement action.

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

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

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

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

68. You have been issued with 1 copy of your driver's badge and a coloured armband. You must wear the driver's badge in the armband on your left upper arm at all times when you are driving or working with a private hire vehicle or hackney carriage and failure to do so is a criminal offence (under section 54 of the 1976 Act when using a private hire vehicle and Byelaw 12 when using a hackney carriage). You must display the second copy of your badge in a position which is plainly and clearly visible to your passengers at all times whilst you are working as a licensed driver. 69. You must return your licence, badge and armband to the Licensing Section within 48 working hours if: a) you change your home or business address

73. You must notify the Council, in writing within 48 working days of any change in your medical condition including any treatments or medications (prescription or otherwise) that may adversely affect your ability to drive private hire or hackney carriage vehicles.

The red part needs highlighting to make it clear under what grounds such notification is required.

86. When driving a hackney carriage, you must not demand a fare greater than that shown on the meter for a journey within the Council's area. Where a journey ends outside the Council's area, you must not demand a fare greater than that shown on the meter.

This is not correct the metered fare regulation applies to fares which start AND end within the councils area,

99. You must at all times treat passengers, any potential passenger, members of the public, Police Officers and PCSOs, Council officers and all other public servants (NHS staff, firefighters, HMRC staff etc.) with courtesy and respect.

All people would be much easier to understand, or simply .” **You must at all times treat people with courtesy and respect.**”

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

This is actually quite dangerous and should not be written into policy in this manner, imagine if a driver was to write something down about someone, true or otherwise, and that person sees the “logbook” which includes names and identifiable 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).

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**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).

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### **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.

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## **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.