From: roger BT
Sent: 23 August 2012 19:21
To: TPH
Subject: wedding cars private hire reform

Hi to whom it may concern

it has been brought to my attention that there is currently a consultation to reform private hire regulations, and as part of that review it seems to be suggested that wedding hire vehicles may well be brought under those regulations if brought in by the government.

I would like to voice my concerns as I have two classic cars from the seventies which has low overheads and I can provide an affordable service to the customer, they do very little mileage compared to the modern car and it does undergo a MOT test. to classify us as private hire and the regulations that they have to follow will mean increased costs for myself, then also the customer.

Some councils do not allow for private hire vehicles over 7 years old. so how can that work?

If its not broke don’t fix it. I wonder how many problems wedding or even funeral vehicles have caused over the recent past. Very little I would assume but with no figures available to me ?? I don't know

I would therefore ask that wedding vehicles and also Funeral Vehicles are still exempt from private hire regulations.

Many Thanks Roger Gill

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Law Commissions report  
Taxi & PH.

Deregulation:-
Do NOT deregulate, as it would over load cities with more taxis, than passengers, and taxi rank space. Traffic management would be a major issue. A controlled expansion would indicate a steady growth in Hackney vehicles in a city, based on a survey every 3 years. To meet an increase in the use of taxis, and or business in a city.

Taxi Ranks:-
Air/Sea ports, Train/Metro Stations, Coach/Bus Terminals, Hotels, and Super stores/shopping centre, must have provisions for a taxi rank, within 100 yards, unless specials circumstances apply.

Terminology:-
The word TAXI, only to be used, and referred to a hackney vehicle. The word MINI CAB, only to be used, and referred to a private hire vehicle.

MOT:-
A basic national standard for a hackney and private hire, and a stricter may be imposed by the local council.

Cross Border Hire:-
A hackney vehicle licensed with one council, can only operate within its licensed area, and scrap the hackney vehicles licensed with one council to operate in another area as a private hire vehicle.

Enforcement:-
Local councils to have more power to impound unfit vehicles, and issue fix penalties to out of area drivers, or any driver illegally applying for hire, and more power to suspend licenses.

Dress Code:-
Dress codes to be introduced by local councils. Years gone by taxi drivers used to wear, a shirt, tie, and a trouser, as the driver originated from the Great Britain, and had the gentleman approach to the job and the general public. So the local council never had to impose a dress code in the bylaws. Other than stating smartly dressed. As years gone by and the average dress has changed, to costumes from their native countries, to jeans, and sweat shirts, and others referring to their costumes as religious wear. Present day taxi and private hire drivers originate from all over the world. As some costumes may be well presented in other countries, that are worn as bed wear in Great Britain. Bikini wear is well dressed on a beach, but unsuitable outside the Westminster in the city of London. Pyjamas are well dressed in middle of the Sahara desert, but unsuitable for a business persons approach to first timer to Great Britain at the Heathrow airport. Dress code to be the same as in Denmark, or the Scandinavian countries.

Taxi Meter:-
All fares should be charged on the taxi meter, and not by fix prices, or a third on top of the taxi fare to out of area journeys. Out of area, extra charges were introduced to journeys out of the local area, as to keep drivers within their local area, and if a driver went out of his area he would have to change his horse at the six mile marker, where another horse would be waiting to take its place. Present day the only horse power is being used, is from a motorised vehicle. Out of area charges, are also the grey area, where a driver pockets all the cash, and the tax man is unable to trace the vehicle social or the business mileage. Pressure pads should be introduced to all hackney and private hire vehicles seats, except the taxi driver's seat, which in contact with a passenger's behind will activate the taxi meter. Same as in Denmark, or the Scandinavian countries.

TAXES:-
The taxi meter should issue a receipt at the end of one's shift, indicating the total taking and the amount of tax is due from the shift. Which should be deposited into the tax mans account weekly or by the end of a calendar month. All taxi meters should be activated for a shift by swiping ones hackney or a private hire badge, to start and to end the shift. At the end of a calendar month all taxi meters should be cleared by up loading the total taking to the tax mans computer via an up load receiver placed in key area in a city. Same as in Norway, or the Scandinavian countries. With this system a taxi and a private hire driver, will only be able to claim the working tax credit that he or she is entitled to.
Taxi Fare Disputes:
The passengers in Great Britain are one of the largest avoiders of taxi fares, by running off at the end of their journeys, and if police are called it is pointed out as a civil matter, or to accept a lower fare than on the taxi meter. The Police officer should arrest the fare dodger, and ask the taxi or private hire driver to come and give a statement at the end of his or her shift, as practised in Germany.

Great Britain:
We the British should pave the way, like the Romans did, and carry the flag for taxi, as we have the world's only iconic taxi.

Taxi Vehicle:
We should scrap the 25 feet turning circle, and permit councils to licences any vehicle that has a wheel chair access. There are vehicle which are more fuel economical, than a TX4. There are vehicle that cost less in wear and tear, than a TX4. There are vehicle which are a lot cheaper than a TX4, which makes the vehicle more affordable, which in return would give an average taxi driver more in return, more profit, and more tax to pay, which means less working tax credit.

Single Tier:
Scrap the private hire licenses, and issue all private hire drivers with hackney driver badges, and permit local councils to issue one hackney license to every two private hire drivers.

Proposed By:
Tanvir Nawaz
Manchester Hackney Association.
CHAPTER 13 - OVERVIEW OF PROVISIONAL REFORM PROPOSALS

Provisional proposal 1

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. *Page 160*

**Response**

Officers believe that the Regulations should be amended, so there is a taxi service which does not distinguish between hackney carriages and private hire vehicles.

CHAPTER 14 – REFORM OF DEFINITIONS AND SCOPE

Provisional proposal 2

London should be included, with appropriate modifications, within the scope of reform. *Page 162*

**Response**

We agree that London should be included, as well as other areas which have had their own separate law, such as Plymouth. This will help remove any inconsistencies between different areas.

Provisional proposal 3

The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. *Page 164*

**Response**

We agree with this, as the definition of road transport services, would include other types of transport such as Trishaws and horse-drawn carriages.
Question 4

Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? (Page 164)

Response

No, see response to question 3.

Provisional proposal 5

Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. (Page 165)

Response

We agree that Public service vehicles should be excluded from the definition, and that private hire vehicles, should only be licensed for eight or fewer passengers.

Provisional proposal 6

References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. (Page 166)

Response

We agree as the term ‘stagecoach’ dates from 19th century legislation.

Provisional proposal 7

The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. (Page 167)

Response

We agree that statutory guidance should be issued to the Senior Traffic Commissioner about these vehicles, so that the same approach is taken over the Country.

Provisional proposal 8

The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. (Page 168)
Response

We accept that genuine volunteers need to be excluded from the legislation, but care needs to be taken with the wording.

This is because there are problems with other businesses such as pubs and restaurants, offering ‘taxi services’ to their customers, which are unlicensed. There is no control over who drives the vehicles or their condition. These businesses could claim that their taxi service is ancillary to their main activity.

Question 9

How, if at all, should the regulation of taxis and private hire deal with:

(a) carpooling; and

(b) members clubs? (Page 170)

Response

We believe that car pooling and members clubs should not be licensed.

Provisional proposal 10

The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. (Page 171)

Response

We agree that there should be some flexibility, in the power by the Secretary of State, to set national standards.

Provisional proposal 11

Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. (Page 172)

Response

We do not believe the exclusion on wedding and funeral cars, from licensing, should continue. Drivers are not assessed if they are ‘fit and proper’ and there is a potential, but lower, risk to the public if not adequately assessed.

Question 12

Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse? (Page 174)
Response

We do not agree with re introducing the contract exemption, as it will complicate the situation, and make enforcement more difficult.

Provisional proposal 13

Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”. *(Page 175)*

Response

We agree that regulation should not be limited to streets, as there are situations when taxis and private hire vehicles may be parked on private land. It would be difficult for licensing authorities to take enforcement action, if regulation only applies to streets and the public highway. Removal of the distinction between hackney and private hire vehicles would negate the need for this and make ‘plying for hire’ assessments irrelevant, especially as hackney and private hire drivers are assessed for ‘fit and proper’ in the same way.

Question 14

Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? *(Page 177)*

Response

No comment as Rugby does not have an airport.

Provisional proposal 15

The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:

(a) references to ranking and hailing;

(b) a non-exhaustive list of factors indicating plying for hire; and

(c) appropriate accommodation of the legitimate activities of private hire vehicles. *(Page 181)*

Response

We agree that the concept of ‘plying for hire’, should be defined in statute, and incorporate all the relevant factors.

We still think that there should just be one type of taxi, so there are no longer 2 types; hackney carriage and private hire.
Provisional proposal 16

The concepts of hailing and ranking should not cover technological means of engaging taxi services. (Page 181)

Response

We disagree with this and think that the legislation must be flexible enough to accommodate technology. e.g. most people now have a mobile phone to call for a taxi service. There must be specific guidance, to allow for this. Again, this complication is due to the continued distinction between hackney and private hire when technology and working practices cannot justify this. It is unclear why a private hire has to be pre-booked in advance and details kept of the hirer when they can get into a hackney and not provide any details.

Question 17

Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”? (Page 182)

Response

Yes, there could be an advantage in this, but it would differentiate between hackney carriages and private hire.

Provisional proposal 18

The concept of compellability, which applies exclusively to taxis, should be retained. (Page 182)

Response

Yes, compellability should be retained, otherwise taxi drivers would be able to refuse customers, who want to go to specific locations or if they are disabled, for example.

Provisional proposal 19

Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked. (Page 183)

Response

We agree with this.

Provisional proposal 20

Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved. (Page 184)
Response

There are advantages to this because, for example, a licensed driver has to take the vehicle to be serviced, and not all owners can be licensed as a taxi driver. However, overall we disagree with this possible use of taxis and private hire vehicles for leisure use, as it would be difficult for licensing authorities to enforce, even with an assumption it is being used for professional purposes.

Provisional proposal 21

The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements. (Page 185)

Response

We agree with this proposal to issue statutory guidance, as it would help reduce inconsistencies between different licensing authorities. Statutory guidance would carry more weight than the current Best Practice Guidance, from the Dept for Transport, which is purely advisory.

Provisional proposal 22

Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned.

Response

We agree that the term ‘hackney carriage’ should be abandoned, and that the new legislation should only refer to ‘taxis’ and ‘private hire vehicles’. (Page 185)

Question 23

Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising, provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion? (Page 186)

Response

We disagree with this, as allowing private hire vehicles to use the term ‘taxi’ in advertising, would only lead to more confusion amongst customers.

CHAPTER 15 – A REFORMED REGULATORY FRAMEWORK

Provisional proposal 24

Taxi and private hire services should each be subject to national safety requirements. (Page 188)
Response

We agree with this as there should be a national safety requirement. At present many wheelchair accessible vehicles only have M1 approval which does not consider suitability or safety of the adaption.

Provisional proposal 25

National safety standards, as applied to taxi services, should only be minimum standards. (Page 189)

Response

We believe that licensing authorities should be able to set additional local safety standards, if there is a need for them. An example would be the requirement for CCTV in taxis, if it was not in the national standard.

Provisional proposal 26

National safety standards, as applied to private hire services, should be mandatory standards. (Page 189)

Response

We agree that national safety standards which are mandatory, are needed for private hire vehicles, but also for hackneys.

Provisional proposal 27

Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers. (Page 190)

Response

We disagree with this, as standards are needed in other areas such as livery, wheelchair accessibility, etc. Licensing authorities should be able to impose local standards on matters, which are not safety related, if they are required. We also think that private hire drivers should also have to take knowledge tests, which incorporate topographical knowledge as this is important to customers who expect drivers to know where they are being requested to take them.

Question 28

Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? (Page 190)

Response

Yes, local standards are needed for vehicle signage but also for vehicle livery.
Question 29

What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? (Page 191)

Response

We cannot think of any obstacles. Certain issues require national guidance e.g. specifying vehicle types, especially specialist vehicles such as wheelchair accessible, while other issues need local licensing e.g. individual drivers who live locally and will operate locally.

Question 30

Should national conditions in respect of driver safety be different for taxi services compared with private hire services? (Page 192)

Response

No, we disagree with this. The travelling public need to be safe, whether they travel in a taxi or a private hire vehicle. The same driver conditions should apply to all licensed drivers.

Provisional proposal 31

The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety. (Page 192)

Response

We think national standards set by Ministers relating to vehicles should extend to other areas, such as wheelchair accessibility where practical ability to access the vehicle is also important, and not be limited to safety issues. It is also dependant on what is included in the definition of ‘safety’.

Provisional proposal 32

The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (Page 193)

Response

Yes, we agree that there should be a statutory consultation period so that those involved in provision of services and licensing, such as Licensing authorities, the trade and other parties, can comment on any proposals.

Question 33

What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? (Page 193)
Response

Yes, we think there should be a technical advisory panel, but licensing authorities should still have the opportunity to comment on the proposals and should be included on the panel.

Provisional proposal 34

Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. (Page 193)

Response

Yes, Local authorities should still be able to set standards on points such as livery, colour of vehicle, etc. However, DfT should issue guidance on what local conditions should be applicable as it is important that the revised legislation improves consistency for businesses across the country.

Question 35

Should there be statutory limits to licensing authorities’ ability to set local taxi standards? (Page 194)

Response

No, we believe that licensing authorities should be able to set local taxi standards, provided they can be justified in the context of Best Practice Guidance.

Question 36

Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? (Page 194)

Response

Yes, we believe that local licensing authorities should be able to impose individual conditions on drivers and operators, provided they can be justified.

Question 37

Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? (Page 195)

Response

We think that co-operation should be left to local arrangements but that guidance be issued to licensing authorities to state that the expectation is that there will be co-operation.

Provisional proposal 38

Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. (Page 196)
Response

We agree that adjacent licensing authorities should be able to combine areas, to set common standards, e.g. as in Merseyside.

Provisional proposal 39

Licensing authorities should have the option to create, or remove, taxi zones within their area. *(Page 196)*

Response

We agree with this.

Question 40

Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? *(Page 197)*

Response

We do not see the need for this. It would also be very difficult to enforce as the licensing authority. As most authorities have now deregulated and Rugby is fully deregulating in 2013, owners can license their vehicle and operate it when they want.

Provisional proposal 41

Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. *(Page 198)*

Response

We disagree with this in relation to the use of drivers or vehicles licensed by other authorities, as there would be less local control over drivers and vehicles, potentially increasing the risk to the public, and also potentially resulting in drivers who do not know the area sufficiently to take the passengers to their required destination without having to ask them for directions.

Provisional proposal 42

We do not propose to introduce a “return to area” requirement in respect of out-of-area drop offs. *(Page 199)*

Response

We disagree with this, as it could lead to private hire vehicles from particular areas or businesses, not returning to their areas, where they are licensed so they can be checked.

It would be difficult for officers locally to check these vehicles.
Provisional proposal 43

Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares. (Page 200)

Response

We agree that Licensing authorities should retain the power to regulate fares for taxis, but not to regulate fares for private hire vehicles.

Question 44

Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? (Page 200)

Response

No, we believe this could be open to abuse and lead to more confusion for passengers.

CHAPTER 16 – REFORM OF DRIVER, VEHICLE AND OPERATOR LICENSING

Question 45

Should national driver safety standards such as the requirement to be a “fit and proper person” be either:

(a) set out in primary legislation; or

(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 203)

Response

We think that national safety standards such as the definition for ‘fit and proper person’, must not be in primary legislation, but in national safety standards from ministers. Standards are more flexible than legislation, and easier to amend and update. These must allow licensing authorities some flexibility, in case there is a specific consideration they want to apply, which is not in the standard. This would have to be justifiable.

Provisional proposal 46

Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. (Page 204)

Response

We disagree with this and think vehicle owners should also be ‘fit and proper persons’ as the main aim is to protect the public with regards to safety and potential rogue traders.
Question 47

Should national vehicle safety standards be either:

(a) set out in primary legislation; or

(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 205)

Response

We think that national vehicle safety standards must not be in primary legislation, but need to be set out in national safety conditions set by ministers. This is to avoid inconsistency between local authorities and resolve issues, such as vehicles being licensed which only have M1 safety approval.

Provisional proposal 48

Operator licensing should be retained as mandatory in respect of private hire vehicles. (Page 207)

Response

We agree that private hire operators need to be licensed.

Question 49

Should operator licensing be extended to cover taxi radio circuits and if so on what basis? (Page 208)

Response

We agree to this.

Provisional proposal 50

The definition of operators should not be extended in order to include intermediaries. (Page 209)

Response

We do not agree to intermediaries being included within the definition of operator, as there could be difficulty with enforcement. Operators could pass responsibility for record keeping to intermediaries, or you could find that no one is keeping records.

Question 51

Should “fit and proper” criteria in respect of operators be retained? (Page 210)

Response

We think that private hire operators also need to be ‘fit and proper persons’, to prevent unsuitable persons becoming operators.
Provisional proposal 52

Operators should be expressly permitted to sub-contract services. (Page 210)

Response

We agree that operators should be allowed to sub-contract services, provided that they still have to keep records and are still responsible overall. This is to ensure that licensed drivers are used as well as licensed private hire vehicles, which meet safety standards.

Question 53

Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? (Page 210)

Response

We think that taxi drivers, who take direct pre-bookings, should have to keep some records, similar to those kept by private hire operators. However, a valid justification is still required to explain why hackneys have to keep no records but private hire vehicle operators do when transporting the same passenger.

CHAPTER 17 – REFORMING QUANTITY CONTROLS

Provisional proposal 54

Licensing authorities should no longer have the power to restrict taxi numbers. (Page 213)

Response

We agree that Licensing authorities should not be able to restrict taxi numbers, as this would remove the problem of deregulation. We are currently deregulating the number of hackney carriages and it has required a lot of officer and Councillor time to resolve. The issue of deregulation also creates legal problems for licensing authorities, as well as additional costs for surveys, if a limit is retained.

Question 55

What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? (Page 213)

Response

There could be temporary problems of congestion and overcrowding at ranks. This would resolve itself over a period of time.
Question 56

Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period of time, if quantity restrictions are removed? (Page 215)

Response

We believe this is the correct action to take, when quantity measures are removed. It is the approach we have taken, with 5 additional vehicles allowed in 2012, before full deregulation in 2013.

CHAPTER 18 – TAXI AND PRIVATE HIRE REFORM AND EQUALITY

Question 57

Should there be a separate licence category for wheelchair accessible vehicles? This could involve:

(1) a duty on the licensee to give priority to disabled passengers; and

(2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles. (Page 217)

Response

We do not think that a separate licence category is needed for wheelchair accessible vehicles. We already have a number of these vehicles, to serve the disabled community.

We do not believe there is a need for drivers to give priority to disabled passengers, as the disabled users usually phone a taxi company to get a wheelchair accessible taxi. These use the existing ranks and we do not feel additional provision is needed for them at the ranks. A lot of them will collect the disabled person from their homes, or a set location, rather than the rank.

Sufficient numbers of wheelchair accessible vehicles are required and are rarely chosen unless owners are required to as a licensing condition so a system of ensuring adequate numbers is required and needs to be national guidance.

Question 58

Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards? (Page 217)
Response

No. The disabled vehicles pay the same licence fee. The view that lower fees may encourage wheelchair accessible vehicles rather than quotas does not make sense. A wheelchair accessible vehicle is typically about £5000 more than a normal saloon and with annual fees around £100-£200 any reduction would take too many years to recuperate the loss or the additional fuel and insurance costs.

Question 59

Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? (Page 217)

Response

It is essential that there is national guidance on the wheelchair accessible vehicles which are acceptable to be licensed, rather than each Council having to research this. Local research has shown many are difficult or unsafe to get passengers in wheelchairs in and the current approval systems do not generally consider wheelchair passenger safety, or the safety of the vehicle after conversion.

Provisional proposal 60

We do not propose to introduce national quotas of wheelchair accessible vehicles. (Page 218)

Response

We disagree and think there should be a minimum quota for the number of wheelchair accessible taxi vehicles in each licensing authority, as a percentage of the total fleet. This should be set nationally to avoid inconsistencies, between licensing authorities.

Provisional proposal 61

National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. (Page 219)

Response

We agree with this and think that all drivers should have to attend disability awareness training. This should also include a driver test, specific to the vehicle they are driving.

Provisional proposal 62

In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. (Page 219)
Response

We agree that a notice in each vehicle, would give passengers information on how to complain, but the notice would have to be conspicuous. However, if vehicles are allowed to be licensed in one area and operate in another, this could become impractical.

Question 63

What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help? (Page 220)

Response

There should be a requirement, for taxi drivers to stop when a disabled person seeks to hail them, with a suitable penalty if drivers failed to stop. The penalty should be sufficient to discourage irresponsible taxi drivers. A major criticism of our local disability forum is that drivers see wheelchair users and refuse to stop or stop and say they cannot get them in their vehicle. This would be if it was reasonable and safe to do so and there would have to be guidance on this.

CHAPTER 19 – REFORMING ENFORCEMENT

Question 64

Should authorised licensing officers have the power to stop licensed vehicles? (Page 222)

Response

We think licensing officers should have the power to stop licensed vehicles, but there could be practical problems and guidance is needed. At the present time, enforcement officers rely on police assistance to stop licensed vehicles.

Question 65

What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”. (Page 223)

Response

This is not known as a major issue locally, unlike complaints about private hire vehicles parking near to popular ranks. However, it is known in other areas and the risk from unknown drivers, who are not licensed or insured, is significant and the penalties must discourage this.

Question 66

Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? (Page 223)
Response

We think powers to impound vehicles are needed, but only in extreme situations. Guidance would be needed and police assistance may be needed.

Question 67

Should licensing authorities make greater use of fixed penalty schemes and if so how? (Page 225)

Response

We would welcome the option of the use of fixed penalty notices for a number of minor offences, especially as the other options are more draconian. Fixed penalty notices have been very useful for other council enforced regulations.

Provisional proposal 68

Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. (Page 225)

Response

We agree that these powers are needed as we have had complaints about vehicles and drivers in our area, licensed by another authority, and have not been able to act against them.

This is also a problem, when the other authority that licenses the vehicle and driver, fails to take action.

Question 69

Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? (Page 226)

Response

We think the cross-border powers should be extended to suspensions of licences, as there have been situations with poorly maintained taxi or private hire vehicles in our area, which are licensed elsewhere.

CHAPTER 20 – REFORM OF HEARINGS AND APPEALS

Provisional proposal 70

The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. (Page 230)
Response

We agree with is as only the applicant or holder should be able to appeal a council decision. It would create a lot of problems if other persons were allowed to appeal these decisions and create additional costs for licensing authorities.

Provisional proposal 71

The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. (Page 231)

Response

We disagree with this proposal, as the licensing authority does take all sides of the case into account when making their decision. It would create a large increase in costs and additional workload for licensing authorities, if Committees had to reconsider decisions again and again.

Provisional proposal 72

Appeals should continue to be heard in the magistrates’ court. (Page 232)

Response

We agree with this as it gives independent adjudication over any case. However, guidance is required for Magistrates as they often come to different conclusions, as they appear to assess ‘fit and proper’ in a more ‘beyond reasonable doubt’ way rather than the ‘on balance of probabilities’ and there have been serious cases where councils have assessed and not given licenses to unfit people, magistrates have forced them to issue licenses and then the licence holders have committed additional serious offences. Magistrates must give more regard to circumstantial and hearsay evidence and balance their decisions more in favour of public safety than individual rights of licence holders.

Question 73

Should there be an onward right of appeal to the Crown Court? (Page 233)

Response

We do not agree with further appeals to crown court as it will create additional costs for Licensing authorities and the taxi trade. Appeals also delay positive action against drivers and operators meaning that they can continue to operate and continue to put the public at risk while appeals which can take many months are heard.

Additional comment about funding

We have noted the section in the consultation paper (section 19.29; page 227) about funding of the licensing service, and are surprised that the Law Commission has not drafted any proposals or questions about this.
The existing law creates problems for licensing authorities, with regard to the wording used in specific sections. This does not allow for full recovery of all costs associated with the service, and creates difficulties.

For example, there are specific sections in the Local Government (Miscellaneous Provisions) Act 1976, which only allow recovery of costs for grant and administration of driver’s licences.

This does not appear to in the view of some legal advice to allow recovery of all other ancillary costs, such as enforcement.

The taxi trade have raised questions to Licensing Authorities, as to whether their fees are being used for these purposes.

We would request that the new law on taxi and private hire services licensing, is drafted to allow full recovery of all costs incurred by Licensing Authorities associated with the provision of the licensing service.

The Council and tax payers should not be subsidising the costs, of providing the licensing service, to this sector of the business community. The legal terminology, should be worded to enable the service to be self-funding.
LAW COMMISSION

Reforming the law of taxi and private hire services

Response to the provisional proposals and questions

Robert Cox - Licensing and Enforcement Officer - Stevenage Borough Council - in post 7.5 years.

These responses are my personal views and should not be attributed to my employer, Stevenage Borough Council.

PP1 I agree that regulation should continue to distinguish between taxis (hackney carriages) and private hire vehicles.

In my experience, however, the current situation of allowing private hire vehicles to display any form of signage that can, possibly, lead the public to believe that the phv is available for immediate hire must be stopped. It matters not that local authorities, such as Stevenage, insist upon door signs indicating that a PHV is only available through pre-booking; many prospective customers just see a “taxi” and expect the driver to carry them. In such instances the driver and the customer can end up in a confrontational situation leading to violence or of the driver accepting the fare and thereby breaching the taxi legislation and, in all probability, insurance requirements.

I would recommend that PHV’s are precluded, in law, from any form of signage at all excepting, possibly, a small licence plate displayed to the rear (and front) of the vehicle or something similar to vehicle excise licence discs displayed in the front and rear windows.

It was the case that private hire companies needed to display advertising signage to attract custom or to allow customers to see that their vehicle had arrived to collect them. In this day and, electronic, age it is possible for private hire companies to utilise automated ‘ring-back’ systems to inform customers of their cars arrival or for the driver to ring back via mobile phone. The PHO, in this day and age, has a multitude of ways to advertise their services beyond placing misleading signs on phv’s such as – Ersatz Taxis, Ersatz Cabs, Ersatz Cars.

Taxis should be required to have a top sign of a style / design as approved by the local authority. The top sign should be illuminated during the hours of darkness and should come into operation by activation of the taxi-meter. They should also be required to have a clearly visible ‘For Hire’ light displayed to the front of the vehicle, also to come into operation on activation of the taxi-meter. PHV’s should be prohibited from having taxi-meters fitted, as is the present situation in Stevenage. The fitment of taxi meters in PHV’s precludes the PHO from having to agree a fare with a customer prior to the commencement of a journey which denies the customers the opportunity to shop around for the best deal.

PP2 Agreed. As the law stands I have seen two recent instances where Stevenage based PHO’s believed that they were permitted, in law, to pass private hire bookings to PHO’s based in London. Or that they were allowed to make use of a
driver and vehicle licensed in London. I suspect that this situation has arisen when the Stevenage based PHO has approached the London based PHO, who is legally allowed to farm bookings out to the provinces, and in conversation the Stevenage PHO has accepted that what is allowed in London is allowed outside of London.

London has the benefit of its private hire legislation having been written with the benefit of hindsight in respect of the legislation outside of London. I would suggest that the Private Hire Vehicles (London) Act 1998 would provide the foundation for the new legislation across England, Wales, London and Plymouth.

PP3 Agreed. However I believe that careful consideration must be given to the class/types of vehicles that are permitted to be licensed as PHV’s. In my opinion future legislation will need to be carefully considered in respect of any vehicles that do not fall within the M1 vehicle class as defined by DVLA.

Difficulties can arise when vehicles that do not fall within the M1 class are presented for licensing as PHV’s. I site, as an example, stretched limousines that are fitted with, side facing, bench seats where it is apparent, or there is a possibility that the vehicle could be used to carry more than eight passengers. I suspect that it would be unreasonable to decline a licence on the grounds that the operator may carry more than the eight passengers the licence allows as there is no way to remove extra seating from the vehicle. I also perceive difficulties when specialist vehicles such as armoured personnel carriers or fire engines are presented as local authorities will not have the expertise to decide whether such vehicles are fit to be licensed as PHV’s.

Q4 I believe that it would be an advantage to restrict licensing to motor vehicles that require a driving licence. In my limited experience it seems that, even, the higher courts have been unable to agree as to whether vehicles, such as, pedi-cabs should be licensed and, if they should, what type of licence should be granted. Certainly, I believe, that pedi-cabs, in particular, are unsuitable to be licensed as HCV’s or PHV’s as, by doing so, difficulties can arise in the distances they can safely travel and inconsistencies in respect of fares and routes when compared to motor vehicles.

PP5 Agreed. With careful consideration given as to whether, or not, vehicles adapted to carry eight or fewer passengers should be permitted. (see PP3 para 2) My experience is that whenever applicants are given the opportunity to adapt vehicles it can tempt some to try and exploit any perceived loop-holes in the legislation.

PP6 Agreed. Future legislation needs to be clear on the provisions for hackney carriage proprietors and private hire operators providing restricted bus services and the carriage of passengers at separate fares.

PP7 Agreed. (See PP3) I would argue that many operators, licensing officers, police officers and VOSA operatives are unsure of where stretch limousines and novelty type vehicles fit into the current legislation. In my seven years as a licensing officers it has never been made clear where vehicles such as these fit into the licensing regime. This has created a number of very grey areas where less reputable operators have been able to breach current regulations. I would site, as an example, the fact that I have yet to find a stretch limo’ operator that charges separate fares when running under a PSV licence. Drivers often have the ‘101’ restriction appended to their ‘D’ licence category meaning that they should not drive
for hire or reward. Unfortunately, this often passes unnoticed when checks are made by the authorities.

PP8 Agreed. Again the legislation will need to be clear on the definition of ‘in the course of a business of carrying passengers’. At present the perception of where ‘social kindness’ and ‘volunteering’ end and ‘in the course of a business of carrying passengers’ begin is greatly misunderstood. I feel that this area is open to misinterpretation and is abused by some in terms of earnings/remuneration under the heading of ‘social kindness’.

Q9 Regulation should permit local authorities powers of inspection to allow it to satisfy itself that the activity being carried on is not ‘in the course of a business of carrying passengers’.

PP10 Agreed. However, to date, we still await a dictum on what should be an ‘accessible vehicle’ in terms of disabled access. Where such matters are taken under consideration there needs to be defined time frames within which such decisions should be made.

PP11 I can see no reasonable need to bring funeral cars within the licensing regime. In my experience the activities of funeral cars are confined to ‘in connection with a funeral’.

Wedding cars, however, do seem to stray beyond the confines of ‘in connection with a wedding’. In the case of wedding cars I believe that they should also remain outside of the licensing regime. What I would hope to see would be far more prescriptive terms as to what ‘in connection with a wedding’ actually means. At present I am aware of instances where wedding cars have been used to take the bride and groom to the airport on the day after the wedding. In doing so I suspect that this strays beyond ‘in connection with a wedding’ and enters the realm of private hire. Legislation should make such matters clear for the operators of wedding cars.

Q12 I would agree with the re-introduction of the contract exemption. The issues with the previous definition of what was an exempted contract was that it was insufficiently clear with reference to s75(1)(b). The requirement for a contract to be for a period of not less than seven days was widely misinterpreted and many in the taxi trade were unaware of the high court rulings – Pitts v Lewis, Leeds City Council v Azam, Crawley Borough Council v Ovenden – specified vehicle, a defined length of contract of more than seven days and a specified period notice of termination of the contract. My experience was that many County, and other supposed, contracts did not meet the requirements and, as a consequence taxi and insurance legislation was being breached on a considerable scale under the misunderstood terms of the contract exemption.

PP13 Agreed

Q14 Competition, customer choice and freedom to carry on a business are to be encouraged. The restrictive practises at some airports actively prevent or discourages such choice.

PP15 Agreed

PP16 Agreed
Q17 I believe that a move towards easily understandable English is a must for future legislation. The wording - arrangements made in a public place would be better understood by the public than the present definition of ‘plying for hire’. However, with reference to PP13 the wording would have to be carefully considered.

PP18 Agreed.

PP19 Agreed. Modern legislation needs to reflect all of the modern means for obtaining the services of HC and PHV’s. I do, however, believe that where a HCV is used for private hire bookings there should be a requirement for the maintaining of records.

PP20 I disagree with this proposal because it would be difficult, if not impossible, for the enforcement community to effectively prevent unlicensed drivers from using licensed vehicles for licensed work. It is, already, difficult for officers like myself to obtain sufficient information, and evidence, about unlicensed family members and relatives who work licensed vehicles when the licensed drivers are resting. This is not an uncommon occurrence during the hours of darkness and, as previously stated, almost impossible to detect.

PP21 Agreed, provided that such guidance is issued in timely fashion. I reiterate my comments about the unforthcoming guidance on accessible vehicles.

PP22 Agreed. once again the generic term taxi is understood by many members of the public to be both the HC and PHV. Therefore, the legislation must include the means to make it easy for the average member of the public to distinguish between the two. (see previous comments in PP1)

Q23 As previously commented I do not believe that PHV’s should be permitted to use any of the words ‘taxi’, ‘taxis’ ‘cab’, ‘cabs’ or any other words that might lead members of the public to believe that the vehicle is a taxi and available for immediate hire. the restriction should also extend company names and advertising as this can also lead to the public being mislead.

PP24 Agreed. Taxi and PH services should be subject to national standards however, those standards should be minimum standards and local authorities should have, possibly limited, authority to raise or add conditions/standards to suite their local requirements.

PP25 agreed as PP24.

PP26 Agreed as PP24

PP27 I strongly disagree with this proposal. I believe that local knowledge and an ability to drive and navigate through personal knowledge is an essential attribute for the licensed driver. The Law Commissions own recognition of the fact that the differences in methods of hiring PHV’s, in these times, more closely mirrors that of immediate hire in HCV’s is a strong argument for keeping the requirement for local knowledge for all prospective licensed drivers.

In Stevenage, and in many towns and cities across the country PHO’s have direct telephone lines in supermarkets, hospitals and other venues where the public require their services in large numbers. PHV’s may be close by, or at the premises
when the job is sent to the data-head in the vehicle. By that time the customer is, more often than not, standing by the vehicle expecting to be conveyed to their destination. Because there is often such a small time between receiving the booking and the customer getting in the car it is not possible for the driver to study a map without delaying the customer.

The modern data-heads utilised for conveying the bookings to PHV’s often have an inbuilt sat-nav capability. The issue with one system in use by a Stevenage PHO is this. When the PHV is carrying passengers, and making use of the sat-nav capability in the data-head, fresh bookings sent out via the system over-ride the sat-nav and the driver has to press a button on the data-head to re-instate the sat-nav capability. Using the voice capability of most sat-nav systems may not be agreeable to the passengers. A case in point:-

Three ladies booked a PHV from a Stevenage firm to take them to Wembley Arena to join friends for a meal and to see a show. The driver did not take out time to study the route in a map, instead placing reliance in the data-head – sat-nav system. When the vehicle was about to turn off the A41 onto the North Circular Road (where the driver should have turned right) the data-head displayed a fresh job on the screen. As the vehicle was about to enter the round-a-bout the driver was unable to clear down the job and could not see the sat-nav screen. he turned left, instead of right, entering the North Circular Road travelling in the wrong direction in rush hour traffic. The next round-about is some four miles away taking the passengers on an eight mile diversion. The time delay made them miss their meal and late for meeting their friends at Wembley.

The complainant said that the driver was constantly playing with his mobile phone throughout the journey. In fact he was clearing jobs from the data-head so that he could see the sat-nav screen. He failed to take the passengers by the shortest possible route thereby putting himself at risk of prosecution under existing law. The passengers were put at risk as his attention was constantly shifting to the data-head during the journey and they were late for their meal and show.

The national private hire association publishes a monthly paper dedicated to all things taxi. The most distressing, monthly, article highlights the number of drivers who have been attacked, and on occasions, killed whilst working as a taxi driver. I am firmly of the belief that many of these assaults occur because of a breakdown in verbal communication between driver and passenger(s). I believe that statistics would show that the majority of drivers that are assaulted, and killed, are foreign nationals who have not had the ability to understand, or converse, adequately in English, thereby reducing the chances of talking their way out of a difficult situation.

I would strongly support the retention of local knowledge, DSA Theory test, taxi legislation, the vocational – Group II medical, spoken English and DSA driving tests for all prospective licensed drivers.

Q28 Agreed. (See PP1) I feel that there is a need for legislation, in addition to the Equality Act 2010, permitting a licensing authority to require PHO’s to make provision for WAV’s. In Stevenage we have the situation where we have three PHO’s who have in the region of 150 -175 PHV’s operating but frequently they are unable to provide a WAV between them. I would like to see PHO’s, with fleets above a specified number, to have the ability to provide a WAV service 24/7. At this moment in time I do not feel that the Equality Act provides enough protection for
disabled users of HC and PHV services and this could be addressed by powers
given to the licensing authorities to enforce some form of provision.

Q29 At this moment in time, nationally, there is such a diversity in terms of the vehicles
approved by different licensing authorities that it may be difficult to apply common
safety standards without allowing a transitional period i.e. Grandfather rights.

Q30 I do not agree that there should be any differing conditions when discussing driver
safety. I would suspect that any statistics will show that both HC and PHV drivers
are equally at risk whilst at work. I along with, I suspect, a majority of licensed
drivers across England and Wales, believe that crimes against licensed drivers are
not given the consideration they deserve by the Police and the licensing authorities.
Drivers are assaulted, have their takings stolen, have passengers quit without
paying and see little done to help with their problems.

If one looks at other forms of public transport, the trains and the buses, both
privately run entities, the Government subsidises both with massive payments from
the public purse. In doing so safety for passengers and employees working on
buses and trains has markedly improved through the use of CCTV in the vehicles
and in and around the station and terminuses they travel to and from. No such
financial help is forthcoming for HC and PHV drivers despite the fact that this is the
only form of door to door, 24/7 transport available to the travelling public.

PP31 Agreed.

PP32 Agreed. Suitable time frames should be agreed to ensure that any standards are
implemented before the law relating to taxis and PHV's comes up for
reconsideration by the law Commission.

PP34 Agreed. (see PP27)

Q35 I disagree on the setting of limits and would rather see guidance, statutory or
otherwise, used to ameliorate any standards set by licensing authorities.

Q36 Absolutely, there will always be unforeseen circumstances that will need the
licensing authority to impose individual conditions on an HC or PH granted by the
LA.

In Stevenage we have had several instances where, previously revoked drivers
have applied to become relicensed. Where a licence was granted it was necessary
to add additional conditions to licences to recover monies owed, and to require
more frequent DVLA and CRB disclosures than normal.

Q37 I would suggest that such matters are best left to local arrangements as, has been
identified, local conditions can change markedly and in differing circumstances and
ways. Therefore, leaving the decisions to local arrangement makes more sense.

PP38 Agreed. Local authorities are best placed to understand and meet the needs
pertaining to their licensing district(s) at any particular time.

PP39 Agreed. (as at PP38)

PP40 I disagree with this proposal on the grounds that this proposal would be difficult, if
not impossible, to enforce. The suggestion that ‘peak time’ licensees might be
required to change the colour of their vehicles would meet with much resistance and enforcement would entail much more in the way of stopping vehicles at random to check that they were not being used outside of peak times for licensed work. I feel that this might lead to complaints about unwarranted intrusion into the private lives of licensees.

PP41 I strongly disagree with this proposal. The law as it stands at present permits a PHV to work anywhere in England and Wales and the PHO can advertise services freely in England and Wales receiving bookings at a base within one licensing district. The PHO’s cars can be, legally, waiting for bookings anywhere in the country within existing legislation.

I would agree with provincial PHO’s being allowed to sub-contract work to PHO’s in other licensing areas and feel that by permitting the sub-contracting all passenger requirements could be adequately met.

PP42 Agreed. To do so would place unnecessary financial burdens in terms of fuel and time upon drivers and proprietors. It would also unnecessarily contribute to pollution levels across the country.

PP43 Agreed. However, with regard to paragraph 15.54 ‘For example where PHV’s have a meter (as can happen outside London)’. I would want to see the new legislation reflect that of existing legislation in London whereby meters are not permitted in PHV’s. I would argue that meters in PHV’s circumvent ‘normal competitive forces’ in as much that, in Stevenage, the meters are all programmed with the current HCV maximum fares and that is what is charged to the customer. By allowing this the customer is denied the opportunity to know what fare will be charged before the journey begins and is, consequently, denied the ability to shop around for a better deal. By having meters in PHV’s it means that PHO’s do not have to compete with other companies in terms of fares as they know, by fitting meters and having the council tariff programmed in, they are all charging the same fare for like journeys. This, in effect, allows a form of cartel in terms of PHV pricing.

PP44 I would not agree with this proposal on the grounds that many passengers, and members of the taxi trade, are already confused by taxi tariffs and charges. What is needed is a common formula for calculating taxi tariffs and a simplified, customer friendly, nationally approved template for the printed tariff.

Q45 (A) I would suggest that the standards be set out in broad terms in the primary legislation. (see PP27)

PP46 I do not agree with this proposal. I would argue, firstly, that the concept of ‘Bylaws’ in respect of taxi licensing is outdated and, practically, unworkable in terms of expertise, time and cost for most licensing authorities. Every aspect of HC and PHV licensing conduct should, in this modern age, be dealt with by way of licensing conditions. Sufficient controls exist to ensure that licensing conditions are reasonable and fair through the appeals process.

I do believe that vehicle proprietors should be subject to criminality and business acumen checks for the protection of passengers and drivers who work for the proprietors. There are recorded instances of taxi proprietors (firms) being used as fronts for laundering the proceeds of criminal activity and for the transportation and distribution of narcotics. Safeguards to prevent any opportunity for such criminality or to prevent bad business practices from being perpetuated need to be considered.
Q47 I would argue for (A).

PP48 Agreed.

Q49 I would agree with the requirement for taxi radio circuits to be licensed. By doing so it would enable the licensing authority to have a single, identifiable, point of contact for dealings with the circuit. I would, also, like to see the licence have conditions set requiring the maintenance of adequate records to permit timely and efficient investigation of complaints.

PP50 Agreed

Q51 Agreed. Operators, and their back office staff have access to huge amounts of personal information about customers. It is not difficult to see that such information could be used for criminal purposes and, therefore, PHO's should be subject to reasonable ‘Fit and Proper’ checks. Consideration might also be given to some form of ‘Fit and Proper’ checks being undertaken for PHO back office staff.

PP52 Agreed. By doing so it would negate the need to permit PHO’s to make direct use of PHD’s and PHV’s licensed by a licensing authority other than their own. By taking this (the London) option of sub-contracting only to another licensed operator it will make complaint investigation much easier in terms of tracking where bookings have gone and who fulfilled the sub-contracts.

Q53 Agreed. I can see of no reason why a taxi driver cannot keep adequate records of pre-booked journeys as is required of PHO’s.

PP54 Agreed. Whilst I suspect that the OFT reports were flawed I do believe that anyone who wants to start a business as a taxi proprietor should be free to do so. The taxi licence (plate) was never meant to be a means to obtaining a pension or a means of raising capital funds.

Q55 At present Stevenage has a limit on taxi numbers. The limit stands at 100 and licences 71 to 100 were granted with the proviso that the vehicles are WAV’s. In the event that Stevenage delimits I would want to see quality controls in place to ensure that any new licences granted were for WAV’s of a standard set by the authority. If that were to be the case I foresee that licences 1 -70, which are granted to saloon vehicles, would continue to have a market value.

Q56 I would suggest that ‘transitional’ be taken out of the equation and national standards for all aspects of HC and PHV licensing be set at a suitable standard to ensure continuity of, a quality, service to the travelling public.

Q57 I suspect that any prospective HCV proprietors would avoid applying for WAV’s. At the present time WAV’s are up to a third to half again more expensive to purchase in the first instance, as is a suitable non-WAV vehicle. This is especially true in authorities that follow disabled group advice and require side-loading WAV’s which can cost £25,000 - £30,000.

The first issue for the proprietor would be how much extra work would be needed to justify the extra capital cost of the vehicle. A reduction in licence fees for a vehicle with a working life of, possibly, ten years will not off-set in any way the high cost of the vehicle.
Secondly, the actual amount of work involving disabled passengers in a town such as Stevenage is minimal. Drivers and proprietors will, rightly, complain that the added cost of such vehicles can never be recovered.

Thirdly, there is still a belief amongst some drivers that passengers in wheelchairs are problematic, in terms of the extra time and safety requirements needed to convey such passengers. Those drivers will avoid any work related to wheelchair bound or wheelchair dependent passengers at any cost.

Q58 Agreed

Q59 In Stevenage the ratio of HCV’s to PHV’s is 100 HCV’s against 175 PHV’s. The authority decreed that HCV licences 71 to 100 would be WAV’s and renewals for those thirty licences are only given to a replacement WAV.

There is no authority under present legislation for a licensing authority to require that a proportion of the PHV’s that they licence should be WAV’s. Consequently the situation in Stevenage is that of the 175 PHV’s operating in the town just seven are WAV’s.

Our four main PHO have been asked to ensure that, between the four companies, at least, one WAV is available 24/7. Sadly we still receive reports from wheelchair dependent passengers of being unable to obtain suitable transport having telephoned each of the four companies in the town.

I would like to see some means that will allow licensing authorities to mandate for a proportion of their PH fleet to be WA in the same way as we have for the HC fleet. In this sense limitation has helped to ensure that Stevenage got 30% of its HCV to be WA. Without limitation I suspect that Stevenage would have few, or no, WAV’s.

PP60 Agreed. Any decisions as to the numbers of WAV’s needed in any particular area should be a locally informed decision.

PP61 Agreed.

PP62 I disagree as I suspect that, as in Stevenage, licensing authorities already make suitable provision for such information to be displayed in licensed vehicles.

Q63 I would disagree with this proposal. Although we do not have a hailing market here in the town; I would foresee difficulties in placing an obligation on drivers to stop. At present a driver is not obliged to stop for a hailing passenger. An obligation to stop could force off-duty drivers to feel obliged to stop. Similarly prospective passengers could feel obliged to complain about non-stopping drivers when those drivers are off-duty and going about personal business.

Q64 Whilst I am minded to agree with this I think that it will be problematic in terms of health and safety considerations.

Q65 Touting is not a great problem in Stevenage but I would suggest improved partnership schemes with the Police and other agencies to combat the problem.

Q66 I would agree with this suggestion to better protect passengers from the dangers of unsafe and uninsured vehicles. At present the legislation gives proprietors of
unsuitable vehicles seven days to return licence plates. It is within my knowledge that these vehicles often stay on the road, working, despite having failed a licensing authority fitness test. It is also true that often, when HCV and PHV offences are detected there is a negation of the vehicle insurance. It would be a palpable deterrent for proprietors and drivers to know that a vehicle might be impounded if found in breach of aspects of the legislation.

Q67 I would agree that the use of fixed penalty notices would be a suitable means of dealing with many of the lesser offences. At present reliance is placed on warning letters and some authorities utilise penalty point systems devised in a similar way to driving licence points to deal with taxi offences. A nationally agreed and understood scheme of fixed penalty notices would lead to greater transparency in terms of dealing with the offences and the penalty would occur at the time rather than at a time when the matter is greatly forgotten. FPN’s would also give licensees the opportunity of early payment and thereby a reduction in the imposed penalty.

Q68 This would fit well with national standards and make the job of enforcement somewhat easier. At present any perceived offences by out-of-town drivers and vehicles have to be relayed to the home authority when an officer may not know what standards pertain to that authorities vehicles and drivers.

Q69 Yes. The setting of national, minimum, standards make this option workable and the new legislation should set out the authorities for doing so.

Q70 Agreed.

PP71 Agreed. The present requirement of appeal to the magistrates can lead to cash strapped licensees not feeling able to pursue an appeal in the event that costs may be awarded against them.

PP72 The second stage of an appeal should be heard in the magistrates court. (see PP71)

Q73 Agreed.
I am the owner of a beautifully restored Jaguar Mk2 which I have owned for nearly 25 years having spent over £20k restoring it to concourse condition. I have also held a full UK drivers licence and regularly drive my car for pleasure and sometimes as a wedding car. If the government brings in severe new regulations for both the driver and the car then myself and many other classic car owners will not be able to keep these beautiful cars on the road. This will affect other businesses such as classic car insurance companies and restoration companies. I ask you to seriously consider scrapping this forthcoming legislation.

Yours sincerely

Freddie Brown

--
freddie brown
managing director
freddie brown associates
From: Tony Champion CWC
Sent: 25 August 2012 10:06
To: TPH
Subject: Proposed changes to legislation regarding wedding car hire

Dear sir,

I object to the current proposals to change the law relating to the exemption from licensing regulations for wedding cars and their hire.

I support the submissions by others in this service industry and in particular those of the newly formed National Association of Wedding Car Professionals. (NAWCP)

The proposals are not s.m.a.r.t for the following reasons.

Wedding car industry specific objections;

- There is no evidence of bad practice relating to construction use and maintenance of these vehicles. In fact the exact opposite is self evident from any random or thorough examination of these types of cars.
- There is no evidence of bad experiences from customers using these vehicles or the service. Clients do not get raped, abused, conned or ill treated in wedding cars. I have a 100% track record in relation to client satisfaction. It is always overwhelmingly complimentary. This is reflected nationally throughout the industry.
- There is no evidence of "Cowboys" operating in this business. The majority are enthusiasts, middle aged with experience and proven reliability and reputation gained in a wide range of careers before becoming self employed.
- The consequences of this legislation would include loss of revenue/taxes, the closure of many small businesses and job losses, the cancellation of bookings, the sale of prestige cars resulting in significant financial loss and significant financial burden to comply with unnecessary "new" licensing laws.

Political objections to these ill-conceived proposals;

- There is little if any revenue benefit and it could be argued there would be a net loss of if all the financial aspects are accounted for i.e. Administration, taxes, registration, unemployment benefit etc.
- It is contrary to the government's often expressed policies/principles about encouraging small businesses and eliminating/minimising red tape.
- There is fertile ground here for previous government embarrassment to be replicated e.g. VAT on pasties, increased taxes on static caravans, selling of school paying fields. Headlines "Government U turns on wedding cars" would abound in the red-tops.

In brief and in conclusion there needs to be some proportionality and common sense applied to these unnecessary proposals. Any long list of suppliers in the wedding service industry shows that taxis never feature. The wedding car service industry is only akin to hackney carriages and taxis because they are all motor vehicles. In every other respect the industries are polar opposites - an apple will never be an orange and should never be put in the same administrative, procedural or legislative mix.

Kind Regards
Tony Champion

Champion Wedding Cars.....something blue

Champion Wedding Cars,
Dear Hannah.

It was good to meet you in Southampton yesterday - I briefly introduced myself at the end of the meeting.

Of the many constituent issues of this Review, the one that concerns me most is that of cross-border trading, as particularly applied to Private Hire operations. It is my contention that the most important point to be addressed should be that of Accountability.

In seeking to book and take a taxi journey, be it in a Private Hire or Hackney Carriage, any member of the public has a reasonable expectation that a good and proper service will be provided:
- that a vehicle will arrive to pick up as requested;
- that the vehicle will be duly licensed, clean, and in good legal working order;
- that the driver will be courteous and of smart appearance;
- that the customer will be driven safely and with consideration;
- that the most direct or appropriate route to destination be taken;
- that the correct fare is charged, be it advertised, pre-agreed, or legally metered.

In essence, these expectations are both simple and reasonable, and I have little doubt that in most circumstances they are generally observed and implemented. That said, inevitably circumstances do arise where aspects of the service provided fall short of what a customer should be reasonably entitled to, and accountability should provide an accessible means of recourse.

The present system of Driver and Vehicle Licensing and policing is handled at a very local level through the local Council or Authority. Should a member of the public need to lodge a query or make a complaint, the Council is able to identify the driver/vehicle/company concerned and take whatever remedial or punitive action the circumstances dictate. In summary, a simple well-practised system of accountability providing security of service and standards to the benefit of members of the public and local taxi drivers alike.

Why seek to change this status quo by effectively nationalising control of taxi operation? If change IS needed or seen to be desirable, surely this can be achieved by national guidelines administered through this already well-established system of local licensing and regulation.

What IS needed is clarification and tightening up of the current system so as to identify and remove grey aspects of definition and implementation, a good example of which is the issue of Cross-border Trading.

Example scenario:
A customer in Fareham seeks to book (by 'phone or on-line) a journey with 'Fareham A' advertising itself (or known to be) a locally licensed Taxi Company based in Fareham. By current rules, that customer would expect to be provided with a locally licensed taxi, driven by a locally regulated driver, and cost-effectively driven by the most direct (or appropriate) route - all for a correct fare (whether advertised, pre-agreed, or metered). All aspects of this
journey would be transparent and accountable!

However, if cross-border trading is permitted to continue, or worse still legalised by the scrapping of the triple licensing requirement, there would be nothing to stop 'Fareham A' passing on the booking to 'Southampton B', based and licensed in Southampton. 'Fareham A' may well say this is a service to the customer, claiming they are unable to fulfill the booking themselves. It is more likely, however, that 'Fareham A' would seek a financial commission, (if indeed it truly trades rather than simply being a contact point for 'Southampton B'). Further, 'Southampton B' could then permanently base vehicles & drivers within Fareham on the pretext of being available to instantly cover the bookings requested / passed on by 'Fareham A'.

Alternatively, 'Southampton B' could falsely purport to be locally based in Fareham, whether expressed or implied, so as to mislead customers into believing that booked journeys will be carried out by locally licensed drivers & vehicles; and therefore directly accountable to the local Council or Authority.

**Outcome:** In either circumstance, despatched to cover the booking will be a vehicle and driver, neither licensed nor policed by the Council/Authority in the Borough in which it is to operate, possibly without knowledge of the local area, immediately raising concerns over choice of journey route taken and price charged. If the customer subsequently has reason to complain about any aspect of the service provided - to whom do they voice their concern? Who will be responsible for investigation? How would the situation be adequately resolved?

**Conclusion:**

I can only foresee any complaint would involve a time-consuming bureaucratic exercise with little hope of a satisfactory outcome. Credibility and Accountability would be lost - both for the aggrieved customer, and perhaps more importantly for the general perception of honesty and integrity within the local Taxi Trade.

I appreciate that this is just my personal viewpoint on the whole issue of cross-border trading, and highlights my fear of the consequences of scrapping the present (and adequate) triple licensing requirement in favour of a "free for all". I have discussed this with many of my colleagues and know they are of the same mind.

Yours sincerely

David J. Sainsbury

Radio Taxis (Fareham) Ltd.
PS. Please accept my apologies for the length of this submission - I have tried to cover all salient points as briefly as possible.

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From: Christophers Cars
Sent: 25 August 2012 13:32
To: TPH
Subject: REFORMING THE LAW OF TAXI AND PRIVATE HIRE SERVICES

Dear Sirs

I would like to make comments regarding the proposal to licence class is and vintage cars provided for weddings.

You may be aware that the wedding car car market usually comprises of genuine vintage or classic cars or vintage replicas. The replica cars resemble the original classics in many cases, but have been built from a modern donor vehicle. At the time of manufacture replica cars undergo a rigorous testing procedure by VOSA to ensure they meet SVA (single vehicle approval) standards and are safe to be used on the roads. Also as with the original vintage and classic cars they have to pass an annual MOT.

The risk from classic and replica wedding cars is very low, as reflected in the low level of insurance premiums. This is due in part, to the level of maintenance undertaken and that most wedding cars do less than 1500 miles each year. Also wedding car operators, like our company, are very careful when selecting drivers to ensure that they will not only provide a good level of service, but will drive the cars with care.

It will not make any difference to the service offered if operators are forced to license their drivers and cars, but it will result in increased prices to the customer (and will require some operators to charge VAT whose turnover is currently less than the VAT threshold) and as such many smaller operators, which make up the majority of the wedding car business in the UK will simply stop trading. Reducing choice and increasing costs to customers cannot surely be in the public interest?

The vehicles themselves cannot simply be licensed under the current private hire regulations since vintage and many replica cars cannot comply with the requirements or the current private hire test, such as seat belts for each passenger. Many classic cars are not fitted with seat belts and to retro fit them would not be practical since their effectiveness in an accident could not be tested. Also private hire vehicles are expected to be under a certain age and if over 6 years need to be tested every 6 months. This is an expensive and unnecessary procedure for such low mileage and well maintained vehicles. Many local authorities will not licence cars typically over 10 years!

Clearly if classic and replica wedding cars are going to be licensed then they must have a special category of their own, otherwise they cannot hope to pass the private hire test!

In conclusion there is no evidence to suggest that classic and replica cars provided for weddings pose any dangers or risk to the public and there is no need to regulate them in the same way as taxis and modern executive cars used for private hire. Wedding car companies do not wish to use their cars as taxis and therefore should continue to be exempt from this legislation.

I do hope the above is of some value.

Yours faithfully

Craig Neale
Christophers Wedding Cars

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From: P WALLER  
Sent: 25 August 2012 16:52  
To: TPH  
Subject: PROPOSAL CONCERNING VINTAGE WEDDING HIRE CARS  

Attachments: CLAIRE & DAMION WITH BLUEBELL.bmp  
I am a one man business operating a 1950 Bentley MK VI motor car for about a dozen weddings a year. This provides and income of about £3000.00 per annum which just about covers the cost of running and maintaing this car ,which is in near concours condition as well as being a part of Britains motoring heritage.Over the years it has transported many a bride to make her occassion special ,in fact unique as there is no other car the same.

Your proposal to lump this vehicle in with every other hire car is completey misguided and will put me and thousands like me out of business ,with the result that thousand of classic cars will flood the secondhand marked thus reducing market value substantially.I for one shall be looking for compensation.

My vehicle has never failed an MOT since they were introduced and is maintained to an extremely high standard by a specialist Bentley dealer with bills to prove all work carried out. This is no wedding hack ,but a very special vehicle which has been driven to The Saltzburg Festival in 2003 and paraded before HRH Duke of Endinburg at Windsor Castle last year on the occassion of his 90TH Birthday. It will also be transporting D-Day Veterans this Autumn

I urge you to look at this legislation properly and leave the little man alone and not condem thousands of heritage wedding vehicles to the scrapheap.
Yours faithfully  
Peter Waller  
Bracklesham Carriage Company  
photo attached  

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Objection to the Wedding Car Law Change

The Law Commission –a body which advises Parliament on law changes- is proposing that wedding and funeral cars should no longer be exempt from the Private Car Hire Licensing Regulations.

We would like to object to the possible law change to make wedding cars no longer exempt from private hire regulations. The costs involved in holding an operators licence, plating the vehicles and then ensuring all drivers are badged would make running a vintage and classic wedding car business almost impossible to keep running.

The costs already involved in keeping these vehicles on the road and well maintained exceeds the usual taxi private hire cars you see on the road. The cars are only usually booked for weekend work and not able to be out on a daily basis to recoup possible further costs. If we were to have to pay for all our drivers to be badged the costs would make it impossible for us to keep trading as drivers only work on a part time basis as our work is primarily weekend work.

If this law was to come into effect it would also mean that if we were hoping to keep trading our insurance would increase and the costs we would have to pass onto our brides and grooms would make it no longer an option for couples to follow on a tradition and a viable option. Surely it is important to try and keep these beautiful historic vehicles on the road where possible as it shows our heritage to the younger generation and keeps a traditional alive.

We set up our wedding car business ‘Classic Carriages of Northampton’ at the start of the recession, working long hours and have tirelessly built up our reputation and business sacrificing our own personal goals to make our family business succeed in such a tough climate. We purchased our vintage car from my father who needed to sell it to release some capital. We wanted it to stay in the family and this was how our business was born as we could only afford to buy the car by turning it into a business and securing an income for our families future. If this law is passed this may see our dream and efforts distinguish and we may be forced to sell our cars and look out how we can support our family in the future.

Website: [Classic Carriages of Northampton](http://www.classiccarriagesnorthampton.com)
The Law Commission plans are supposed to reduce red-tape but this proposal actually increases it. Also, there is no identified problem which needs addressing. Classic cars used for weddings are safe – classic and historic vehicles hardly ever feature in accidents: they account for 0.03% of all road accidents.”

“Maintaining a historic vehicle can be expensive. Most owners of classic and vintage cars go beyond the safety and maintenance needs of these cars. Denying all private owners the opportunity to recover some of the outlay on their vehicle by hiring it out for occasional weddings could force some classics off the road”.

We would appreciate it if our objection could be included and can only hope that the government will consider all the small business’s they will be putting out of business and the classic cars that will be devalued as they are mainly used for weddings. If we could not make a living from our cars then we will be forced to sell them and all our hard work will have been for nothing.

We thought the government were supposed to be supporting the small business’s, the families with young children who work hard for a living employing other people to drive and not putting an even greater burden on the benefit system and putting business’s out of work.

Yours Sincerely

Dave Peach and Lisa Read
Classic Carriages of Northampton

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From: Exclusive Services
Sent: 25 August 2012 21:15
To: TPH
Subject: Wedding and Funeral Cars

Dear Sirs,

I would like to object to the Law Commissions proposals not to exempt Wedding & Funeral Car Hire from the Private Car Hire Licensing Regulations.

I'm sure like many other's with 1 or 2 cars who hire their cars for weddings, hire them out for 15 to 20 times a year covering approx. 1500 miles a year. As opposed to taxi / private hire companies having hundreds of bookings and covering many tens of thousands of miles.

I feel this proposed legislation would be very prohibitive and based on the information I have I would have to cease trading as I'm sure many other would do. In addition depriving many Brides from arriving at they ceremony in a vintage or classic car of their dreams.

Yours sincerely

Gordon Edwards

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From: CSWC  
Sent: 25 August 2012 21:33  
To: TPH  
Subject: Taxi and Private hire regulation  

Dear Sir

I am writing to complain strongly about the proposed changes to the law concerning wedding hire vehicles.

I purchased a long established wedding car business just over a year ago. If these proposals go through we will have to close our doors which will leave me a debt of 100K Which I will have no way of paying off so basically bankruptcy. This will mean that my 10 part time drivers will also not be able to continue doing this service to young brides as the majority of them are pensioners. It will have a knock on effect for the people who service these vehicles and supply spares it will also mean a glut of worthless classic and vintage cars for sale.

We are only able to operate for 6 months of the year and then mainly only on weekends . I don’t think it is expected that Vintage cars stand on taxi ranks to earn their living so your proposals will put a great deal of people on the bread line.

We as an industry are very small and it would be criminal to risk our very existence by your proposals putting more people on the bread line

I do hope you have the sense to leave this industry as it is for years to come.

Regards

Nigel Moore  
Managing Director 
Country Style Wedding Cars Ltd  

Please use invoice number for payments and on all communications to CSWC. Thank you.
INTRODUCTION: This document was produced by the YPHA Secretary as a result of two investigative meetings of the committee of the YPHA on 1st July 2012 and 1st August 2012. It should be viewed as the YPHA’s final and only response to the Law Commission proposals. The reader may also wish to note that all comments and decisions made herein were unanimously made by these persons.

GENERAL OBSERVATIONS: Perhaps the easiest way to express our overall feelings on the document and its proposals, would be for you to allow me to quote a few comments made by some of our Executive Committee members. In doing so I may add that none of these were even challenged by any other member as over stated or incorrect. Examples as follows:- “It is blatantly evident that this document has been produced by person or persons who have absolutely no idea how the trade currently works or with even the slightest thought for the people in it who currently work long hard hours to ensure the best possible public service.” “This document has been produced with solely the legal personage and what is surmised the public want, but has no regard whatsoever for the persons or companies in the trade at all.” “It seems obvious to me that the persons writing this document foresee the end of taxiing as we know it and wish a few fat cat national companies to take over the trade.” “The banking industry has been totally destroyed by a relaxation of regulations, seems like we are next.” “Some of the major proposals are a recipe for World War Three in the taxi trade, these person seem totally oblivious to how the trade has always worked.” “I have no idea why they spent so long in looking at new private hire regulations as, if they deregulate, which they seem hell bent on, there will be no private hire left.” “Private hire in particular has often been looked upon as a solution when persons in other trades got made redundant. If this lot get their way not only will that cease but half
the ph drivers will be on the dole too. So look out for more government unemployment expense” “Have these person not looked at the total disaster deregulation has been when tried? A lot of authorities found the only answer was to re-regulate! ““A lot of this is the old “let market forces decide crap” yet again.” We could go on but feel you should have the gist by now of how both the Executive Committee and all our members feel.

SUMMARY: The above mentioned committee, in the limited time available, decided to look in depth at what they deemed the main points at this stage. These being, the reference to withdrawing the option to limit taxis licenses from local authorities (in effect total de-regulation) national control of private hire and cross bordering. To make our reply it was decided to do so by answering some, but not all, of the questions raised in the Law Commission summary document. However, before doing so, we would also wish to convey to whomever needs be that we were basically both appalled and sadly disappointed with the entire document. It appeared to ourselves, as active members of the trade and whom rely on it for a basic living, that it was full of unconfirmed and untested market theory opinion. We also took some exception to various references of what happened in London which we see as totally irrelevant to a small, medieval type city of around 180,000 population. We would now make our initial response to various questions in the summary document as follows:-

QUESTION 4: Would there be (and if so what) advantages to restricting licenses to motor vehicles that require a driving licence?

Our response is a resounding “yes”. Surely this is paramount in that the public is being conveyed by a “professional” rather than someone who is, technically not. This response was coupled by two previous disastrous attempts at pedicabs in the city. Pure theory but is really unworkable.
QUESTION 9: How if at all should the regulation of taxis and private hire deal with carpooling and members clubs?

Simply it shouldn’t.

QUESTION 12: Would there be merits in re-introducing the contract exemption, by means of the Secretary of State and Welsh Minister’s exercise of the power to set national standards? If so what modifications could be made to help avoid abuse?

To be frank we did not totally understand the question on what is obviously a legal point (same problem not taxi people). However, in general terms, as we may say elsewhere in this document, we are against national standards and prefer these to remain local to suit local needs.

QUESTION 14: Is there a case for making special provision in respect of taxi and private hire companies regulation at airports? In particular, where concessionary agreements are in place, should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers to the local taxi rank?

Firstly, this question again shows a certain limited knowledge by the personage who are compiling. Why just a taxi rank? Is private hire to be ignored? Or do they not even know the difference between public and private hire? Our main response here is that already airports are making it increasingly difficult and costly to supply a service to our local public by “local agreements” and “setting down” charges. Yes it should be at least a prerequisite of any agreement for public service to a taxi/private hire point.

QUESTION 23: Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked only” and did not otherwise led to customer confusion?
In general terms we feel that in advertising material this could be successfully applied but in no way should it apply to the vehicles themselves. We already get hassle with clients insisting they are going to board, even despite pre-booked on the side plate, and any reference to taxi or cab would aggravate this.

QUESTION 35: Should there be statutory limits to licensing authorities ability to set local taxi standards?

Whilst we prefer local licensing, we see some merit in the above to stop over zealous rulings being applied. We believe this, in real terms, also answers questions 36 and 37 too.

QUESTION 40: Would it be useful for licensing authorities to have the power to issue peak time licenses which may only be used at certain times of the day as prescribed by the licensing authority;

In simple terms our answer is no. This in PH at least already exists in a way as we have a lot of part time, normally weekend only, drivers. We think to make this legal is pure theoretical conjecture and would be unworkable and extremely hard to police.

QUESTION 44: Should taxis be allowed to charge a fare higher than the metered rate for pre-booked journeys?

We assume we are actually included in this but not sure. If we are our answer is, basically, no. However, we can see merit in special request cases etc. of having the option, only in such circumstances, to quote a higher fare. E.g. a specific request for an estate car.
QUESTION 49: Should operators licenses be extended to cover taxi radio circuits and if so on what basis?
Absolutely not.

QUESTION 51: Should “fit and proper” criteria in respect of operators be retained?
Absolutely no question.

QUESTION 55: What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers.
In effect you purport total de-regulation. We are amazed how out of touch you are. Certainly in this North area such operation has been a total disaster for the trade and the travelling public and a massive headache for the local councils till they re-regulated. We can of course see where the theory is coming from but it is totally flawed in our opinion. One the fact is we already have too many taxis in almost all major cities if we combine PH and taxi fleets. This would only aggravate the problem even further. What will happen in our opinion? One many good and experienced persons will leave the trade (or worse go bankrupt – this happened many years ago when Dundee was chosen as a pilot scheme). These may be replaced by inferior standards. Two, this would tempt most PH drives to become taxis perhaps decimating the PH trade and making it more difficult for the traveling public to get a good telephone booking service. Driving standards will deteriorate badly as too many drivers chase too little work for the total fleet. Trade warfare is indeed already here, due high PH numbers, and would escalate badly. As in bus de-regulation many years ago, there may be an initial honeymoon period of apparent betterment and customer choice. This will quickly deteriorate. We foresee national companies then buying out local companies and, as in buses where there are really only four big national companies, big national moguls would take over with poorer standards than the ones offered by most professional local companies
who actually care. We in York are battling with the emission problem at the moment and the trade is working hard to solve in conjunction with the local council. Such a plan would reverse the entire situation even further!! Already most of members say if total deregulation comes in they will leave the trade. It is good for no-one in reality.

QUESTION 56: Should transitional measures be put in place, such as staggered entry into the taxi trade over a scheduled period of time, if quantity restrictions are removed?

Absolutely, if, heaven forbid, we go down that route we would hope we get some protection against both losing our living standards, that will definitely happen, and completely jamming up our medieval city with “taxis”. As an aside, many in our trade feel that, not only should taxis be restricted, but the time has come for a more sensible approach to PH too. Numbers here have absolutely accelerated in recent years yet we all know the actual market is down. Whilst we do not wish or foresee a system as restrictive as current taxis numbers, we would like to think you may look at such a method to control PH to a more sensible level. However, we have to say this is not a view held by all at this moment in time but is by probably a majority in the trade. They are all dismayed that you appear to be wanting to make it worse not better.

QUESTION 64: Should licensing officers have the power to stop licensed vehicles?

Basically we think “yes” as long as some method is in place to make it easily identifiable who the person is. We also think it is bad practice, except in extreme cases, to stop a vehicle while passengers are on board.
QUESTION 66: Would it be desirable and practical to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules?

The YPHA always strives to maintain the highest professional standards in York. However, to attain these by such a radical method we would totally oppose. However, stricter penalties as such are within our reasoning.

FINALLY: Whilst there appears to be no question absolutely relevant as such, there is an alluding in some of your document to allowing “cross bordering”. We would wish our complete opposition to any such measure recorded here. In reality there would be world war three in taxi trade! How can a non-local effectively transport anyone to the max, in both route and general local knowledge? This would also mean “good” areas flooded with taxis to the detriment of “poorer” areas clientele. In short, it is great in theory but ill-founded totally in real terms.

CONCLUSION: The committee of the YPHA trust that these views will be put forward to the relevant personage. We do appreciate that some minor questions went unanswered but would, certainly at this stage, prefer looking at the proposals which we fell are most important.
I have just taken i bride and her farther to church.then on to the reception.they enjoyed the ride and i enjoyed the drive.most wedding classic cars are run not like the taxi but as a way of helping to keep the old and historic cars on the road. I only drive to local churches and halls. for the government to introduce licensing of this age old tradition of classic cars at weddings with testing twice a year [classic cars will not pass the later tests as most of the things tested are not fitted to the cars? will all classic cars have to be modified? then will it still be a classic or a car that just looks classic?] i will have a choice to do weddings in a plated car that then can no longer go to shows due to being plated? or stop weddings for the local brides. shame on you for killing off this tradition.or i will need to charge so much to cover my costs that no one will be able to pay the high charges? I do have wedding car insurance on both my cars with a maximum of 10 weddings a year.most years i only will do 7-8. I have friends that also do 3-5 a year this is not big business.

that's why in the past no test or licence is required.
please keep historic wedding cars exempt from licence and unreasonable testing.
Mr Geoffrey Cooper. MIMI & CGE
i my partner rents a taxi cab and plate for a thousand pound month struggle a licence should job and fee paid losal council mot

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From: on behalf of Sheer Gold Wedding Cars
Sent: 27 August 2012 12:40
To: TPH
Subject: Public Law Team (Taxi and Private Hire)

Dear Sir/Madam,

We write in objection to the proposals which you are currently considering, i.e. that wedding and funeral cars should no longer be exempt from taxi and private hire legislation.

It appears that the proposals are endeavouring to create in “a level playing field” within which totally different businesses will be asked to operate.

Taxis and regular private hire vehicles operate 24/7 and can spread their operating costs over potentially thousands of customers a year. Wedding cars are specialist hire vehicles, used perhaps only a few dozen times per year, or at best once a week during the wedding season. It would surely be unfair to impose the licencing costs of the former onto the latter.

We, like most other wedding car suppliers, are a small business with just a few cars about which we are extremely passionate, and equally passionate about being able to share these classic cars with couples on their special day. It is a long and well established tradition in this country for brides to choose a “special car” as transportation on their wedding day, to make both themselves and the day feel extra special. People love to see classic and vintage cars used in this way, and believe it to be part of our heritage. The recent Royal wedding saw William and Kate drive away from Buckingham Palace in his father’s Aston Martin DB6 Volante, both crowds and commentators loved it! However, these proposals could make all this an impossible dream for all but a wealthy elite.

We are not in the business to make our fortune – by the time servicing, maintenance, storage, tax, insurance, fuel, advertising costs etc. etc. have been deducted there is precious little left from the reward you may receive on a Saturday afternoon. To add further cost to this in the form of vehicle licencing, operator licencing, driver licencing, “occasional” driver licencing (for drivers who may only drive on a handful of occasions each year), vehicle testing, driver testing, criminal record etc. etc. will force many suppliers to “throw in the towel”, and many brides into the family hatchback on their special day.

These suppliers who wish to continue will find themselves with one more hurdle which they cannot jump – most local authorities will not licence classic cars over five years old for private hire use. Only a few businesses with expensive new cars and full time drivers will remain, and the cost will become prohibitive to all but a fortunate few.

Is this the way a government which prides itself on promoting small businesses and British tradition really wants to go? Does it really want to force people like ourselves who have invested their life savings out of business?

If the majority of wedding car suppliers have to sell their vehicles it will lead to reduced revenue for the government, more unemployment, and a glut of unwanted classic cars on the market. This will result in plummeting values and have a knock on effect to the services and parts suppliers in the classic car industry, and all for what?

We understand that safety is a concern for the commission, but frankly if an M.O.T test isn't good enough for a classic car driven slowly for a few thousand miles a year usually by very experienced and careful drivers, then it should not be good enough for the ten year old family hatchback taking the kids to school! When it comes to personal safety, have you ever received reports of brides or bridesmaids being assaulted in the back of a wedding car?
We sincerely hope that you will consider the above observations during your deliberations.

Yours Sincerely

Andrew & Jean Richardson

Sheer Gold Wedding Cars

You can also follow us on Facebook  https://www.facebook.com/WeddingCarsYorkshire

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Please see below a response to the Law Commission Consultation on Taxis & Private Hire. Oldham Metropolitan Borough Taxi Owners Association (OMBTOA) represents owners and drivers in the Hackney Carriage Taxi Trade in the Borough of Oldham.

Comments on Consultation papers from the Law Commission Reference to Taxis & Private hire.

Provisional proposal 1:

We must maintain distinction between Public & Private hire trades. Taxis can be hailed on streets, wait on Taxi Ranks and also do pre-book jobs with public hire companies. Private hire can only do pre-booked jobs. Both trades work parallel with each other and compatible price wise and provide better services to their respective customers. Where as public hire serves the public at no cost to the government or local authority providing a safe & secure service. Public hire fares are regulated by the local authorities and meters are tested every 6 months so that LA polices are transparent and can be spot checked 24 hours a day. One tier system is not suitable for both trades as it would be impossible to manage, standards would drop, public would lose a quality public service at no cost to LA or government and it would unworkable to accommodate all private hire vehicles on high street Taxi Ranks up and down the country. Furthermore this will create congestion problems in Towns & Cities and impact traffic flow will be immeasurable.

Provisional proposal 2:

London is the capital city of UK and its problems are distinctively different than other Towns & Cities. London represents 180 countries around the world and their transport needs are different therefore the Trade feels that London should be regulated separately as they require stringent knowledge tests and better quality vehicles.

Provisional proposal 3:

It is important to have mixed fleet vehicles i.e. Blackcabs for wheel chairs, Multi-seat vehicles and Saloon cars. All these vehicles have a function serving the public. Example a black cab can serve a passenger with a disability using a wheelchair, however it is not suitable for a person with a different disability or elderly person who can only sit in a saloon vehicle safely. Since the Transport Act 1985, 342 councils introduced Backcabs, however according to our hand on knowledge of working with people suffering from diverse disabilities, the only blackcab (Wheelchair accessible vehicles) are not the answer to the needs but a mixed fleet of vehicles suites their needs. Uniform colour schemes for public hire, introduced for mixed fleets by many different local authorities prove to be easily
identifiable passengers. In Local Authorities with only Wheelchair accessible vehicles, it will be financially very difficult for proprietors to move to mixed fleet as Wheelchair accessible vehicles are very expensive and more so under present economic climate.

**Question 4:**

Every motor vehicle used for carrying passengers for financial reward must be licensed and identified by a plate number by a local authority. This will maintain public safety and help enforcement of regulations.

**Provisional proposal 5:**

All passenger carrying vehicles are not identified as Taxis, i.e. buses, stage coaches and minicabs provide a different function and are acknowledged differently with different licensing conditions. Hackney carriages with up to 8 seats should be identified as Hackney Carriage Taxis.

**Provisional proposal 6:**

By definition Buses & stage coaches are different in shape & size & charge individual customers with a fixed route agreed local or regional public transport authorities or executives including set times and subsidised by public fund provided national or local government. Hackney carriage Taxis charge the passenger by meters fitted in vehicles. Therefore Buses/coaches and Taxis should be licensed separately.

**Provisional proposal 7:**

Agreed with 14.25, 14.26, 14.27 & 14.28, 14.29 should remain in position

**Provisional proposal 8:**

Do not understand this question fully, however to safeguard the volunteer drivers it is essential to licence the driver to carry passengers. It would also enhance the volunteer’s gaining employment in future.

**Question 9:**

Essentially Hackney Carriage Taxis are different than Carpooling and members clubs. However the system could be abused and used as a Taxi service therefore local licensing authorities licences Carpooling and member club schemes accordingly.

**Provisional proposal 10:**

Apart from London, the trade agrees that rules and regulation with safety standards must be standardised across all 381 local authorities. The rule must be in plain English without technical jargon. There must be a same level of testing of Hackney carriage Taxi Drivers throughout the country.

1. Knowledge test
2. Ability to communicate
3. Standard CRB Checks with nominal fee
4. Vehicle Tests at any MOT stations
5. Set a national standard instead of minimum standards that can be applied across the country. This will eliminate the cross border syndrome i.e. Berwick V Stockton

**Provisional proposal 11:**

The duties carried out in this are on commercial basis and monies are exchanged therefore they must be licensed accordingly.

**Question 12:**

The trade does not consider that any merits re-introducing the contract exemption will help the situation or satisfy the requirements of the Hackney Carriage Taxi trade.

**Provisional proposal 13:**

The Taxis should work in areas they are licensed and consistent approach should made such as hospitals, Airports, Railway stations, Shopping centres and any other commercial areas must be served by Hackney Carriage Taxis along with pre-booked and private hire vehicles doing only pre-booked jobs. The current system working at the above venues is working better than our international experiences. Our Trade has an excellent trade including NVQ level2 in carrying passengers management, First aid training for all our drivers and basic sign language training for all drivers are some of the standards that our organisation has implemented in hackney carriage trade in Oldham. Complaints from tourists, disabled and vulnerable passengers are dealt in a normal via local authority. In Oldham we do not have an Airport or Railway station and with a set number of vehicles complaints can be easily traced and dealt with swiftly.

**Question 14:**

Hackney Carriages should have Taxi Ranks at Airports. Airports are often regional and members of the public from different Towns & Cities travel to & from airports therefore an area set aside to pick up pre-booked customers for public hire vehicles from different local authorities and private hire vehicle for pre-booked jobs. Plying for hire on these places is illegal and should remain so. There is no need for concessionary agreement for any type shuttle service.

**Provisional proposal 15:**

Agreed with A & B, Not agreed with C because the trade feels that the law commission is trying to legalise street hailing and ranking for private hire vehicles

**Provisional proposal 16:**

People are using all forms of communications to book transport. As long as the passenger has pre-booked a private hire vehicle and the driver is insured to carry the passenger there is no problem with and form of communication.
**Question 17:**

The Scottish approach not suitable in the rest of the country due to competitive & non competitive i.e. market the spot hiring

**Provisional proposal 18:**

Fully agreed with the statement

**Provisional proposal 19 & 20:**

Agreed with both

**Provisional proposal 21:**

Agreed

**Provisional proposal 22:**

The present terminology should remain in place and the word Taxi must not be used on private hire vehicle for advertising purposes as the will mislead the consumers.

**Question 23:**

The present terminology should remain in place and the word Taxi must not be used on private hire vehicle for advertising purposes as the will mislead the consumers.

**Provisional proposal 24, 25, 26, 27**

All agreed

**Question 28:** Agreed

**Question 29:**

There are some practical obstacles to set a common national safety standard for both trades, because Hackney Carriage taxi needs both to meet national & local standards while private hire only needs to meet a minimum standard. Having said that all types of vehicles should be fit & proper

**Question 30:** No but Driver safety must not be compromised in both trades, 62 drivers have been murdered over the past 12 years during the course of their serving passengers. Out of the 62 drivers murdered 56 were of Asian heritage (90.32%)

**Provisional proposal: 31 & 32:** Agreed

**Question 33:** Technical advisory panel should be consulted before determining the national safety standard

**Provisional proposal 34:** No Objection
Question 35 & 36:

Agreed with both, however should not be imposed on individual driver condition

Question 37: It is best left to the local arrangements

Provisional proposal 38: Yes this already happens through Association of Greater Manchester Authorities (AGMA)

Provisional proposal 39:

Don’t agree with the zoning proposal

Question 40: This practical and will not work. It will also have an impact on non peak hours work of serving the public. The licensing authority for issuing of peak hours transport and will create long term problems for the trade. The trade is meeting peak times demand very well and this is an ill conceived ideas.

Provisional proposal 41:

This proposal is not workable because this will create a honey pot, there will be no control on illegal activities i.e. plying for hire, identifying vehicles should safety issues arise and deception by certain elements in the trade. Rules and regulations should apply to all drivers and operators, once jobs are completed all drivers should come back to their licensing areas.

Provisional proposal 42:

Not agreed as stated in 41

Provisional proposal 43:

We agree that Hackney Carriage fares are regulated the local authority as part of public hire transport. Private hire is a private business and the local authority should not interfere in private business.

Question 44: NO

Question 45: Agreed with both A & B

Provisional proposal 46: The fit & proper should apply to the vehicle and its driver

Question 47: Agreed with A only

Provisional proposal 48: Agreed it help to control and pre-booked jobs in events of incident and keeping records

Question 49: There is no need as there are already multiple licences in place

Provisional proposal 50: Agreed
Question 51: Yes

Provisional proposal 52: No, potential between the 2 trades

Question 53: yes

Provisional proposal 54:

Restriction on Taxi numbers & Local Authorities: Standing still is not an option, we are a small association and have responsibility for Hackney Carriage Taxis in Oldham. The Law commission’s considerations to deregulate the Taxi Trade in the UK will have a major impact on local Authorities and Taxi Trade. By maintaining the Local Authorities to restrict the numbers of hackney carriages will have the following benefits:

- The LA provides a public hire Taxi service at no cost to public funds
- The LA controls the fare structure
- By maintaining the numbers the LA can improve standards of Vehicles & Drivers
- By maintaining the numbers the LA can prevent congestion in busy areas of Towns & Cities
- By maintaining the numbers the LA can trace drivers should disputes arise
- Public safety can be further assured by vigorously applying safety standards
- By maintaining the numbers the LA is in a position to provide a public service where it is required
- All the above can be maintained by owners investing in new vehicles and technology if the livelihoods of the owners & drivers is protected
- By taking the power away to restrict numbers the social impact of this can not truly be measured however in our experience the following issues arise when there is an economic down turn, which de-restriction means:
  - (i) Drivers working longer hours leading to fatigue compromising public safety
  - (ii) Impact on family life of working longer hours and neglecting family life including children which will have an impact on LA to pick up the pieces (earning a living V Family life)
  - (iii) A driver convicted of killing a pedestrian on Zebra crossing due working longer hours de-restriction 2011
  - (iv) Drivers doing another job as well to maintain livelihood but also compromising public safety
  - (v) Drivers working only peak hours which is no benefit to consumers.

- **Premium Value:** Every business has a premium value which keeps the business active. Individuals engaged in any business must have an incentive which motivates them to improve standards and protect their investments; Hackney Carriage trade should not be seen any differently. This should not be seen as an obstacle or barrier to engage in the Taxi Trade. The licence holders do not have a monopoly on Taxi fares as they are implemented by the local authority professionals after public consultations.
Evaluating the impact of the taxis market study A Report for the OFT by Europe Economics October 2007 Crown Copy Right 2007 “The amount of time taxi drivers wait between fares has increased in both restricted and de-restricted areas, but with considerably larger increases in de-restricted areas. In our sample LAs the average increase OFT956 4 in driver waiting time of taxis hired at taxi ranks was 77 per cent more in de-restricted than in restricted areas. This increase in driver waiting time is significantly greater than the reduction in passenger waiting times although account must be taken of the small samples for both observations. This suggests a decrease in the productive efficiency of the taxi industry – the benefits to consumers in terms of decreased waiting time are more than offset by the costs to taxi drivers of providing an improved service”.

**Question 55:**

By saturating the market LA will lose ability to maintain standards, which in turn will compromise public safety leading to significant increase in number of complaints. The enforcement of conditions will be difficult due to increase in numbers. Economically it will not be possible for drivers to maintain standards. Currently there insufficient Taxi Ranks across the country to accommodate the Taxis. De-restricting congestion will increase in Towns & cities leading to the general public not having confidence in their Local Authorities.

The following problems will also arise. These are based on many years of experiences of working in Taxi trade during varying economic situations

- Drivers working longer hours leading to fatigue compromising public safety
- (ii) Impact on family life of working longer hours and neglecting family life including children which will have an impact on LA to pick up the pieces (earning a living V Family life)
- (iii) A driver convicted of killing a pedestrian on Zebra crossing due working longer hours de-restriction 2011
- (iv) Drivers doing another job as well to maintain livelihood but also compromising public safety
- (v) Drivers working only peak hours which is no benefit to consumers
- (vi) Conflict among drivers on Taxi ranks chasing too few customers

**Question 56:** No there is no need to take this measure as stated in Q 56. Should there be a need then unmet survey should be carried out by professional Transport Management Companies with no cost to the tax payers

**Question 57:**

1. No
2. Yes this already exists our and many other local authorities

**Question 58:** no this will create another set of issues

**Question 59:** Equalities Act 2010 suggests a percentage of Wheelchairs accessible vehicles. In our experience we feel that this should not be more than 20% to meet the needs of Wheelchairs users. A mixed fleet of vehicles including Saloons, Estate cars and Multi seat vehicles meets the diverse disability needs.
Provisional proposal 60, 61 & 62: Agree with these proposals

Question 63: This should be the legal duty of a Taxi driver to stop and assist a disabled person, if hailed on the street, if it is safe to do so. Refusal is unacceptable. Equalities Act 2010 states that this information should be displayed on side the cab on how to complain in cases of perceived discrimination

Question 64: only for drivers to comply with regulations, this should also apply to vehicles from neighbouring authorities. This will eliminate different layers of authorities i.e. Police, VOSA & DSS. In smaller local authorities this may cause different issues

Question 65: Touting as an offence should remain, licensing officers should be empowered to issue fixed penalty notices for such offence. Persistent offenders should be taken to court and Magistrates should be empowered to deal strictly with repeat offenders i.e. revoke and suspension of licences. Furthermore LA licensing panels should also make sure that they deal with the operators

Question 66: this would be difficult to implement, however in very serious breaches of regulations this may be the only way

Question 67: Yes this must be addressed objectively and equally apply to plying for hire by private hire drivers

Provisional proposal 68: Yes, also provide full information to neighbouring local authorities re action of driver’s activities

Question 69: Yes, this could be achieved by partnership in the spirit Association of Greater Manchester Authorities (AGMA)

Provisional proposal 70: We do not agree with this, as would remove away the ability of the driver or licence holder to have a trade body or a law professional to assist/represent against a decision perceived to be incorrect

Provisional proposal 71: Agreed providing a trade body can represent its members

Provisional proposal 72: It is only right if a decision is perceived to be wrong for this to be heard by a magistrate Court.

Question 73: Should a party wish to take such actions then it can proceed even to High court, however there ought to be systems and processes in place in local authorities to bring on resolutions to avoid costly cases.

Conclusions: We have responded to the Law Commission consultation paper to the best of our ability, keeping in mind needs of the Taxi industry and Public. We hope the Law Commission will take our input into their considerations when making any decision.
We would like to take this opportunity to thank Jessica Uguccioni and her colleague for facilitating a very constructive meeting in Bury. This meeting assisted our organisation understand the consultation and our responses.

Our sincere thanks to B. M. Roland who chaired the above meeting very effectively and representatives from neighbouring Towns & cities Taxi Trade bodies

Abdul Rehman Khayal (Chairman)
Fazal Rahim General (Secretary)
From: Peter D. Williams  
Sent: 27 August 2012 16:46  
To: TPH  
Subject: TPI proposals

Dear Government, I rather thought this Government was elected on reducing red tape, but it seems here is another example where absolutely nothing is wrong, no law evasion, no tax evasion, but new regulations must be thought up by civil servants to justify their existence. Sounds remarkably similar to a presentation I attended in Brussels over thirty years ago! Or an episode of Yes Minister. Just how does a classic or vintage vehicle which, by the government's own admission in possibly relaxing the necessity to have these vehicle MOT's because they are, in the main, cherished and well looked after and cover very small mileages need to be classified on the same basis as a taxi or minicab which could be run 24 hours a day 365 days a year? We have a small collection of nine traditional British Bentley, Rolls-Royce and Daimler limousines which we have built up over thirty years as a hobby business. There is no way my business partner or I could possibly earn money from this as in reality we actually regularly put money in from our other taxed earned income. We look on this as our pension pot or a little earner if we ever retire (which seems unlikely as the pensions I have paid into, at government advice for over 40 years, are now worth so little I simply cannot retire but must continue working). The cost of licensing our nine vehicles and eight drivers would be in excess of £5000 pa, if any of our drivers, some of whom may only drive five or six times a year, were able to pass the Driving Standards Agency Taxi and Private Hire driving tests and "local knowledge" tests which I am reliably informed bear no relation whatsoever to chauffering (not driving) for a wedding, and having worked alongside some private hire vehicles I would not want to be like them, theirs is a completely different ethic. It is debateable if any of our vehicles, all fully professionally serviced and MOT'd, would pass the modern taxi/private hire test as there are pages of legislation which older vehicles simply cannot comply with. There is also a point where a licensed vehicle may only be driven by a licensed driver. So the Bentley I have had for thirty years and is as much part of the family as the wife of 26 years would be limited to myself or one of our chauffeurs driving, my wife or a friend could not do so, nor could I use it to go to the shops or for a day out. All of which would mean we could no longer legally provide a service for weddings without which we have no reason to maintain or even keep our vehicles. The loss to us would be immense as, with the market flooded with no longer useable or wanted ex wedding vehicles, the price would crash. The loss to the government just from us would be in the region of: £1000 pa Corporation Tax; £3000 pa chauffeur's income tax; £3000>£4000 pa of VAT on servicing; VAT and fuel duty: I dare not work it out, too scary with the latest price rises; Plus some £12,000 net wages going straight back into local economy; Enough labour to keep one skilled mechanic in work six months. etc etc. So come on government ministers, get real and look at the true picture. How many accidents are there with our kind of wedding vehicles (we are not talking about those modern Merc or American stretched limos already licensed under private hire). How many grooms, parents, of fathers of the bride are mugged or bridesmaids are sexually assaulted on their way to the church (Criminal records required for drivers). IF IT AINT BROKE DON'T FIX IT. In summary we wholeheartedly object to the proposal to bring wedding (and funeral) vehicles within the classification of private hire vehicles and operatives. Peter Williams, director, Le Baron Ltd
From: John Whipp  
Sent: 27 August 2012 17:32  
To: TPH  
Subject: New regulation on public hire vehicles.

I would like to register my objection to these new proposals. Most of the drivers of wedding and funeral vehicles are of mature years with long clean driving licenses and would be insulted by your intentions. Another factor is that many of us rely on this little extra cash to top up our meagre state pension. This surely must be better that scrounging off the state.

In these times of high unemployment this action of madness will only make matters worse.

John Whipp

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From: Dave&Catherine
Sent: 27 August 2012 18:22
To: TPH
Subject: Taxi and private hire services

Dear Sirs

We would like to lodge an objection in connection with the recent announcement that wedding car companies will be subject to the same legislation as taxis and consequently extra costs will have to be incurred by wedding companies, however large or small. We are embarking on a small family-run wedding car business and this news is a huge blow to our already limited finances. In order to pay the extra costs, we would have to increase our car hire charges which we are loathed to do as our customers are already struggling in this difficult economic climate.

We hope that our objection will be taken seriously (along with those made by other wedding car companies) and that the current wedding car exemption will stay in force.

Yours faithfully

David and Catherine Sefton

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From: Andy Hollis  
Sent: 27 August 2012 18:55  
To: TPH  
Subject: Proposal to regulated wedding car hire companies  
I want to register my very strong objections to the proposal to make Wedding Car Hire Companies comply with the same regulations as those for Private Hire Companies. Our cars are used purely for weddings and no other use.

Andrew Hollis  
Genevieve Wedding Car Hire Co Ltd.
From: khalil chaudhury
Sent: 27 August 2012 21:14
To: TPH
Cc: joy
Subject: Khalil chaudhury

Response to The Law Commission Proposed Reforms to The Law of Taxi and Private Hire Services

Provisional proposal number 1: As regulations stand – they should continue to distinguish between Private Hire Vehicle (PHV) and Hackney Carriage Vehicle (HCV) because firstly
ALL HCV have disabled access provision. Secondly; HCV have standard fares set by licensing authorities whereas PHV set their own fare rates. Thirdly; HCV are easy to identify therefore public safety would not be compromised if PHV were also allowed to pick up off the street (enabling bogus vehicles to operate freely). Fourthly; HCV have substantial knowledge and training compared with their PHV driver counterparts.

Provisional proposal number 2: We agree that London should be included in the proposal because all major cities should have the same legislation as London because visitors to the UK visit all parts of the country (business or pleasure) not solely, London. For example the use of varying vehicles would be most confusing whereas the iconic black cab – is distinguishable to the general public and visitors from abroad.

Provisional proposal number 3: Taxi and PH regime could be restricted in application to vehicles that require a driving license. Any vehicle wanting to be used as a HCV should be purpose built for the conveyance of the public (with disabled access and partition) thus not restricting competition within this market. PHV should not be restricted on model of vehicle as long as safety checks are standardised.

Question 4: Yes, for purposes of clarity and safety.

Provisional proposal number 5: Public Service vehicles SHOULD be included in the definition of taxi and PHV because many PH firms operate mini-buses which carry in excess of 8 passengers. The law should cover the safety of the vehicle and vetting of the driver.

Provisional proposal number 8: I agree

Question 9: It should not.

Provisional proposal number 10: I agree

Provisional proposal number 13: Currently only HCV are able to pick up off the streets and this should remain the case. On the issue of private land, regulation should not be limited on the way taxis an PHV interact with the public (such as airports, railway stations, supermarkets and other private land) both HC and PHV operators should have equal opportunity to offer their services. As this would offer a fairer and more competitive service - to the public in a closed environment. This would stop monopolies.

Question 14: Special provision should only be made at airports so that passengers should ALWAYS have a choice. The benefit of having HCV is that they are easily identifiable (esp. for foreign visitors) and ALL have disability access as standard. Their fares are regulated by the Local Authority (LA) and they have no substantial charges for carrying extra passengers or for short journeys (which is currently the practice at some airports where the sole service provider is a PH operator). In the interests of fairness and competitiveness and consumer choice both HC and PH operators should be allowed to offer their services. So as never to create a monopoly by one or the other.

Provisional proposal number 15: Plying for hire - should be placed on a statutory footing and include:

References to ranking and hailing
Currently ranking and hailing is legitimate only for licensed HCV within their defined geographical areas. This should remain the case because:
1; they are insured to do so as they carry Public Hire Insurance which PH operators do not.
2; their fares are regulated by the LA so when a consumer hails or goes to a rank they are assured that the fares are regulated, thus standard and consistent. Whereas PHV can charge what they like to whom they like without any sense of fairness or recourse if a HCV driver overcharges they are easily traced and can be dealt with by their LA as is currently the case.
3; consumers always have a choice to phone a licensed operator if they are unhappy with the fares quoted to them by a HCV driver. Alternatively, the consumer can negotiate a price with the said driver or approach any other HCV driver – this is consumer choice. Technology now allows consumers the ability to analyse which is the best option for them.
4; not all licensing authorities vet PH drivers (CRB Check). This can leave the public vulnerable as PHV drivers can operate in geographical areas where they have not been vetted. If they had been, they would not have been issued a license because of their CRB check results. ALL HCV drivers in major cities and towns are vetted correctly, in the interests of public safety.

I agree that there needs to be clear and distinct definitions with regards to the term ‘plying for hire’. Currently there is a distinction in the law but more LA enforcement powers are needed so PHV from outside the LA area can be challenged and prosecuted when they are illegally plying for hire. This is in the interests of the consumer from a safety and financial aspect.

I agree that there should be a clear definition between the legitimate activities of HCV and PHV. This would not encroach on PHV going about their legitimate ‘pre-booked’ business.

Provisional proposal 16: I agree in principle with this proposal but if it abused by PHV drivers plying for hire, then trying to legitimise this activity by the use of technology, and then provisions for these situations must be made in any forthcoming legislation.

Question 17: There would be no advantage to adopting the Scottish approach because firstly, most major cities vet all drivers HC and PH. The Scottish approach would compromise these safety checks which have been put in place over the years (to protect the public). Secondly, it would cause consumer confusion, leaving them vulnerable to criminals e.g. sex pests, rapists, thieves etc.

Provisional proposal 18: I agree with this proposal.
Provisional proposal 19: I agree with this proposal.
Provisional proposal 20: I disagree with this proposal.
Provisional proposal 21: Local Authorities are best placed to deal with these matters.
Provisional proposal 22: I agree with this as long as legislation clearly states that PHV operators and drivers cannot use the term ‘Taxi’ at any time.

Question 23: I think that the terms ‘Taxi’ and ‘Cab’ are best left to describe HCV whereas the term ‘Minicab’ is a good definition for a PHV. Therefore it would be a nationally recognised term as it is currently the case in the capital – London.

Provisional proposal 24: I agree.
Provisional proposal 25: I disagree and feel this is best left to the LA to assess as long as it is done reasonably. Taking into account, public safety and how viable it would be for the vehicle owners.
Provisional proposal 26: I agree.
Provisional proposal 27: I disagree.
Provisional proposal 28: Yes.

Question 29: There does need to be a national minimum safety standard. However, each LA should assess the level of standards required in their area as a ‘one size fits all’ approach is not always appropriate. E.g. there are differences between a major city and a rural setting.

Question 30: National conditions should be different because HCV are purpose built whereas PHV are no more than randomly chosen vehicles. However, safety aspects such as CCTV in vehicles for both PH and HC would be of great benefit.

Provisional proposal 31: I agree.
Provisional proposal 32: I agree.

Question 33: The best approach would be each Local Authority assesses its safety standards requirement. These standards can then be fed back to a central organisation which can decide on which are most pertinent and therefore create a National standard (after pooling Local Authority feedback).

Provisional proposal 34: I agree that LA should retain the power to set standards.

Question 35: No, because each Authority is best placed to determine if certain requirements are necessary to protect the public within its area.

Question 36: Yes, LA should retain the power.

Question 37: Powers and duties of licensing authorities to cooperate should be on a statutory footing. This would ensure that the LA comply with the nationally set criterion.

Provisional proposal 38: Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. This should apply to PH operators and drivers and HCV drivers.

Provisional proposal 39: Licensing authorities should have the option to create, or remove, taxi zones within their area. However, this should take into consideration environmental and economic factors. It should not allow PHV to act as ‘taxis’ nor should it allow taxis licensed in other boroughs to work in a busier boroughs therefore ‘cherry picking’.

Question 40: No, because:
(i) Councils have powers to release more licenses where demand is necessary e.g. Manchester carries out regular surveys to assess whether there is any unmet demand. If solices are issued accordingly after consultation with trade and other interested parties.

(ii) the consumer in such cases would be confused and the regulation of different fare structures would be difficult.

(iii) the Authorities should only have emergency powers for such events as the Olympics etc. which would ensure that in extreme circumstances – provision is available.

Provisional proposal 41: PHV operators should be restricted to accepting or inviting bookings only within a particular locality and should only use drivers and vehicles licensed there. This is because (i) it stops unsuitable operators and drivers from obtaining a license from a less stringent Authority and then going to a locality where they were not originally allocated a license to work. (ii) the fare structures vary from Authority to Authority so consumers could be charged varying amounts for a similar journey. (iii) In cases of disputes or disciplinary matters the consumer would be unsure where and how to resolve such issues. (iv) It would stop license operators from setting up in areas to save costs and circumventing more stringent safety checks for vehicles and drivers.

Provisional proposal 42: I disagree with what is being proposed with regard to ‘cross-border hiring’ for the following reasons:
1. This would result in a ‘free for all’ to work areas which are busier than the one the driver is licensed in without having to be licensed in the busier town.
2. There would be no recourse for the consumer if they had a problem with the driver. Who would the consumer report their issue to? The fares would vary from driver to driver which is unacceptable for the consumer this would lead to inconsistencies. Therefore this is open to abuse by the more unscrupulous driver who knows he is virtually untouchable.
3. This situation would lead to damaging environmental issues. Drivers would flock to busy areas to work thus creating traffic congestion and pollution. Economically it would damage the livelihood of the drivers licensed to work in that area - currently drivers are struggling to earn a fruitful living. Also, the costs incurred to run and license a vehicle in one locality could be far less in one area than another – this leads to a disparity in outlay and return for drivers from differing areas. Will these costs be standardised nationally for a ‘level playing field’ for ALL drivers?
4. Cross-border drivers would not have the local knowledge to offer the high standard of service which is currently given in that area. This level of service is monitored by the license issuing authority and can be improved if and when required within its area. Who would monitor the cross-border drivers? How will this impact upon the consumer? Why should the consumer accept a lower standard of service?
5. Currently, legislation allows PH operators to pick up in any area if they are pre-booked. So can take legitimate bookings from outside of their area and this should remain the case. PH cannot pick up from the streets as they are not pre-booked. Therefore there is no argument for them picking up in the ‘out-of-area’ scenario (it has never been the case). This provisional proposal is not viable with regards to PH as it would transform them into HC ‘public hire’. They are not insured, equipped or licensed to do so, as this is one of the major distinctions between Private Hire and Hackney Carriage Taxis.
6. Cross-border issues have no relevance with safety issues therefore the two should not be linked. Local Authorities issue licenses to meet demand in their areas so allowing a ‘free-for-all’ would upset that balance. Which would impact economically and environmentally upon the area as mentioned earlier.
7. This leaves the issue of HC drivers from outside an area being allowed to work there under this proposal. It throws up a number of issues firstly; they would not be insured to work that particular area – as they are not licensed in that area. Secondly; the fares differ from area to area. This would leave the consumer confused and out of pocket in many cases. Where would the consumer turn if an issue were to arise – which authority do they complain to? As mentioned previously, this would impact environmentally and economically on that area.

Provisional proposal 43: I agree.

Question 44: No, taxis should not be allowed to charge more than the metered fare for a pre-booked journey within the boundary set by its licensing authority. However, contrary to your information (at 15.58) the majority of authorities make it obligatory upon the taxi driver to clearly display their driver number and their Local Authority number therefore it would NOT be hard for the consumer to track down that taxi and make a complaint.

Question 45: National driver safety standards such as the requirement to be a “fit and proper person” should be set out in primary legislation.

Provisional proposal 46: I agree
Provisional proposal 47: (a) Primary legislation.
Provisional proposal 48: Yes it should.
Provisional proposal 49: Operator licensing should NOT be extended to cover taxi radio circuits.
Provisional proposal 50: I agree.

Question 51: Yes they should

Provisional proposal 52: Operators should be expressly permitted to sub-contract services.

Question 53: Yes it’s not unreasonable.

Provisional proposal 54: I disagree with the Commission’s recommendation. In my opinion Licensing Authorities should have the power to restrict Taxi numbers.

Question 55: If Licensing Authorities lost the ability to restrict numbers it would lead to severe problems; Fares would rise sharply for the consumer as has happened in cities that have derestricted numbers e.g. Birmingham. Drivers were unable to earn a living therefore were charging excessive fares to make up the shortfall for lost earnings. Currently fares are regulated stringently by Local Authorities that have control over their numbers. Recent examples of cities that have derestricted numbers such as Birmingham, Liverpool and Sheffield show that the ‘improved’ provision went hand in hand with a decline in quality of service as the number of taxis increased. Consumers were left with a substandard service. If it’s all about improving consumer choice, why would the consumer choose a lesser service – ultimately the Commission’s recommendations will lead to this.

Most cities do not have a lack of provision. They have enough Taxis and PH operators to meet the consumer’s demands. Illegal activity occurs regardless of numbers. Improved enforcement is the only way to protect the consumer from this – not an increase in the number of Taxis. Currently most cities do not have any unmet demand. This is because they already have sufficient numbers and in the current economic climate these numbers indicate that supply in fact outweighs demand. The issue of drivers waiting to enter the trade is a red herring, e.g. if a person qualifies as a solicitor the onus is not on the Government or Law Society to find them employment (nor would we expect them to force already saturated areas to accept a new law firm or employee).

The type of business model required with this situation is a ‘franchise’ style model, not the ‘Laissez Faire’ model the Commission seem to be pushing forward. The Local Authorities are best placed to assess their needs and demands taking into account factors such as: consumer demand, economic and environmental impact on their area.

Other sectors that have delimited such as buses have failed the consumer. Standards have dropped, which has led to an all-round poorer service and over-saturation of the busiest routes.

Question 56: Transitional measures should be introduced if quantity restrictions are removed. The hardship that drivers will face who have currently taken out loans, remortgages to enter the trade and the loss to drivers who may have been thinking they had something to retire with should be fairly compensated. Compensation should be given for the value of the ‘goodwill’ that licenses carry. The Australian and Irish model for compensation could go some way to deal with this because if not, the financial hardship would ultimately put a burden on the State benefit system.

New drivers entering the trade should have a higher entry standard as in London. This would ensure that the consumer was not left short changed by this measure.

Question 57: In major towns and cities a separate license category for wheelchair accessible vehicles is not necessary e.g. in Manchester ALL taxis must have wheelchair accessibility so there is no discrimination against disabled consumers – they can hail any cab at any rank and are guaranteed ease of access to the vehicle.

The policy which needs to be adopted by all major towns and cities should be that ALL taxis are purpose built with wheelchair accessibility.

Question 58: Licensing authorities should offer incentives such as lower license fees for vehicles which meet certain accessibility standards for drivers taking this responsibility in smaller and rural towns and villages.

Question 59: Please refer to responses 57 & 58.

Provisional proposal 60: I concur.

Provisional proposal 61: I agree that this be introduced nationally.

Provisional proposal 62: I agree.

Question 63: The best way discourage discrimination could be for licensing authorities to require taxis to display their availability for hire by some obvious means to the public. This in turn could be coupled with a requirement to stop in response to a hailing if it is free and safe to do so.
Question 64: Yes they should have the power to stop licensed vehicles.

Question 65: Greater public awareness on the dangers of ‘touts’.

Question 66: I agree with this proposal.

Question 67: No, they should not.

Provisional proposal 68: Yes, enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas.

Question 69: Cross-border enforcement powers should extend to suspensions and revocation of licences the best way of achieving this would be formal procedures for cross-border cooperation.

Provisional proposal 70: I agree that the right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or PH licence should be limited to the applicant or, as appropriate, holder of the relevant licence. AFTER, extensive consultation with the trade bodies and licensing Authorities and other relevant agencies.

Provisional proposal 71: I agree.

Provisional proposal 72: I agree.

Question 73: There should be an onward right of appeal to the Crown Court.
<table>
<thead>
<tr>
<th>Proposal or Question</th>
<th>North Dorset District Council’s Opinion</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Regulation should continue to distinguish between Taxi and Private Hire</td>
<td>It would be better for the customer if there was no distinction, they are often confused and cannot understand the distinction, especially in rural areas where very little work is done from a rank.</td>
</tr>
<tr>
<td>2 London should be included</td>
<td>no opinion</td>
</tr>
<tr>
<td>3 No restriction on type of vehicle</td>
<td>In North Dorset there is no limit on what vehicles can be used it is left to market forces to decide. On the plus side there is a good mixture of saloon cars and people carriers, on the negative side there are very few wheelchair accessible vehicles, although we do have a specialist firm. It would be better if there was some kind of incentive to encourage more firms to offer wheelchair accessible vehicles.</td>
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<tr>
<td>4 ?Should licensing be restricted to vehicles that need a DVLA</td>
<td></td>
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<tr>
<td>5 psv to be excluded. Only licence 8 or less passengers</td>
<td>This is no change from the current system and that causes confusion with limos with more than 8 passenger seats.</td>
</tr>
<tr>
<td>6 delete reference to stage coaches</td>
<td>This definition has never served a useful purpose, and only caused confusion when we were considering</td>
</tr>
<tr>
<td>7 sec of state to issue guidance to traffic commissioner re limousines</td>
<td>As long as this led to a consistent approach from both bodies to licence over and under 8 seat Limos</td>
</tr>
<tr>
<td>8 use definition of “in the course of a business of carrying passengers</td>
<td>This would be helpful as long as it takes into consideration that business such as nightclubs or pubs sometimes run minibuses to bring people into their venue. Would or should these be licensed or not? Experience says that they are not always a very high standard of vehicle.</td>
</tr>
<tr>
<td>9 ? how should car pooling or members clubs be dealt with</td>
<td>Clubs may be ok outside of a licensing regime as they would presumably have some sort of agreement or mechanism for redress or ensuring that the standards that are expected are met. For restricted access vehicles, where only certain groups of people may hail or book there would be no similar provision for safeguarding and therefore they should be caught within a licensing regime.</td>
</tr>
<tr>
<td>10 National Standards set by Sec of State</td>
<td>This would enable trends and new business models to develop</td>
</tr>
<tr>
<td>11 weddings and funerals no longer exempt</td>
<td>This has never caused concern in this area and it is believed that the current system of exempting them is completely acceptable. People have time to shop around and check out these types of vehicles, they are not booked at the short notice that private hire vehicles or taxis are.</td>
</tr>
<tr>
<td>12 ? Should the contract exemption be reintroduced</td>
<td>no it led to substandard cars for school runs. Since it was introduced the standard of both drivers and cars used on the school runs has improved.</td>
</tr>
<tr>
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<tr>
<td>13 Regulation should not be limited to streets</td>
<td>agree too many public areas that are not streets including supermarket car parks and other retail parks where passengers need to be picked up.</td>
</tr>
<tr>
<td>14 ? Should special provision be made for airports</td>
<td>There are no airports in this district so we have no opinion.</td>
</tr>
<tr>
<td>15 plying for hire should be defined</td>
<td>It seems sensible if the distinction between public and private hiring is to be maintained to base the definition on established case law. If there was to be a one tier system a distinction between public and private hiring would not be required.</td>
</tr>
<tr>
<td>16 hailing should not include technology for booking</td>
<td>This is likely to become a more contentious area as technology develops and apps get developed that allow you to book or hail a vehicle that is nearby or passing. If there was a one tier system this issue would become irrelevant. Hailing can be a problem for disabled people or people with limited use of their arms, surely provision should be made for them to be able to hail by use of apps etc, this shows how close the two forms of contracting the taxis services could become.</td>
</tr>
<tr>
<td>17 ? should scottish definition be used</td>
<td>There could be just as much confusion especially if the arrangement were made on private car parks or stations and airports.</td>
</tr>
<tr>
<td>18 compellability should be retained</td>
<td>Yes this should be retained as it prevents discrimination not only against less able bodied passengers but also against those that only want to be taken a short distance, which is where most of our complaints stem from on this issue.</td>
</tr>
<tr>
<td>19 pre-booking still be only way to get private hire to include new technology</td>
<td></td>
</tr>
<tr>
<td>20 leisure use of licensed vehicles should be allowed</td>
<td>This will make enforcement difficult, however the most pertinent issue is the insurance issue as many certificates issued now state that all other (non DVLA) licences must be complied with. It does seem unreasonable that a taxi driver cannot use his vehicle as a family car, especially when like in North Dorset a lot of the taxis are operated by one-man bands. Officers report this is one of the most frequent questions that is asked by the trade.</td>
</tr>
<tr>
<td>21 Statutory Guidance</td>
<td>It has been useful to have the Department of Transport guidance and therefore we believe statutory guidance should be issued to aid consistency</td>
</tr>
<tr>
<td>22 references to hackney carriages should be Taxi</td>
<td>Hackney carriage is rarely used by the public and could easily be replaced by taxi.</td>
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<tr>
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<tr>
<td>23 ? Should private hire vehicles be able to use the word taxi or cab in adverts</td>
<td>The public do not tend to distinguish between taxis or private hire businesses and we have found that some firms change over time from hackney carriages to private hire or vice versa depending on the market, but don't want to change their name. We have never had a problem that resulted from the incorrect tag being used in a name or web address of a company.</td>
</tr>
<tr>
<td>24 national safety standards</td>
<td>National standards would lead to better consistency and more confidence that vehicles and drivers that cross borders are up to standard.</td>
</tr>
<tr>
<td>25 national safety standards to be minimum for taxi</td>
<td>There is some scope to giving authorities power to make additional standards, but these could be limited to vehicle type and colour or other matters that give identity to a specific fleet.</td>
</tr>
<tr>
<td>26 national safety standards to be mandatory for Private Hire</td>
<td>In North Dorset there is no difference in the standard of private hire vehicles or taxis and it works well as most of the taxis do private hire work as well as sitting on the rank. Passengers should be able to expect to be transported in a safe, comfortable and presentable vehicle regardless of the form of engagement.</td>
</tr>
<tr>
<td>27 Non further standards for PH</td>
<td>If the standards for private hire only relate to standard, what is to stop an operator letting their cars become dirty or not be repaired. This used to be a real problem for school contract cars, where the end user was not the person making the booking or paying, and those people who were booking and paying may not see the vehicle each time it is used by the passenger.</td>
</tr>
<tr>
<td>28 ? Should local standard be retained for sign setting</td>
<td>There is no limit to the number of taxis in North Dorset and so there is very few if any complaints of private hire vehicles plying, so signage which states 'no booking no ride' is not deemed to be necessary. If the decision is kept at a local level then decisions can reflect the local problems and issues.</td>
</tr>
<tr>
<td>29 ? What obstacles for setting national standard</td>
<td>The way different vehicles operate in different areas.</td>
</tr>
<tr>
<td>30 ? Should safety standards be different for PH and Taxi</td>
<td>In rural North Dorset attacks on drivers are rare and so things that may be relevant in a big town centre to protect drivers might be an onerous burden to our vehicles. If it is intended to allow the social and domestic use for licensed vehicles this could also impact on that.</td>
</tr>
<tr>
<td>31 sec of state guidance to only cover safety</td>
<td>Safety is obviously the overriding issue. But in the last guidance for the technical standards it included cleanliness and state or repair and that has proved much more robust than just an officer opinion, or a condition that the vehicle should be kept in a good state of repair.</td>
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<tr>
<td>32 sec of state standards to be consulted on</td>
<td>Yes they should be consulted on to ensure that persistent existing problems are adequately covered.</td>
</tr>
<tr>
<td>33 ? What is best approach for setting standards</td>
<td>If there was a panel then there would be a body to appeal to if an unusual vehicle was presented.</td>
</tr>
<tr>
<td>34 Local Authority to retain discretion to set local standards for taxis</td>
<td>Yes LAs should be able to set conditions, but these could be limited to the type of conditions that may be set to stop overly onerous ones being imposed.</td>
</tr>
<tr>
<td>35 ? Should the LA power be limited</td>
<td></td>
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<tr>
<td>36 ? Should LAs still be able to impose conditions on operators</td>
<td>Yes the ability to specify what is to be included in operators records is useful when investigating complaints</td>
</tr>
<tr>
<td>37 ? should cooperation between LAs be statutory</td>
<td>In Dorset we have a good working relationship with our neighbouring councils so there is no need to legislate for co-operation for us.</td>
</tr>
<tr>
<td>38 LAs should be able to combine areas</td>
<td>LA boundaries are not always easy for the general public to comprehend and it would make sense to allow Authorities to join areas where it would be of benefit to the public.</td>
</tr>
<tr>
<td>39 LAs should be able to zone</td>
<td>It has never been an issue or been required in North Dorset.</td>
</tr>
<tr>
<td>40 ? Peak time Licences</td>
<td>Anything that would enable us to ensure vehicles were on the road when they are needed would be beneficial, as this is a complaint that is heard regularly from the night time economy that there are not enough vehicles about.</td>
</tr>
<tr>
<td>41 remove location element to accepting or inviting bookings</td>
<td>This may have been appropriate when the current legislation was drafted, but it is obsolete now with the internet etc and is impossible to currently enforce. To allow sub-contracting makes sense to be able to operate the most efficient and therefore cost effective service to the public. If there are national standards that are vigorously enforced there should be no detriment to the service that the public experience. Good record keeping should make any restriction unnecessary.</td>
</tr>
<tr>
<td>42 no return to area for PH</td>
<td>This is an unnecessary requirement. The only requirement should be full and complete records.</td>
</tr>
<tr>
<td>43 LAs still to set maximum fare</td>
<td>The swedish model would encourage more competition and allow market forces to set the tariff. In the absence of such control then the maximum tariff should remain in the control of the LA even though it is an extremely burdensome and costly exercise to amend it even on a bi-annual basis.</td>
</tr>
<tr>
<td>44 ? Should taxis be able to charge more than meter for pre booked work</td>
<td>It would seem only fair if taxis are doing private hire work that they are subject to the same freedoms as private hire vehicles. In reality in our area the longer trips are done at a much lower rate than the metered rate.</td>
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<td>45 ? Should a fit and proper test be in legislation or guidance</td>
<td>If it is in guidance it would be easier to depart from with sufficient reason. There is a wide variation with what is required even within Dorset and that is to some extent a result of the different types of applicants. In North Dorset where the trade is less prosperous there tends to be drivers in the business for years and years, who are mostly from this area and settled here. This is not the case in neighbouring towns where the drivers are more transient and from more diverse origins. Certain elements could be set in legislation such as the standard of medical, CRB requirement insurance, driving licence, disability awareness training could be dealt with by legislation with other elements being subject to guidance and therefore change from time to time.</td>
</tr>
<tr>
<td>46 Vehicle owners should not be subject to fit and proper test</td>
<td>It has never been an issue in North Dorset, although it can be of concern if a Driver’s licence is revoked or a renewal is refused and yet they are still able to keep their vehicle licence.</td>
</tr>
<tr>
<td>47 ? Should national safety standards be set out in Legislation or Guidance</td>
<td>They should be in Guidance and therefore be changed as is necessary</td>
</tr>
<tr>
<td>48 operator licensing to remain</td>
<td>Licensing the operator makes enforcement of private hire vehicles and drivers easier as there is a &quot;boss&quot; to speak to. If it was to be removed then the power to require records to be kept would also be removed, which would make the issue of investigating complaints difficult.</td>
</tr>
<tr>
<td>49 ? Should operator licensing be extended to radio circuits</td>
<td>About 10 years ago all of our hackneys had operators licences as well and this worked well as we knew what firms the cars and drivers were attached to. It made dissemination of information easier and more cost effective. Case law stopped us from continuing with this practice and it has not made life easier, especially when we get complaints from the general public about firms we have never heard of because they have changed their business name,</td>
</tr>
<tr>
<td>50 definition of operator not to be extended</td>
<td>The definition of operator should remain as the person or company that dispatches the car.</td>
</tr>
<tr>
<td>51 ? Should fit and proper be retained</td>
<td>Yes, we have had an issue where an operator failed to keep adequate records of bookings and left a vulnerable young person stranded on more than one occasion, even though he had not been the driver of the vehicle on each occasion. We would have taken his operators licence away as he was incapable of supplying a reliable service. Fortunately he gave up before we could get to a committee. Without a fit and proper criteria it would have been difficult to remove his licence had we needed to proceed to a hearing.</td>
</tr>
<tr>
<td>52 operators should be able to sub-contract</td>
<td>Yes it makes good economic and ecological sense - as long as good records are kept of who has fulfilled the booking there should be no problem.</td>
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<tr>
<td>53 Should a taxi driver be required to keep records of bookings</td>
<td>It would make investigating complaints easier.</td>
</tr>
<tr>
<td>54 No power to restrict numbers</td>
<td>This is a thing that the trade always want, but usually to protect their income and business. This is not the function of a LA.</td>
</tr>
<tr>
<td>55 ? What problems would arise if there is no restriction</td>
<td>There has never been a restriction in North Dorset so there would be no problem if a restriction was not allowed.</td>
</tr>
<tr>
<td>56 ? Should there be a transition from restriction to free market</td>
<td></td>
</tr>
<tr>
<td>57 ? Should there be a separate licence category for WAVs</td>
<td>Something needs to be done to ensure more WAVs are available for passengers. Where there is no limit on the number of taxis licensed there is no possibility of incentivising applicants to get WAV's. Any way of making them more attractive to own would be a benefit.</td>
</tr>
<tr>
<td>58 ? Should there be lower fees for WAVs etc</td>
<td>Yes if this would make them more desirable although the trade has indicated that the cost modifications required to vehicles to enable them to be wheelchair accessible was prohibitive and may not be sufficiently offset by a reduction in fees.</td>
</tr>
<tr>
<td>59 ? Is there anything else that could increase WAVs</td>
<td>Tax benefits, use of bus stops and lanes so get more advantages than non-WAVs.</td>
</tr>
<tr>
<td>60 No national quotas for WAVs</td>
<td></td>
</tr>
<tr>
<td>61 National standards should include disability awareness training</td>
<td>This would be a benefit and is something that we are currently looking at in conjunction with our County Council who train all their drivers of disabled transport contractors. This would be more available locally than the DSA one for which our applicants would have to travel too far.</td>
</tr>
<tr>
<td>62 Requirement of notice for making complaints</td>
<td>This is a good idea, although in our area most people seem to recognise the North Dorset information on our plates and therefore seem to have no problem complaining to us.</td>
</tr>
<tr>
<td>63 ? How would you stop ignoring of Disabled passengers</td>
<td>Better training for the driver and a better awareness for the disabled person that they can complain. Maybe an award scheme much like the best bar none schemes for licensed premises or the Food Standard Agency rating scheme, where stars or points could be removed for proven complaints.</td>
</tr>
<tr>
<td>64 ? Should licensing officers be able to stop licensed vehicles</td>
<td>YES - it would make enforcement more effective and stop the usual trend of taxis fleeing from the ranks when they know officers are about.</td>
</tr>
<tr>
<td>65 ? What more can be done about touting</td>
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<td>66 ? Should vehicles be able to be impounded</td>
<td>This is not necessary as long as officers have the power to suspend a licence with immediate effect for a defect, if something is so serious that the vehicle should be impounded I would want the police to attend for a second opinion in fairness to the driver.</td>
</tr>
<tr>
<td>67 ? Should fixed penalty schemes be made available</td>
<td>Yes, it would make for more effective enforcement, especially as the court penalties for hackney offences are so low it is not worth the cost of taking them to court.</td>
</tr>
<tr>
<td>68 Out of area enforcement</td>
<td>Yes, if there are national standards they are enforcing against or for offences of illegally plying in their area.</td>
</tr>
<tr>
<td>69 ? Should cross border enforcement allow suspension and revocation</td>
<td>No - the licence issuing authority should be the one to decide its fate, however there could be benefit in allowing other authorities Licensing Officers to bring a case before another Authority - like a review hearing for a licensed premises.</td>
</tr>
<tr>
<td>70 Right of appeal to applicant only</td>
<td>If other authority officers were allowed to review a licence they should have a right of appeal too.</td>
</tr>
<tr>
<td>71 First appeal back to authority to reconsider</td>
<td>No. This goes against the laws of natural justice. There is no similar provision in any other form of licensing.</td>
</tr>
<tr>
<td>72 Appeals to stay with magistrate</td>
<td>There have only ever been 2 appeals to the magistrates of our Councils decisions in 15 years, so it seems to work well here.</td>
</tr>
<tr>
<td>73 ? Should there be an onward appeal to Crown Court</td>
<td>No this is not considered necessary for licensed premises so why not apply the same to taxis?</td>
</tr>
</tbody>
</table>
From: Smith, Cameron
Sent: 28 August 2012 14:29
To: TPH
Subject: Consultation Paper No 203: REFORMING THE LAW OF TAXI AND PRIVATE HIRE SERVICES

Dear Law Commission

I’m writing to you in concern of the propose changes to the legislation around private hire vehicles. Specifically I don’t think enough thought has been put into the matter of classic vehicles hired for weddings, funerals and other events. How is a Model T Ford or 1932 Morris Major possibly comparable to a modern taxi? Will they be expected to conform to the same standards? This seems to go against the recent change in law to exclude all pre-1960 vehicles from MOT. Why is one department relaxing laws for classic vehicles and another tightening them?

These changes will seriously affect the operating costs of many small businesses, including motor museums who’s main income may come from Wedding Car hire. This may cause them to lose all of their profit, may even cause them to go out of business. These aren’t people earning significant figures by using their vehicles 24/7, many of these vehicles may only be used once a year for a distance of a few miles.

Also what facilities do the Local Authorities have for inspecting these vehicles, are they prepared for a sudden surge in Private hire vehicles being inspected? Do they have the knowledge and skills to inspect Classic and Vintage Vehicles.

I understand the loophole that exists for wedding and funeral cars is one you want to close up to stop people taking advantage of them, it also make sense to legislate inclusive of some companies that do use their vehicles on a regular basis for purposes other than weddings and funerals, but no consideration has been given for those people who run classic and vintage vehicles. Many of these people are retired people who use their own classic on odd weekends in the summer or museums run as charities on shoestring budgets. In order to tighten up on the big money making national companies making use of these loopholes you will be penalising many small well-meaning individuals and organisations who have no possible chance of meeting all of these new legislative targets. Getting the vehicles through the tests may be hard enough let alone a £2000 operators licence, passing a Group 2 Medical Test, the Driving Standards Agency taxi test and a CRB check! I would have thought a clause added to exclude vehicles older than a certain date would be a sensible solution as this wouldn’t open the door for vast numbers of private companies to exploit loopholes regarding weddings or funerals and few of these companies will go out and buy vintage vehicles to use on a daily basis as the operating cost and parts availability would not make economic sense, this would also align with the changes to exclude older vehicles from MOT and Emissions Duty.

Please reconsider in favour of the Classic and Vintage vehicle owners or soon there will be nothing left of British motoring history.

Kind Regards

Cameron Smith.
STOCKTON-ON-TEES BOROUGH COUNCIL
COMMENTS ON LIST OF PROVISIONAL PROPOSALS AND QUESTIONS
REFORMING THE LAW OF TAXI AND PRIVATE HIRE SERVICES

Provisional Proposal 1

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares.

Comments

We would disagree with this proposal. It is considered that the opportunity should be taken to introduce a new single tier taxi licensing system that would resolve the current anomalies, discrepancies, differences and confusion caused by the current legislation and two tier licensing system.

A single tier system is almost what we have now. Hackney carriages can operate as private hire vehicles in any licensed area following the High Court appeal decision involving this council (Stockton-on-Tees Borough Council v Fidler 2010). Private Hire Operators make full use of this and operate mixed fleets of private hire vehicles, hackney carriages and public service vehicles. Larger operators have multiple licences and operate fleets of vehicles and drivers licensed by different licensing authorities and it is known that they do mix and match vehicles and drivers to suit their needs which is difficult to prove, and modern computerised telephone systems usually mean they ‘operate’ from one main office.

Larger private hire operators now park their vehicles at strategic locations across the licensed area to be able to offer a quick and efficient service to their customers. This has resulted in complaints from the hackney trade alleging illegal ranking and display of vehicles for hire but investigations have proved legitimate private hire services.

Plying for hire offences are difficult to prove and enforcement exercises usually carried out late at night and jointly with the police are costly to stage. Most customers are not aware of the differences and it is suggested that many do not care as they just want to get home from a night out as quickly as possible and will use the first available vehicle.

Whilst it is appreciated that there concerns about and the need to control metered fares for rank work it is considered that this could still be controlled in a single tier system by requiring all vehicles to be equipped with an approved meter and when councils could still set the maximum tariff as now. The trade would not be able to charge more than the metered fare, as is the present case. A lot of private hire vehicles are already equipped with meters now.

Consumers would still have the same choices as they do now and experience suggests that operators would still be competitive and fares would be less than the maximum tariff set by the council.

The demand for additional rank spaces that may result from a single tier system could be catered for in a review of the legislation by the creation of traditional ranks for wheelchair accessible vehicles only and the introduction of the concept of ‘hailing points’ at suitable locations for all other vehicles.
The introduction of national standards, possibly including a national colour scheme, in a single tier system would ensure uniformity, clarity and would be easier to enforce, allowing resources to be targeted against any unlicensed operators, if they should materialise, but there is no evidence to suggest that this would happen. Special provision could then be made to accommodate novelty vehicles, executive vehicles and limousines etc. as we do now in our current licensing policy.

An adequately controlled single tier system would also negate the need for additional legislative controls to resolve the problems caused by maintaining a two tier system especially in attempting to redefine ‘plying for hire’ and to ensure it is future proof in this ever changing world of communication technology.

**Provisional Proposal 2**

London should be included, with appropriate modifications, within the scope of reform.

**Comments**

No view either way

**Provisional Proposal 3**

The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver.

**Comments**

Agreed

**Question 4**

Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence?

**Comments**

Easier for Local Authority to administer e.g. horse drawn vehicle licensing requires specific expertise re inspection of horse drawn carriage and assessment of horses which the Local Authority does not have, but this could be outweighed by the public safety issue.

**Provisional Proposal 5**

Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers.

**Comments**

It is the use of these vehicles for private hire work that is the issue. Some operators do operate small public service vehicles (PSVs) and have used them for private hire work. This has resulted in taxi drivers that we have revoked or refused licences to appearing back in the area, sometimes with the same company, as a PSV driver. Consideration should be given to either changing the legislation to prevent such use or encompassing such vehicles, up to 16 seats as taxis to provide better control.
Provisional Proposal 6

References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis.

Comments

Agreed

Provisional Proposal 7

The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency.

Comments

Agreed

Provisional Proposal 8

The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service.

Comments

Agree with the concept for volunteers but this would need to be clearly defined

Question 9

How, if at all, should the regulation of taxis and private hire deal with:

(a) carpooling; and

(b) members clubs?

Comments

a) Not to be licensed – but ensure legislation does not allow unlicensed Operators to use this as a ‘get out’ from licensing requirements

b) Should be regulated under this system as most would probably be sham clubs, alternatively if genuine clubs are to be excluded then the requirements for a qualifying club would need to be well defined in the legislation.

Provisional Proposal 10

The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes.

Comments

Agreed but subject to full consultation.
**Provisional Proposal 11**

Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation.

**Comments**

We believe that funeral cars should be excluded but if wedding vehicles are not exclusively used to carry people to the ceremony/reception then should be licensed.

**Question 12**

Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse?

**Comments**

We don’t agree that the exemption should be reintroduced. Some bodies like Education Transport rely on the fact that drivers and vehicles are vetted and licensed by us. Previously it caused confusion with operators over their perception of ‘a contract’. If it is to be introduced then requirements for written contract with start and end dates and also relating to a specific vehicle should be mandatory.

**Provisional Proposal 13**

Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”.

**Comments**

Agreed

**Question 14**

Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank?

**Comments**

No comments as not applicable in this district

**Provisional Proposal 15**

The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:

(a) references to ranking and hailing;
(b) a non-exhaustive list of factors indicating plying for hire; and
(c) appropriate accommodation of the legitimate activities of private hire vehicles.

Comments
A single tier licensing system would not require this making it simpler to administer and enforce.

However, agreed if a two tier system is retained.

Provisional Proposal 16
The concepts of hailing and ranking should not cover technological means of engaging taxi services.

Comments
This would not be an issue if a single tier was introduced

Question 17
Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”?

Comments
This is just creating more problems which a single tier system would prevent.

Provisional Proposal 18
The concept of compellability, which applies exclusively to taxis, should be retained.

Comments
Agreed

Provisional Proposal 19
Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked.

Comments
A single tier system would not require such intervention.

Provisional Proposal 20
Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved.
Comments

We don’t agree – the restriction has not caused problems but to consider allowing unlicensed drivers would – what proof of use could they provide that would be acceptable – could create litigation problems where an unlicensed “working driver” is discovered with no passengers and claims leisure use.

Provisional Proposal 21

The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements.

Comments

A good idea, but this should be in addition to clear and concise legislation.

Provisional Proposal 22

Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned.

Comments

A single tier system would not require this. It is suggested the majority of the general public are not aware and do not care about the difference.

Question 23

Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion?

Comments

Again, a single tier system would resolve this issue.

If we are having a two tier system with separate definitions for the two types of vehicle then PHV’s should definitely not be allowed to use the word ‘taxi’ even though the public tend to generally use this term. It will only add to the confusion.

Provisional Proposal 24

Taxi and private hire services should each be subject to national safety requirements.

Comments

Agreed (as a mandatory safety standard) but subject to full consultation on what should be in them and with a power for local conditions to be applied where considered appropriate e.g. re comfort and suitability.

Provisional Proposal 25

National safety standards, as applied to taxi services, should only be minimum standards.
Comments

Yes, but they would also have to be mandatory. A single tier system would obviate the need for different standards to be applied in a two tier system.

Provisional Proposal 26

National safety standards, as applied to private hire services, should be mandatory standards.

Comments

Agreed but subject to comments at proposal 25

Provisional Proposal 27

Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no longer apply to private hire drivers.

Comments

Disagree – it is our view quality of service, comfort, appearance, emission levels from vehicles etc are relevant factors for local licensing authorities to be able to determine. We also have local standards of dress code; codes of good conduct and qualification requirements in respect of drivers. We also carry out random and intelligence led drug testing of drivers. In respect of all drivers we also have issues in respect of their ability to communicate, particularly where English is not their first language.

Question 28

Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable?

Comments

A single tier system would not require this.

If a two tier system is to be retained then yes.

Other areas currently covered in our local policy:

a) approval of advertising on vehicles
b) Environmental consideration - European Emission levels
c) approval of vehicle colour to aid differentiating between saloon hackneys that are of a specific colour
d) Provision of approved meters
e) Prohibiting the use of ‘accident damaged/insurance write offs’
f) Local exemptions for ‘executive hire’ from displaying licence plates
g) Frequency of testing of vehicles
Question 29

What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles?

Comments

How will existing vehicles that do not meet the national standard be dealt with? – depending upon how high it is set – will there be ‘grandfather rights’ to phase such vehicles out. If so, how long a period, if the standard concerns public safety?

If the standard is low and below what is required now we could see a drop in associated quality i.e. if newer vehicles are replaced with older ones e.g. as with emission levels.

Question 30

Should national conditions in respect of driver safety be different for taxi services compared with private hire services?

Comments

No – driver safety is driver safety

Provisional Proposal 31

The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety.

Comments

Agree but only if Local Authorities are able to determine other issues as indicated in response to proposals 28 and 29 above, if they are not to be included in the national standards.

Provisional Proposal 32

The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement.

Comments

Yes

Question 33

What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel?

Comments

Yes, the current Best Practice Guide on National inspection Standards published by the Public Authority Transport Network could be a good starting point
**Provisional Proposal 34**

Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards.

**Comments**

Agreed, subject to 31 above and if a two tier system is retained then we consider that this power should be extended to private hire services.

**Question 35**

Should there be statutory limits to licensing authorities’ ability to set local taxi standards?

**Comments**

This could potentially be controlled within the statutory guidance document.

**Question 36**

Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators?

**Comments**

We do not have power to attach conditions to hackney carriage drivers at present. We have also experienced operator conditions being challenged and removed in the Crown Court. We would therefore support the introduction of national requirements with local flexibility to set special conditions when considered appropriate as this can be useful at disciplinary hearing as an alternative to suspension or revocation e.g. attending a road safety/driver improvement scheme when considering of speeding offences.

**Question 37**

Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements?

**Comments**

Best left to local arrangements as many authorities including those in the Tees Valley area already do so.

**Provisional Proposal 38**

Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting.

**Comments**

Agreed. We already work with neighbouring authorities in the Tees Valley area to harmonise policies and conditions in respect of drivers and vehicles.
Provisional Proposal 39

Licensing authorities should have the option to create, or remove, taxi zones within their area.

Comments

Agreed

Question 40

Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority?

Comments

We do not agree with this proposal as it would be of no value—a lot of our drivers operate like this now only working at ‘lucrative times’. This could also lead to misunderstanding/confusion for the public—a licensed driver/vehicle should be a licensed driver/vehicle at all times.

Provisional Proposal 41

Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority.

Comments

A single tier system would be easier to administer and enforce.

Should a two tier system be retained then further information would be required as to—
Who would control/enforce what?
Who would licence what and when?
Who would deal with complaints/enforcement with the operator if we did not licence them?

Provisional Proposal 42

We do not propose to introduce a “return to area” requirement in respect of out-of-area drop offs.

Comments

Agreed but consideration would need to be given as to what enforcement powers local authorities would have in relation to vehicles and drivers not licensed by them but found operating in their area.

Provisional Proposal 43

Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares.
Comments

We would support a single tier system where all vehicles are required to have a meter fitted and when the maximum fare can be set by the local authority for hailed/rank work and allowing negotiated fares for pre-booked work subject to the fare being no greater than the metered fare.

Question 44

Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys?

Comments

No. See response to proposal 43. This could cause confusion and abuse.

Question 45

Should national driver safety standards such as the requirement to be a “fit and proper person” be either:

(a) set out in primary legislation; or

(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions?

Comments

We would support primary legislation with associated regulations to cover issues like relevant convictions, medical standards, qualifications, etc.

Provisional Proposal 46

Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself.

Comments

We believe that there should be a test of fitness on the vehicle proprietor. This should relate to the financial viability and ability to maintain the vehicle to the required standards. Certain other convictions could also be relevant, for example drug dealing and burglary.

Question 47

Should national vehicle safety standards be either:

(a) set out in primary legislation; or

(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions?
Comments
Primary legislation would be easier to enforce

Provisional Proposal 48
Operator licensing should be retained as mandatory in respect of private hire vehicles.

Comments
Agreed. We would support a single tier system with the requirement for operator, vehicle and driver licences.

Question 49
Should operator licensing be extended to cover taxi radio circuits and if so on what basis?

Comments
A single tier system would resolve this issue but if a two tier system is to be retained the we would agree with this proposal for pre booked work on the same basis as for private hire operators.

Provisional proposal 50
The definition of operators should not be extended in order to include intermediaries.

Comments
Agreed

Question 51
Should “fit and proper” criteria in respect of operators be retained?

Comments
Definitely

Provisional Proposal 52
Operators should be expressly permitted to sub-contract services.

Comments
Agreed subject the sub contracting being to another licensed operator and to adequate records of the sub-contracted booking being maintained by both operators involved

Question 53
Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply?
Comments

Yes as it would provide an audit trail in the event of complaints but the requirements as to what information is to be recorded should be specified in legislation as we have had our operator conditions challenged successfully in the Crown Court when it was considered unreasonable to require the name and address of the hirer and it only needed to be recorded when given.

Provisional Proposal 54

Licensing authorities should no longer have the power to restrict taxi numbers.

Comments

Agreed – we do not restrict and have let market forces determine numbers following a successful challenge to our policy in the late 1980s and this has not resulted in any major issues/concerns being raised

Question 55

What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers?

Comments

We saw a marked increase in the number of licences issued until market force levelled this out. Rank provision would probably be inadequate especially in the ‘honey pot areas’ at night. Standards should not drop if the ‘national standards’ are at an appropriate level.

Question 56

Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period of time, if quantity restrictions are removed?

Comments

If this was introduced how would it work? Who/how would numbers of new licences to be issued be determined and how would you select who was to be granted one? The process in itself could introduce administrative problems so we would not support it.

Question 57

Should there be a separate licence category for wheelchair accessible vehicles? This could involve:

(1) a duty on the licensee to give priority to disabled passengers; and

(2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles.

Comments

We do not support this proposal as this is already covered to a certain extent in the duties in the Equality Act – if ever they come into force. Ranks should be accessible by wheelchair users now and even if additional specialist ranks were to be established the ‘taxis’ would also be available to the non-disabled passengers. This issue is not one of a separate licence but increasing the number of adapted vehicles available.
Question 58

Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards?

Comments

We already do this and it does not work. The savings on a reduced licence fee are not significant enough to offset the high initial cost of the vehicles.

Question 59

Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers?

Comments

The Government needs to do more to facilitate/encourage the purchase of these vehicles such as exempting them from VAT.

We have attempted to encourage a mixed fleet of vehicles of saloon and wheelchair accessible vehicles by reducing the licence fee for specialist vehicles and restricting the issue of new taxi licence to wheelchair accessible vehicle only. Since this was introduced over three years ago no new licences have been issued. This is considered to be because of the high cost of purchasing such vehicles and it is considered that this is the main issue that needs to be addressed. The percentage of fully wheelchair accessible vehicles required has also proven difficult to determine and further guidance on how to calculate this, which was promised by government, would be welcome.

Disability awareness training for all drivers and operators should also be made compulsory so that they are able to fully assess their disabled client’s needs at the time of booking and make appropriate provision for sending the right type of vehicle and driver.

Provisional Proposal 60

We do not propose to introduce national quotas of wheelchair accessible vehicles.

Comments

See response to proposal 59.

If you do not then it is considered that the provision of adapted vehicles will disappear as how else will you stop a Wheelchair Accessible vehicle from being changed to a cheaper saloon vehicle.

We experienced this in the late 80’s when our Wheelchair Hackney Carriage (WHC) only policy was challenged in the High Court when we witnessed some 80-90 WHCs changing to saloon vehicles almost overnight and we have never been able to increase the number of WHC’s which currently stands at 26 since that time.

There is currently no duty on private hire operators to provide accessible vehicles.
Provisional Proposal 61

National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training.

Comments

See response to proposal 59. Agreed and this should also be a retrospective requirement. Should also consider this requirement for operators who need to assess a disabled client’s needs when taking the booking. Consideration would also need to be given as to what would be an approved course, who would provide the training and who would bear the cost.

Provisional Proposal 62

In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority.

Comments

Agreed, we already require this.

Question 63

What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help?

Comments

Illuminated roof signs and window ‘for hire’ signs should be maintained as per existing requirements together with the obligation to stop when ‘for hire’ in all cases as not all disabilities are immediately recognisable.

Question 64

Should authorised licensing officers have the power to stop licensed vehicles?

Comments

Yes, in principle.

Question 65

What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”.

Comments

A single tier system would remove the offence of plying for hire. In respect of unlicensed vehicles higher penalties on the proprietor of the vehicle as well as the driver should be considered.
Question 66

Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules?

Comments

An interesting proposal which we support in principle, but practical issues would need to be addressed as to when and how it could be used? How would the vehicle be impounded and where would they be stored etc. Would there be penalty charges for storage and for release?

Question 67

Should licensing authorities make greater use of fixed penalty schemes and if so how?

Comments

Yes, in relation to a list of specified offences, witnessed by authorised officers – Could this include construction and use offence for suitably trained officers?

Provisional Proposal 68

Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas.

Comments

Yes, agreed

Question 69

Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this?

Comments

Yes, but only in relation to interim suspensions. Revocation should be left with the Home Authority. The formal arrangements using notices to the Home Authority appears to be the best option

Provisional Proposal 70

The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence.

Comments

Agree
Provisional Proposal 71

The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision.

Comments

This happens now in respect of officer decisions to refuse a licence that does not meet statutory/policy requirements.

But if the original decision was made by the Licensing Committee how would this work if the appeal was to be before council members who did form part of the Licensing Committee, whose members have been trained and are advised by the Solicitor with specific responsibilities for licensing. The paragraphs below discuss the concerns regarding appeals before Magistrates who may have difficulty with the legislation. Would this not also be true with untrained council members? Such appeals would have to be a full re-hearing of all of the facts to ensure fairness and would therefore need to be formal with set timescales, submission of reports etc. if it is to be introduced which would have cost implications to the local authority and would require alterations to the council’s committee structure.

Provisional Proposal 72

Appeals should continue to be heard in the magistrates’ court.

Comments

This should apply to all appeals as some hackney carriage appeals are direct to the Crown Court.

Question 73

Should there be an onward right of appeal to the Crown Court?

Comments

We do not agree that this would be necessary, if national standards were to be introduced through primary legislation and regulations, as is the case with other licensing legislation i.e. The Licensing Act 2003 and The Gambling Act 2005.
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Introduction

1. Hackney carriages (HCVs) and private hire vehicles (PHVs) play an important part in local transport. Hackney carriage and private hire vehicles are a flexible form of public transport that can play an increasingly important role in improving accessibility. Hackney carriages and private hire vehicles are used by all social groups.

2. The aim of local authority licensing of the hackney carriage and private hire trades is to protect the public. Stockton on Tees Borough Council (the Council) is aware that the public should have reasonable access to hackney carriages and private hire vehicles because of the role they play in local transport provision.

3. A hackney carriage is a public transport vehicle with no more that 8 passenger seats, which is licensed to “ply for hire”. This means that it may stand at ranks or be hailed in the street by members of the public. Private hire vehicles too must have no more than 8 passenger seats but they must be booked in advance by customers through an operator and may not ply for hire in the street.

4. Local authorities are responsible for licensing hackney carriage and private hire vehicles in their areas.

5. The Council currently licences 299 hackney carriage vehicles and 312 private hire vehicles. Of these 35 are wheelchair accessible (26 HCVs and 9 PHVs)

Powers And Duties

6. The Council has adopted Part 2 of the Local Government (Miscellaneous Provisions) Act 1976, as amended (Minute 2012, 20th December 1977). The legislation, together with the provisions of The Town Police Clauses Act 1847, places on the Council the powers and duties to carry out licensing functions in respect of hackney carriage and private hire licensing. As such the Council is responsible for the licensing of private hire drivers, vehicles and Operators and hackney carriage drivers and vehicles. This document sets out the policy that the Council will apply when making decisions about new applications and licences currently in force.

Objectives

7. The objectives of this Policy are as follows:

   a) To protect consumers interests by:

      • ensuring that safe, clean, reliable and accessible hackney carriage and private hire vehicles are available for all who require them

      • ensuring that drivers and private hire operators are fit and proper persons

   b) To provide clarity for licensees with respect to the Council’s expectations and the decision making process
c) To encourage environmental sustainability

d) To encourage high standards of service and competence in the hackney carriage and private hire trade.

8. This Policy shall apply in respect of applications, renewals, transfers and any other matter connected to the following licences:

- Private hire vehicle
- Private hire driver
- Private hire operator
- Hackney carriage driver
- Hackney carriage proprietor
- Combined hackney carriage and private hire driver

9. This Policy shall also apply in respect of disciplinary and enforcement measures and will include a code of conduct to be followed by all persons licensed under this Policy.

Methods

10. The methods to be employed will be:

- Setting the standards for the licensing of drivers, vehicles and operators.
- Periodical licensing and routine inspection of vehicles, with appropriate follow up action.
- Inspection of insurance policies and MOT certificates, with appropriate follow up action.
- Checks of driver's right to work, medical condition, criminal record and knowledge of the Borough.
- Investigation of complaints with appropriate follow up action.
- Liaison with the Police and other agencies regarding issues of mutual concern in relation to offences or the conduct of licensees.
- Liaison with the hackney carriage and private hire trade by way of open meetings and the issue of trade newsletters.
- Taking enforcement and/or disciplinary action including the issue of prosecution proceedings, verbal and written warnings, cautions, suspension or revocation of licences for breaches of legislation or conditions.
- Conditions attached to licences.
- The issue of guidance notes.

11. When considering applications and taking enforcement action the Council is subject to the Regulatory Compliance Code, the Councils Enforcement Policy and the Code for Crown Prosecutors.

Best Practice Guidance

12. In formulating this Policy consideration has been given to Best Practice Guidance issued by the Department of Transport.
Status

13. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this Policy and the objectives set out above.

14. Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart from the Policy, clear and compelling reasons will be given for doing so.

Implementation And Review

15. This Policy will take effect from 1st May 2012.

16. The Council will keep this Policy under review and will consult where appropriate on proposed revisions. A full review of the Policy will be conducted every three years from the date of effect above.

17. Upon implementation of this Policy, the Council requires licence holders to comply with its terms immediately. Where it is not possible to comply with part of the Policy due to outstanding action required by the Council information will be provided as to an implementation date for that part.

18. From the effective date, this Policy will override and supersede all existing policies in relation to private hire and hackney carriage licensing.

19. The Council may monitor and review this Policy or areas of the Policy prior to the three year period when considered necessary.

20. Subsequent to the introduction of this Policy, the Council may make decisions, which change the content of this Policy. The changes may have immediate effect or expressed as coming into effect on a given date. This Policy document will be regularly updated to reflect these changes. Amended copies of the Policy will be available from the Trading Standards and Licensing office and via the internet.

21. The Council is also aware of the government’s ongoing review of the legislation appertaining to taxi and private hire licensing and will review this Policy in line with any changes to that legislation should they be introduced during the term of the policy.
Consultation

22. In preparing this Policy the Council has taken into account the views of:
   - Licensees
   - Cleveland Police
   - Local Businesses or Representatives
   - Local Transport providers
   - Disability Groups
   - Planning Authority
   - Service Users
   - Residents or Representative Body
   - Department of Works and Pensions
   - Other Local Authority Departments

23. The Council will also consult with other organisations when necessary.

24. The results of any consultation will be referred to the Licensing Committee and/or Cabinet.

Area And Impact

25. The Borough of Stockton on Tees is one of five Councils in the Tees Valley district and covers an area of 20,400 hectares and is an area of contrasts - a mixture of busy town centres, urban residential areas and picturesque villages whilst maintaining a strong industrial presence. The population is around 193,000 living in approximately 83,000 households. The main urban areas are Stockton, Thornaby, Ingleby Barwick, Billingham and Yarm.

26. The late night economy of the Borough is principally centred around Stockton and Yarm Town Centres where a number of entertainment premises, pubs and takeaway establishments are situated. These activities support the cultural diversity of the Borough and contribute to its economy.

27. The Council recognises and welcomes the contribution that the Private Hire and Hackney Carriage trade can make to the transport and tourism industry in the area.

Partnership Working

28. The Council will work in partnership with the following agencies and individuals to promote the policy objectives:
   - Local Hackney Carriage and Private Hire Trade
   - Police Authority
   - Planning Authority
   - Local Transport Authorities and Committees
   - Local Residents
   - Disability Groups
   - Service Users
   - Vehicle and Operator Services Agency (VOSA)
29. The Council holds regular meetings with the hackney carriage and private hire trade to consider future licensing issues.

**Related Policies And Strategies**

30. This Policy will be integrated with local planning, transport, tourism, equality and cultural strategies and other plans introduced for the management of the Borough and night time economy.

31. The Council will work in partnership with other agencies including those referred to in paragraph 28.

32. The Council, as a member of the Tees Valley Licensing Liaison Group, will work with the other council representatives to seek harmonisation of policies and conditions, where applicable, across the Tees Valley District.

**Equality**

33. As an employer and service provider the Council is committed to ensuring equality in employment and service delivery. In achieving appropriate standards the Council is aware of its duties under the following legislation:

- Equality Act 2010
- Human Rights Act 1998

34. The Council will strive to ensure that all persons (including those who may have a physical or mental disability) are fully represented and have their interests protected when dealing with the licensing service and will consider appointing an advocate or appropriate adult when requested or where deemed appropriate in the circumstances.

**Duties And Obligations Under Equality Act 2010**

35. The Disability and Discrimination Act 1995 has been repealed by the Equality Act 2010 and those who provide transport services by way of Hackney Carriage and Private Hire vehicles are advised to contact the Equality and Human Rights Commission at [www.equalityhumanrights.com](http://www.equalityhumanrights.com) for further information and advice on avoiding discrimination.

36. The Council has agreed that it will maintain a list of “designated vehicles”, (that is, a list of licensed wheelchair accessible HCVs and PHVs) under the provisions of Section 167 of the Equality Act 2010 (when implemented). The consequence of being on this list is that the driver of the vehicle must undertake the duties to assist passengers who use wheelchairs and comply with other obligations, unless an exemption has been issued by the Council.
37. Licensed drivers are also under a duty under this legislation to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply to the council for an exemption from the duty on medical grounds. A medical certificate must be provided at the driver's expense, from the driver's own GP stating the details of their medical conditions. A register will be kept of those drivers exempted.

38. Persons who breach Equality Act duties may be guilty of a criminal offence.

Right To Work

39. The prevention of illegal migrant working in the UK is governed by sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006.

40. The Government’s Department of Transport (DfT) Best Practice Guidance in relation to Hackney Carriage and Private Hire Licensing makes reference to local authorities obtaining specific immigration status about applicants for driver licences, including the Right to Work (RTW) in the UK an/or details of work restrictions. It states that “it is considered appropriate for licensing authorities to check on a applicant’s RTW before granting a taxi or private hire drivers licence”

41. Applicants for private hire operator and private hire and hackney carriage driver licences will be required to prove that they have a RTW in the UK before being considered for a licence.

42. No licence will be granted until the applicant is able to prove they have a right to work in the UK.
Specifications

The Department for Transport Best Practice Guidance recommends that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible. They are, however, encouraged to make use of the “type approval” rules within any specifications they determine.

As a general rule therefore, all vehicles subject to new applications for hackney carriage and private hire vehicle licences, shall have M1 European Whole Vehicle Type approval. Applications in respect of novelty vehicles and stretched limousines will be determined on their individual merits but should as a minimum have either:

- British National Type approval; or
- British Single Vehicle Approval (SVA) (before 29 April 2009) or;
- Individual Vehicle Approval (from 29 April 2009)

As a guide, most large volume production vehicles produced in the UK and EU states after 1987 will satisfy British and/or European Whole Type Approval. Specialist vehicles or any vehicle that has been structurally modified, converted or imported from a non EU State since its original manufacture will require separate SVA and/or Department for Transport approval and such documentation must be submitted with an application.
46. Vehicles will, in general, be licensed for the carriage of up to four passengers, but application in relation to larger vehicles that can accommodate up to eight passengers will be accepted, provided that there is compliance with the specifications applicable to such vehicles. Vehicles may also be licensed to carry fewer passengers subject to compliance with specifications relating to passenger comfort and vehicle conditions.

47. Appendix A sets out the minimum specifications which are expected in respect of vehicles licensed by the Council.

48. Vehicles that have been categorised as “accident damaged” on their V5 document will not be licensed

**Private Hire Vehicles**

49. A private hire vehicle is a motor vehicle constructed or adapted to seat fewer than 9 passengers, which is provided for hire with the services of a driver for the purpose of carrying passengers. All hirings for a private hire vehicle must be pre-booked thorough a licensed private hire operator. Any vehicle used as a private hire vehicle must be licensed under the provisions of the Local Government (Miscellaneous Provisions) Act 1976. In determining what vehicles fall within this definition the Council will give consideration to the guidance “Private Hire Vehicle Licensing” issued by the Department of Transport.

50. The Council must be satisfied that the following criteria is met before granting a licence:

- Suitable in type, size and design for use as a private hire vehicle
- Not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage
- In a suitable mechanical condition
- Safe
- Comfortable

51. Conditions may be attached to the grant of a licence as are considered reasonably necessary.

52. In addition to the above legislative requirements this Policy also requires that vehicles be exceptionally well maintained (See Appendix M) and the Council has imposed conditions relating to the specifications of the vehicle. These are attached at Appendix A.

53. All private hire vehicles must:

- Comply with the prescribed vehicle specification.
- Not be black in colour.
- Be exceptionally well maintained to the standard prescribed by the Council.
- Not be fitted with a roof sign of any description.
- If the vehicle is fitted with a meter, it must be of a type approved by the council.
• Meters, after being checked for accuracy, must be sealed by an agent approved by the Council.
• Display the Council's licence plates, which must be securely attached to the exterior front and rear of the vehicle as prescribed by a condition of the council.
• Display decals issued by the Council attached centrally to both front doors of the vehicle.
• Display any signs as required by the Council.

54. General conditions are attached to a private hire vehicle licence relating to the identification of the vehicle and safety issues. These are attached at Appendix B.

Hackney Carriage Vehicles

55. A hackney carriage vehicle is a wheeled vehicle used in standing or plying for hire that is required to have a numbered plate fixed upon it. The legal definition of a hackney carriage is contained in the Town Police Clauses Act 1947.

56. A hackney Carriage can ply for hire and also wait at a hackney carriage stand.

57. Conditions can be imposed upon the grant of a hackney Carriage proprietor’s licence and the Council has byelaws to control the conduct of both the proprietors and the drivers. These byelaws are attached at Appendix N.

58. The Council has imposed requirements relating to the specifications of the vehicle. These are attached at Appendix A.

59. General conditions are attached to a hackney carriage vehicle proprietor’s licence relating to the identification of the vehicle and safety issues. These are attached at Appendix C.

60. All hackney carriages must:

• Comply with the prescribed vehicle specification.
• Be black in colour.
• Be exceptionally well maintained to the standards prescribed by the Council.
• Fitted with an approved roof sign bearing the word “TAXI”
• Fitted with a meter of a type approved by the Council, calibrated with the fares charged as determined by the Council.
• Meters, after being checked for accuracy, must be sealed by an agent approved by the Council.
• Display decals issued by the Council attached centrally to both front doors of the vehicle.
• Display the Council's licence plates, which must be securely attached to the exterior front and rear of the vehicle as prescribed by a condition of the Council.
• Display any signs required by the Council.
Horse Drawn Hackney Carriages

61. Applications for horse drawn hackney carriages will be considered on their individual merits and will be subject to the general requirements of this policy. However, it is recognised that parts of the vehicle specifications which are drafted specifically for motor vehicles will not apply and additional requirements will be needed for the carriages, the horses and their drivers.

62. The Council has therefore imposed conditions relating to the specification of the carriages and horses and requirements relating to their drivers which can be found at Appendix P.

63. In applying this part of the policy the Council will follow the Code of Practice for Horse Drawn Vehicles issued by DETR a copy of which can be obtained from www.dft.gov.uk

Meters

64. Meters, where fitted, shall be of a type approved by the Council and shall be calendar controlled and locked and sealed by the manufacturer/supplier so that tariff rates change automatically and cannot be changed or tampered with manually by the driver.

65. Meters shall be positioned so that passengers in the vehicle can easily read the display.

Trailers and Tow Bars

66. Applications to permit the use of trailers for the carriage of luggage and or personal effects will be considered on their individual merits. It will, however, be expected that the trailer will need to be presented for test along with the vehicle that will be authorised to tow it.

67. Where tow bars are fitted checks will be made on the conditions and security to the towing vehicle.

68. Any trailer authorised for the carriage of luggage and or personal effects must display the authorised towing vehicle registration plate and the licence plate issued by the Council.

Limitation Of Numbers

69. No powers exist for licensing authorities to limit the number of private hire vehicles that they licence.

70. The present legal provisions on quantity restrictions for hackney carriages are set out in Section 16 of the Transport Act 1985. This provides that the grant of a hackney Carriage licence may be refused, for the purpose of limiting the number of licensed taxis “if, but only if, the Local Authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet.”
71. The Council has decided that it will not place a limit on the number of hackney carriages it licences but will rely on market forces to dictate the number of application it receives.

**Accessibility**

**Wheelchair Accessible Vehicles:**

72. In considering how accessible licensed taxis should be the Council has taken note that the Department of Transport is proposing to undertake demonstration schemes in 3 licensing authority areas, to research the needs of disabled people when using taxis and private hire vehicles, how to tailor the fleet to demand and use patterns and how driver training can assist disabled passengers. The demonstration schemes will provide the basis on which they will be able to issue comprehensive guidance to licensing authorities to assist with improving the availability of taxis and private hire vehicles for disabled passengers. Until their work is complete they encourage councils to introduce taxi accessibility policies for their areas.

73. The Council also note that the Stockton Hackney Carriage Drivers Association is in favour of a mixed fleet of wheelchair accessible hackney carriages and saloon vehicles and 55% of respondents in one of the independent surveys and 41% in the other either agreed or strongly agreed that only a percentage of the fleet should be wheelchair accessible.

74. The Department for Transport has also indicated that they have received representations making the case for a broader range of disabled peoples needs to be met in regulations, rather than restricting the requirements only to wheelchair users and this is the reason for further consultation and the delay in introducing the proposed legislation. They refer to a report by the European Conference of Ministers of Transport Taxi Group, which advocates a mixed fleet of accessible taxis and indicate that this will be one of the options to be consulted on.

75. In the report they recommend that fleets of taxis used for regular services should be composed of two types of vehicles:

76. **Type One:** Wheelchair Accessible taxis: accessible vehicles capable of carrying the majority, but not all, passengers who travel in a wheelchair as well as people with other disabilities.

77. **Type Two:** Standard Accessible taxis: vehicles with features designed to make use by disabled people easier, but which would be able to carry a wheelchair user who can transfer to a taxi seat.

78. The report goes on to say that the proportion of each type of vehicle in the fleet is likely to vary from place to place and this is a matter for decision by national and local governments but most probably local governments.
79. The Council has therefore agreed a revised specification for wheelchair accessible vehicles (WAV’s) which is set out at appendix A and has determined that all new application for hackney carriage vehicle licences shall be required to comply with this specification, until the total number of WAV’s licensed reaches 25% of the total hackney carriage fleet, which equates to 70 vehicles, when the policy will then be reviewed. Existing licensed saloon hackney carriages can be replaced by another saloon vehicle until this policy is next reviewed.

80. The private hire trade will continue to be encouraged to licence a proportion of their fleet as wheelchair accessible vehicles when they will be expected to comply with the same specification.

81. The Council has agreed that it will maintain a list of “designated vehicles”, (that is, a list of licensed wheelchair accessible (HCVs and PHVs under the provisions of Section 176 of the Equality Act 2010 (when implemented). The consequence of being on this list is that the driver of the vehicle must undertake the duties to assist passengers who use wheelchairs, unless an exemption has been issued by the Council.

82. The Department of Transport has also indicated that it is considering the wider legislative framework governing hackney carriages and private hire vehicles to see whether there are any further changes that could be made with the objective of enhancing provision for disable people. The Council will review this Policy in line with any changes to that legislation or the issue of any further guidance should they be introduced during the term of the policy.

Insurance

83. All vehicles must have a current valid policy of insurance at all times appropriate to the vehicle. This policy must be in place before a licence can be granted.

84. Certificates for private hire vehicles will not be considered acceptable if they include cover for public hire purposes unless this is qualified by a statement that this is subject to the appropriate local authority licences being held.

85. Individual certificates shall be provided for each vehicle. Fleet insurance policies will only be accepted when either separate policies shall be provided when mixed fleets of private hire and hackney carriage vehicles are operated, or the certificate contains a requirement that the cover for private and public hire purposes is qualified by a statement that this is subject to the appropriate local authority licences being held, and will include schedules of vehicles covered produced by the insurance company and not the broker.

86. It is an offence to drive a vehicle without the appropriate insurance in place.

87. Requests to produce insurance may be made during the term of the licence. These requests must be complied with in accordance with the time scales stipulated in the request.
88. If a vehicle is off the road and uninsured the proprietor must advise the Council in writing as soon as practicable but in any event within 72 hours.

Advertisements, Signs, Notices etc

89. No signs, notices, advertisements, video or audio display etc or other marking shall be displayed on, in or from the vehicle subject to the following exceptions:

   a. Any sign, notice or other marking required to be displayed by legislation or any condition attached to a licence.

   b. Advertising approved by the Council.

90. Signs, notices or advertisements must not be of a content that the Council deems to be offensive or abusive. Further guidance as to the content of an advert may be sought from the Advertisement Standards Authority, www.asa.org.uk

91. No advertising on vehicles shall be allowed or affixed without prior approval of the Council and specifically shall not:

   • Be affixed to any window of the vehicle and
   • Be affixed to any door or panel on which the Council issued roundel or sign is located.

92. All advertisements shall be approved by the Council and any unauthorised advertisements will be required to be removed and appropriate action will be taken for failure to comply.

93. Any queries regarding advertisements must be referred to the Council.

Accident Notification

94. It is a licence condition that the proprietor of an existing licensed vehicle shall notify the Council as soon as practicable and in any case within 72 hours of any accident that results in damage to the vehicle. The Council’s ‘Notification of Accident’ form must be completed for each notification.

95. The proprietor must comply with any request to produce the vehicle for inspection at the Council Offices so that its roadworthiness can be assessed. Any failure to do so is an offence and the appropriate action will be taken.

96. The proprietor shall submit the vehicle for any further testing and/or examination as requested by the council and shall be responsible for the production of any independent engineers reports considered necessary by the Council. Vehicles deemed to be an insurance “write off” (i.e. in category A, B, C, D) and/or have their V5 document endorsed as being ‘accident damaged’ will have their licence revoked.
Vehicle And Meter Testing

97. All vehicles shall undergo an inspection by the Councils appointed vehicle examiners at initial application and thereafter every six months.

98. New applicants will be permitted to make their own arrangements to have their vehicle tested with the testing centre and produce the pass certificate with the licence application documents.

99. It shall be the proprietor’s responsibility to ensure that their licensed vehicle(s) is roadworthy, maintained to the Councils standards and specifications and fit for hire and reward purposed at all times. Vehicles must be submitted fully prepared for the test. It is not intended that the test be used in lieu of a regular preventative maintenance programme. If in the opinion of the vehicle examiner the vehicle has not been fully prepared, the test will be terminated and the vehicle failed. Proprietors failing to maintain their vehicles in a safe and roadworthy condition may have their licence suspended or revoked by the Council.

100. Vehicles are to be tested in accordance with the Councils agreed test criteria and/or in respect of any issues identified by an authorised officer of the Council. For assistance see Appendix D. The Council will also give consideration to any guidance issued by the Vehicle and Operator Services Agency (VOSA) and the Public Authority Transport Network (PATN) regarding the testing of vehicles. Their current best practice guide “Hackney Carriage and Private Hire Vehicle National Standards” is considered to be the minimum standard acceptable to the Council.

101. Vehicle proprietors will be required to produce their vehicle for testing when requested. The fees for the testing of vehicle and meters (which are identified as a separate part of the annual licence fee) will be paid to the test centre at the time of the test.

102. Any vehicles failing this test will be required to have a retest, unless it has been agreed by an authorised officer that it is not necessary. Test failure will result in either the issue of a Vehicle Defect Rectification Notice or if appropriate the Suspension of the vehicle licence.

Application Procedure

103. The following original documents are to be submitted in person or the post for new and replacement applications.

- Application form, this must be from a named person(s)
- Vehicle test certificate – pass
- If applicable, the vehicle registration document (V5) in applicants name (or proof of purchase identifying applicant as purchases if newly purchased vehicle) Note: the vehicle licence and identification plates will not normally be issued, unless there are exceptional circumstances, until the V5C document is produced showing the name applicant as being the registered keeper.
• If available appropriate valid certificate of motor insurance (Note the vehicle licence and plates will not be issued until this has been provided)
• A current MOT certificate if applicable to the vehicle.
• In the case of a wheelchair accessible vehicle certification from the vehicle Certification Agency (VCA) confirming that the vehicle meets the European Community Whole Vehicle Type Approval Standards in the M1 Category.
• The appropriate fee

Applications submitted without all of the supporting documents and the appropriate fee will be returned to the applicant.

104. Photocopies, faxes etc relating to the above documents will not be acceptable at any time except in the case of insurance documents that have been provided by the insurer in electronic form, when a printed copy or copy sent electronically will be deemed acceptable.

105. Although applications may be made by post, plates must be collected in person. Applicants may also wish to provide original documents in person.

106. Applications for licence renewals should be made a least 15 working days prior to licence expiry date to allow the application to be processed.

107. If an application is refused the fee will be refundable minus a proportion of the charge for an administration charge. Should the refusal of the application be appealed the administration charge will be higher and will result in no refund being given.

108. The Council has the discretion to attach, amend or remove a condition of licence.

Change Of Address

109. The proprietor must advise the Council in writing within 7 days of any change of address (that appears on the licence) during the period of the licence.

Transfer Of Interest

110. The proprietor shall notify the Council on the appropriate form, giving the name and address of the new proprietor, within 14 days if the interest or part interest in the vehicle is transferred to another person not currently named on the licence.

111. If the interest is transferred to a person currently named on the licence the Council should be advised to remove the outgoing proprietor.

112. The new proprietor shall provide the following documents to the Council:

• Vehicle registration document in new proprietors name within 28 days
• Appropriate valid certificate of motor insurance
Novelty Vehicles And Stretched Limousines

113. The Council recognises the role novelty vehicles (e.g. converted fire engines) and stretched limousines have to play in the private hire trade to meet a public demand. However, the Council has not developed a separate licensing regime for such vehicles, rather it has widened the criteria of the current vehicle specifications and conditions that licensed vehicles must meet. Please see Appendices A and B. Therefore such vehicles will only be licensed as private hire vehicles.

114. It is not considered appropriate for such vehicles to be used for standard hirings and licensed operators shall only send such a vehicle when it has been specifically requested by the hirer.

115. Most novelty vehicles, in particular stretched limousines are imported for commercial purposes and are required to have undertaken a Single Vehicle Type Approval or Individual Vehicle Approval test (from 29 April 2009). This ensures that the vehicles meet modern safety standards and environmental standards before being used on public roads. Proof of type approval shall be submitted with the application documents.

116. Stretched limousines shall also have Qualified Vehicle Modifier or Cadillac Coach builder approval where appropriate.

117. The Operator of a novelty vehicle fitted with side facing seats shall provide a declaration that they will never be used to carry passengers under 16 years of age regardless of whether the vehicle is fitted with or without seatbelts.

118. There shall be no sale or provision of alcohol from any vehicle without a current premises licence under the Licensing Act 2003 being in force and if all of the occupants, save for the driver, are under the age of 18 then there shall be no alcohol at all in the vehicle for consumption or otherwise.

119. Where all the passengers in the vehicle consist of persons under the age of 14 years they must be accompanied by a responsible adult, other than the driver, who is over the age of 18.

120. There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals.

121. A vehicle does not need to be licensed while it is being used in connection with a wedding.

Exemptions From Displaying Licence Plates On A Private Hire Vehicle

122. Private hire vehicles used mainly for executive hire or novelty vehicles or stretched limousines will be permitted to apply for exemption under Section 75(3) Local Government (Miscellaneous Provisions) Act 1976 from the requirement to display a licence plate and the driver from wearing a driver’s badge.
123. Any proprietor of a licensed private hire vehicle wishing to apply for this exemption should be engaged substantially (i.e. more than 80% of the hirings) in the provision of a ‘chauffer style’ executive service or the vehicle operated should be a stretched limousine or other novelty vehicle as agreed by the Council. The applicant should satisfy the Council that the specification of the vehicle and the overall level of service provision constitute an executive hire or novelty service. This would include all drivers wearing an appropriate uniform. It is recommended that this is done by way of submission of contract specifications and/or evidence of all contract and account customers, including usage.

124. Applications are to be made in writing on the appropriate form and each application will be judged on its merits.

125. If granted an Exemption Notice will be issued to the proprietor. The Exemption Notice shall not be granted for a period of more than one year and shall expire upon the expiry of the private hire vehicle licence.

126. The Exemption Notice is granted subject to the licensed private hire vehicle being operated in accordance with standard conditions and any additional conditions. Failure to comply with these conditions may result in the withdrawal of the Exemption Notice. The conditions are attached at Appendix E to this policy.

127. A private hire operator, proprietor and driver operating under the provisions of an Exemption Notice remain subject to the requirements of the Local Government (Miscellaneous Provisions) Act 1976 with regard to the respective licences and the conditions attached in each case.

128. A proprietor of any vehicle operating under this exemption may also request in writing to be exempt from the condition limiting the tint on the rear passenger windows (rear passengers windows, back window and any rear side windows if present).

129. Any executive hire vehicle wishing to take advantage of the exemption limiting the window tint should not be engaged at all in any contract or provision of vehicle for the carriage of school children or based around the carriage of unaccompanied children/young persons (i.e. under age 18 years). The driver must not act as the accompanying adult. Further, the Operator must, unless such a vehicle has been specifically requested, inform a hirer that such a vehicle with tinted windows will be supplied.

**Tinted Windows**

130. The windows (excluding the windscreen which must have a minimum light transmission of 75%) of any vehicle shall not have been treated so that less than 70% of light is transmitted through it, unless the following criteria can be met in which case there will be no minimum light transmission

- The vehicle is an executive hire or novelty hire vehicle or stretched limousine operating under an Exemption Notice or exceptional circumstances apply and
• The vehicle will not be engaged at all in any contract or provision of vehicle for the carriage of school children or based around the carriage of unaccompanied children/young persons (i.e. under age 18 years). The driver must not act as the accompanying adult; and
• Approval has been given by the Council

131. Existing licensed vehicles that do not meet this standard will be allowed ‘grandfather rights’ to be licensed until such time as the vehicle is changed or ownership of the vehicle is transferred at which time this condition must be complied with.

**CCTV In Vehicles**

132. The Department for Transport Draft Best Practice Guidance recommends licensing authorities look sympathetically and or even actively encourage the installation of security measures such as a screen between driver and passenger or CCTV systems as a means of providing some protection for vehicle drivers.

133. It is not proposed that such measures should be required, as part of the licensing regime at this time, and it is considered that they are best left to the judgment of the owners and drivers themselves. The hackney carriage and private hire trades are, however, encouraged to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships. The Council will, if required, establish a working body to examine the acceptability of such equipment in licensed vehicles and determination of safeguards to ensure that such systems are effective and operate in line with Data protection legislation.

134. The proprietor of any vehicle with CCTV must notify the Council and display a sign approved by the Council advising passengers that a CCTV system is in operation in the vehicle.

135. Where CCTV is in place there is an expectation that it is in working order when passengers are being carried. The CCTV system shall be installed by a registered installer approved by the National Security Inspectorate (NSI) or the Security System and Alarm Inspection Board (SSAIB) and accredited by the United Kingdom Accreditation Services (UKAS), maintained to manufacturer’s standards and recordings shall be encrypted and not accessible to the driver or proprietor. It shall be the proprietor’s responsibility to comply with Data Protection legislation.

136. The CCTV recording must be available for viewing by a Police Officer or an authorised officer of the council on request. Any failure to comply with this request will be reported to the Council for consideration of the appropriate action to be taken.

137. Any reports of misuse of CCTV or recorded images may result in the immediate suspension of both the vehicle and drivers licences and referral to the Licensing Committee for disciplinary action.
Environmental Considerations

138. The DOT guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that they may have adopted, bearing in mind the need to ensure that benefits outweigh costs (in whatever form). They suggest that authorities may, for example, wish to consider setting vehicle emissions standards, perhaps by promoting cleaner fuels.

139. Hackney carriages and private hire vehicles are an essential form of transport in the Stockton on Tees Council area. Many people depend on such vehicles for trips that buses or cars are incapable of making. They are able to achieve higher occupancy rates that a private car and so, to some extent, already pay their part in helping to achieve environmental improvements in the Borough. It is, however, clearly important that emissions from hackney carriages and private hire vehicles are reduced as far as possible.

140. It is therefore considered that efforts should be made to improve, as far as possible, the efficiency of licensed hackney carriages and private hire vehicles by, in particular, reducing the levels of CO2 emitted. Liquid petroleum gas (LPG) conversions to vehicles licensed or to be licensed are therefore acceptable. Any conversion to LPG must be done by an approved converter and the conversion certificate produced to the Council for inspection.

141. It will be conditional that any spare wheel displaced as a result of any conversion must be stored in a location that does not impinge on the passenger carrying area of the vehicle.

142. Other alternative fuel arrangements will be encouraged as technology improves.

143. Clearly emissions from hackney carriages and private hire vehicles could be reduced further by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at taxi ranks. It is, however, proposed that this aspect be tackled through education and promotion.

Age Restriction And European Emission Standards

144. A Government report suggests that, by adopting targeted air quality policies for road transport, significant reductions can be achieved for noxious pollutants in the atmosphere. It highlights the impact European-wide emission limits are having on improving air quality. In private cars, these standards are introduced for new vehicles as follows:

- **Euro I** became mandatory for new cars from 1993 (light goods vehicles 1994)
- **Euro II** became mandatory for new cars from 1997 (light goods vehicles 1998)
- **Euro III** became mandatory for new cars from 2001 (light goods vehicles 2002)
- **Euro IV** became mandatory for new vehicles from 2006
- Additional standards are proposed for 2010 and 2015
145. Air quality improvements are clearly hampered through the length of time it takes for vehicles to be retired. The Council currently has no age restriction policies in place and has always relied on natural wastage of vehicles under the exceptionally well maintained requirement.

146. In the interests of improving air quality, any application for the renewal of an existing hackney carriage or private hire vehicle licence will only be granted if the vehicle can meet Euro 3 emission standards as a minimum (i.e. where the vehicle in question is no more than 12 years old).

147. A stricter emission standard shall apply for replacement and new vehicles when they will be expected to meet Euro 4 emission standards.

148. In exceptional circumstances applications from proprietors of vehicles older than 12 years will be considered by the Licensing Office, for example for classic vehicles.

**Car Safety And NCAP Ratings**

149. Euro NCAP was established in 1997 to provide independent crash-test assessments of popular cars to inform the public which cars protected occupants best in typical crash situations, helping them to choose a safer car.

150. Cars were given a star rating for adult occupant protection (maximum 5 stars) and pedestrian safety (maximum 4 stars)

151. In 2003 the rating system was altered to include a Child Protection rating (maximum 5 stars)

152. In 2009 the rating system was altered again to reward the overall safety of a vehicle out of a maximum of 5 stars.

153. In the interests of driver and public safety proprietors are encouraged to make use of the information available on the website [www.euroncap.com](http://www.euroncap.com) when selecting a vehicle to be licensed. It is recommended that you select a vehicle with a five star rating where ever possible.

154. When sufficient information is available on the range of vehicles licensed by the Council consideration will be given to introduce a minimum standard of a five star euro NCAP rating.

**Demand Responsive Transport**

155. The Council welcomes initiatives such as taxi sharing schemes and taxi buses and the environmental and improved service benefits that they bring.

156. The Council recognises that these services can play a valuable role in meeting a range of transport needs and is keen to promote such services in order to increase the availability of transport to the travelling public.
157. The Council will work with service providers to bring about such schemes where there is a demand for them.

158. The main legal provisions under which flexible services can be operated are listed below:

**Shared Taxis - Immediate Hirings (Section 10, Transport Act 1985):**

159. The local licensing authority can develop a scheme whereby hackney carriages can be hired at separate fares by up to eight people from ranks or other places that have been designated by the authority. The authority is required to set up such a scheme if holders of 10% or more of the hackney carriage proprietors in the Borough ask for one.

**Shared Taxis And Private Hire Vehicles - Advance Bookings (Section 11, Transport Act 1985):**

160. Hackney carriage and private hire vehicles can provide a service at separate fares for up to eight passengers sharing the vehicle. The operator takes the initiative to match up passengers who book in advance and agree to share the vehicle at separate fares lower than that for a single hiring.

**Taxibuses (Section 12, Transport Act 1985):**

161. Hackney carriage and private hire vehicle proprietors can apply to the Traffic Commissioner for a ‘restricted public service vehicle PSV operator licence’. The hackney carriage proprietor can use the vehicle to run a bus service for up to eight passengers.

162. The route must be registered with the Traffic Commissioner and must have at least one stopping place in the area of the local authority that licensed the hackney carriage/private hire vehicle, though it can go beyond it.
Drivers

- Licences
- Driving Experience
- Right To Work
- Driver Knowledge/Locality Test
- Criminal Records Check
- Independent Safeguarding Authority
- Relevance of Convictions and Cautions
- Medical Assessment
- Drug Testing
- Application Procedure
- Term of Licence
- Conditions of Licence
- Code of Good Conduct
- Driver’s Dress Code
- Driver Training

Licences

163. The Council issues the following driver’s licences:

- Private Hire Driver
- Hackney Carriage Driver
- Combined Private Hire/Hackney Carriage Driver

164. Licences are issued subject to proof of eligibility - driving licence, driving assessment, knowledge/locality test, criminal records check and medical assessment.

165. The statutory and practical criteria and qualifications for each licence are broadly identical and therefore this chapter will apply to all driver licences. However, where differences exist between the licensing regimes reference will be made to it in the policy.

Driving Experience

166. A driver’s licence will not be granted to anyone who has not held a full driving licence for a period of one year. This is a legal requirement under section 51 of the Local Government (Miscellaneous Provisions) Act 1976. Full driving licences issued by EEA states will also count towards this qualification requirement and equal recognition can now also be given to Northern Ireland driving licences.

167. In addition new applicants are required to have passed the Driving Standards Agency (DSA) Taxi Drivers test and produce a pass certificate. If a driver does not renew his licence within 7 days of its expiry then he will be required to pass the DSA test if he has not already done so.

168. Applicants for horse drawn hackney carriages are required to have passed an approved road driving assessment by either the British Driving Society or the Heavy Horse Training Committee and produce a pass certificate.
169. Drivers of ‘designated vehicles’ shall be required to have passed the DSA enhanced test for drivers of wheelchair accessible vehicles or if they have already passed the test for saloon drivers they must complete the DSA wheelchair exercise.

Right To Work

170. Applicants for private hire and hackney carriage driver licences will be required to prove that they have a RTW in the UK before being considered for a licence.

171. No licence will be granted/renewed until the applicant is able to prove they have a right to work in the UK

Driver Knowledge/Locality Test

172. In order to determine the fitness of a person to hold a licence, all applicants are required to sit and pass a test on their knowledge of the local geography, driver conduct, conditions, licensing legislation and the use of an A to Z. Tests for hackney Carriage and combined drivers licences include a more detailed assessment of local geography, location of hackney carriage ranks and knowledge of tariffs and charges. (Tests are subject to review and will reflect the requirement to undertake NVQ and BTEC qualifications)

173. No driver’s licence will be issued without the applicant first gaining a knowledge test pass certificate. This certificate will stand for future renewals. If a driver does not renew their licence and 6 months lapses before re-applying a new test certificate will be required.

Criminal Records Check

174. A criminal record check on a driver is an important safety measure and is a requirement for all drivers. Enhanced Disclosure through the Criminal Records Bureau (CRB) is required (applied for through the Council’s Licensing Office) as these disclosures include details of both spent convictions, police cautions and intelligence by virtue of the Rehabilitation of Offenders Act 1974 (Exception) Order 1977. Further details and guidance can be found at www.homeoffice.go.uk/agencies-public-bodies/crb/

175. The rehabilitation of Offenders Act 1974 does not apply to applicants for hackney Carriage or private hire driving licences. Applicants are required therefore to disclose all convictions, including those that would normally be regarded as spent.

176. Before an application for a driver’s licence will be considered, the applicant must apply for an Enhanced Disclosure of criminal convictions through the Council. The application will not be determined until the results are received. CRB checks are not considered by the Council to be portable and only CRB checks applied for through Stockton Council will be accepted. In addition new CRB disclosures will only be acceptable up to six months from the date of issue.
177. The Council is a Body registered the CRB and can apply for the Disclosure at the applicant’s request subject to the appropriate fee. Application forms and guidance notes on proof of identity requirements are available from the Council.

178. The Council is bound by rules of confidentiality. The applicant for a CRB Disclosure will be sent a separate disclosure report to their home address. The Council will also receive a copy of the report, which will form part of the application.

179. Any applicant for a new or renewal of licence will be required to complete a pre licensing statutory declaration. All of the applicant’s criminal convictions must be entered onto this form including spent convictions, cautions and motoring convictions. It is an offence to knowingly or recklessly make a false statement or to omit information required by the Council (s. 57 Local Government (Miscellaneous Provisions) Act 1997). Those holding a three year licence will be required to make an annual declaration.

180. Applicants for renewal of a driver’s licence are required to have an enhanced disclosure criminal record check from the CRB every third year.

**Applicants Who Have Spent Time Abroad**

181. If an applicant is newly resident in the UK they must still apply for an enhanced CRB check regardless of the period of time they have spent in the UK.

182. Where an applicant has spend 3 months or more living abroad usually an enhanced CRB disclosure in itself will be insufficient to satisfy the Council that the applicant is a fit and proper person, as the CRB does not routinely provide criminal record information from non UK countries. Such applicants will be required to provide a Certificate of Good Conduct or equivalent document from each county where they have been resident/domiciled, translated into English.

183. A Certificate of Good conduct or equivalent document is an extract from the judicial record or administrative authority in the relevant country testifying to good conduct and/or to any criminal convictions recorded against the individual. The Council will take advice from the CRB in identifying the appropriate authority where available and where none exist, each case will be determined on its merits.

184. The Council may also approach the relevant Embassy or appropriate body directly to verify documents provided. Any costs involved must be met by the applicant.

185. The Council may require the applicant to submit additional information.

186. Existing licensed drivers shall notify the Council in writing when they intend to leave the country for an extended period of 3 months or more. They shall also notify the Council on their return and shall complete and submit a Statutory Declaration as provided by the Council.
187. At all times, the Council’s legitimate aim is to protect members of the public who are using vehicles and drivers licensed by the Council and this if the documentation produced does not satisfy the Council they the application may be refused.

188. The Trading Standards & Licensing Manager may determine such applications or refer them to the Licensing Committee.

Independent Safeguarding Authority

189. The Independent Safeguarding Authority (ISA) was created following the Bichard Inquiry into the murders of Jessica Chapman and Holly Wells and which recognised the need for a single agency to vet all individuals who want to work or volunteer with vulnerable people.

190. Currently the registration part of the Vetting and Barring Scheme has been halted as part of the Government’s review and they have indicated that until appropriate legislation is introduced and new arrangements established, the existing responsibilities of employers and ISA will remain. The Council will review this Policy in line with any changes to that legislation should they be introduced during the term of the policy.

191. Those persons who are deemed unsuitable to work with vulnerable people or have committed certain offences will be put on an ISA Barred List and it will be an offence for such a person to apply for a job with children or vulnerable adults.

192. It is proposed that any person who is on the ISA Barred List will usually be deemed to be not a fit and proper person to hold a private hire and/or hackney carriage driver’s licence.

Relevance Of Convictions, Cautions And Conduct

193. In assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its own merits and will have regard to the adopted guidelines on the relevance of convictions a copy of which is attached at Appendix G.

194. In some cases the Council may require additional CRB checks at a cost to the licensee.

Medical Assessment

195. Under s.57 of the Local Government (Miscellaneous Provisions) Act 1976 he Council may require an applicant for a hackney carriage or private hire drivers licence to produce a certificate signed by a registered medical practitioner to the effect that s/he is physically fit to be a driver of such a vehicle. The Council requires a medical certificate upon an initial application for a licence.
196. In addition or in place of such a certificate the Council may require an applicant to submit to examination by a registered medical practitioner selected by the Council as to his/her fitness to be a driver of a hackney carriage or private hire vehicle.

197. In line with DVLA recommendations, the Council applies the DVLA Group 2 driver standards for medical fitness of hackney carriage and private hire drivers. This is a higher medical standard than that required of drivers of other motor vehicles and is required due to the length of time the driver may spend at the wheel and the responsibility they have for the safety of their passengers and the public.

198. Upon an initial application for a driver’s licence the applicant shall produce a completed Medical Certificate provided by the Council. This must be completed by the applicant’s own G.P. or a medical practitioner with access to the applicant’s medical history. The applicant is responsible for paying the fee for the examination. If necessary the G.P. may return the completed form direct to the Licensing Section.

199. During the application process the medical certificate will be deemed valid for a period of 6 months after which either a new medical form or a letter from the G.P. who carried out the original medical confirming that there has been no change in the medical fitness of the applicant will be required.

200. The medical practitioner must confirm that:
   - They have examined the applicant
   - The applicant is registered with the practice and/or
   - They have had full access to the applicant’s medical records
   - The medical examination was carried out to the Group 2 standard
   - She/He considers the applicant to be fit to act as the driver of a hackney carriage of private hire vehicle.

201. Existing licensees aged over 45 years must provide evidence of their medical fitness to hold a licence every five years and after the age of 65 years annually.

202. If a driver has a medical condition that requires notification to the DVLA e.g. Sleep Apnoea they should also be required to notify the Council.

203. In addition to the above requirements where a driver suffers from a condition that requires monitoring but would not prevent him/her from driving he is required to provide written confirmation from his G.P. or consultant, as recommended by the DVLA standards, each year that s/he remains fit to carry out the duties of a driver.

204. If the Licensing Authority is not satisfied as to the medical fitness of an applicant a hackney carriage or private hire drivers licence will not be granted.

205. If the Licensing Authority is not satisfied as to the medical fitness of a licensed hackney carriage or private hire driver there will be reasonable cause to suspend, revoke or refuse to renew the licence under s.61 Local Government (Miscellaneous Provisions) Act 1976.
Drug Testing

206. In view of the increase in the number of drivers receiving cautions and or convictions for drug related offences and to provide equity with drivers of other forms of public transport, it is proposed that the Council will conduct drug tests on drivers on an intelligence led and random basis. When selected drivers will be expected to either submit to any tests deemed appropriate by an authorised officer of the Council or to attend a medical practitioner chosen by the Council and submit to any tests deemed appropriate.

207. Positive test results or failure to comply with a request for a test may result in the suspension of the drivers licence and referral to the Licensing Committee.

Application Procedure

208. An application for a knowledge test may be made prior to an applicant applying for the grant of a drivers licence and will be subject to him/her submitting in person the following:

- Application Form
- Two colour passport size photographs - full face, no hats, caps, sunglasses etc
- DVLA Driving Licence (including part D9)
- Test fee

209. The following documents are to be submitted in person for a new application:

- Application Form
- Proof of right to work documentation
- Four colour passport size photographs - full face, no hats, caps, sunglasses etc
- Medical Certificate Form
- Knowledge Test pass certificate if previously undertaken
- Criminal Records Bureau application form with appropriate identity documents (or alternative)
- Certificate of good conduct or equivalent where appropriate
- ISA Registration details (When applicable)
- DSA Taxi Drivers Test Pass Certificate and/or the Hackney Wheelchair Enhanced Certificate or Wheelchair Exercise Certificate or evidence that a test has been booked with the DSA when applicable
- Driving Licence (including part D9 counterpart) Note: Drivers who hold other European driving licences must register their licence with the DVLA and apply for the issue of the GB paper counterpart
- British Driving Society or the Heavy Horse Training Committee pass certificate. (Drivers of horse drawn hackney carriages only)
- Licence fee including CRB Disclosure application fee

Applications submitted without all of the supporting documents and the appropriate fee will be returned to the applicant.
210. All documents must correspond in respect of the full name and address of the applicant or the application will be rejected.

211. The application will not be determined until the DSA and knowledge test have been taken and passed and a Medical Certificate and CRB/ISA checks are received. Any incorrectly completed forms will be returned.

212. Where an applicant is unable to produce D9 (paper counterpart) this will not prevent their application being processed but the licence will not be determined until it has been produced.

213. If the application is withdrawn or refused the fee will be refundable minus the proportion of the charge for the CRB, the knowledge test fee (if undertaken) and an administration charge. Should the application refusal be appealed then depending on the outcome the administration charge will be higher and may result in no refund being given.

214. The following documents are to be submitted in person or by post (except when a CRB application is required) for a renewal application:

- Application Renewal Form
- Driving licence (including Part D9)
- Medical Certificate if required
- Proof of Right to Work
- Criminal Records Bureau application form with appropriate identity documents (if required)
- Licence fee including any disclosure application fee if required

215. If the application is refused the fee will be refundable minus the proportion of the charge for any CRB application and an administration charge. Should the application refusal be appealed then depending on the outcome the administration charge will be higher and may result in no refund being given.

216. Holders of existing driver's licences must apply to renew their licence in the month preceding the expiry date and ideally should be submitted at least 15 working days prior to the expiry of the current licence to allow for the production of the new licence, as the legislation does not allow for continuity of licence. Drivers who expect to be out of the country at the time their licence will expire must contact the Council before they leave so that renewal arrangements/requirements can be made. **Applications received after the expiry date will be dealt with as a new application and may require submission of a new CRB application and medical certificate.**

217. Renewal applications will be process and issued pending any required enhanced CRB check unless the Council has reasonable grounds for concern. In such circumstances the renewal application will not be determined until or unless these concerns have been satisfactorily resolved and each case will be determined on its merits.

218. If details of new convictions or charges are received during the renewal process the application to renew will be dealt with on its merits according to this Policy.
219. If details of any convictions or cautions are received through the CRB check process and a declaration has been signed stating that there are no new convictions or cautions this will be treated very seriously and the appropriate action taken.

220. The Trading Standards & Licensing Manager may at any time refer a decision to grant or renew a driver’s licence to the Licensing Committee.

221. If a licence is refused the decision and reasons for the decision will be sent to the licensee within 5 working days of the decision.

222. All drivers will be issued with two badges detailing their licence number, expiry date and a photograph of the licence holder. One badge must be worn at all times when the driver is working. Drivers must display the other badge in the vehicle where it is clearly visible to passengers.

223. All drivers will be issued with a licence record card that shall be given to and retained by the licensed Private Hire Operator he is currently employed by or working through.

224. Lost or damaged badges and/or record cards must be reported on the next working day to the Licensing Section and the Police. A fee will be charged for a replacement badge.

**Term Of Licence**

225. Driver licences are available for a period of one or three years. Three year licences will only be issued when the application is submitted with a CRB disclosure form.

**Conditions Of Licence**

226. The Council is not permitted to attach conditions to a hackney carriage driver’s licence. It is, however, empowered to attach such conditions to a private hire driver’s licence and this includes combined private hire/hackney carriage drivers as are considered necessary.

227. The conditions set out at Appendix H are considered reasonably necessary and as such may be legally imposed in respect of private hire drivers.

228. Hackney Carriage Drivers will be provided with Notes for Drivers, which is a summary of legislative/byelaw/policy requirements, a copy of which is attached at Appendix I. All licence holders will be provided with a copy of the conditions/notes and the driver’s file will be updated to confirm receipt.

229. This policy, however, also includes a driver’s code of conduct and dress code which are detailed in the following paragraphs and which the Council will require all drivers to adhere to.
Code Of Good Conduct

230. This policy includes a Code of Good Conduct for all drivers that the Council wishes drivers to operate in accordance with. This serves to promote the Council’s licensing objective in respect of hackney carriage and private hire licensing. This Code of Good conduct will be taken into consideration in disciplinary matters.

231. All licence holders will be provided with a copy of the Code and the driver’s file will be updated to confirm receipt.

232. The Code of conduct is attached at Appendix J to this policy.

Driver’s Dress Code

233. A dress code serves to enhance the image of the hackney carriage and private hire trade, and promotes the concept that drivers of licensed vehicles are vocation drivers.

234. In order to raise the profile of the licensed trade, drivers should operate, at all times in an appropriate manner and conform to a minimum standard of dress. A Dress Code for licensed drivers is therefore included at, Appendix K.

235. Failure to comply with the Dress Code may be taken into consideration in disciplinary matters.

Driver Training

236. In recent years formal training packages have been introduced to develop, support and enhance the skills and knowledge of prospective and existing drivers who wish to begin to develop a career in transporting passengers.

237. BTEC Specialists and Short Course Qualifications have recently been reviewed by Edexcel and updated in line with the new Qualifications and Credit Framework (QCF) specification.

238. The BTEC Intermediate Award – Transporting Passengers by Taxi and Private Hire was replaced in January 2011 by the new accredited BTEC Introduction to the Role of the Professional Taxi and Private Hire Driver (L2)

239. The BTEC covers all aspects of passenger transport using hackney carriage and private hire vehicles and consists of nine units

- Health and safety in the taxi and private hire work environment
- Road safety when driving passengers in a taxi or private hire vehicle
- Professional customer service in the taxi and private hire industry
- Taxi and private hire vehicle maintenance and safety inspections
- The regulatory framework of the taxi and private hire industry
- Taxi and private hire services for passengers who require assistance
- Routes and fares in the taxi and private hire vehicle industry
• Transporting of parcels, luggage and other items in the taxi and private hire industries
• Transporting of children and young persons by taxi or private hire vehicle

240. This nine unit qualification is tested by seven onscreen tests and an observation record/witness testimony to cover the practical assessment of two of the outcomes in relation to the unit covering taxi and private hire services for passengers who require assistance.

241. This qualification also provides the underpinning knowledge for the Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) (QCF)

242. In order to enhance the professional image of the private hire and hackney carriage trade and to enhance driver skills, all drivers and private hire operators (or a representative of the licensed company) who have not already successfully completed the BTEC Award, VRQ – EDI Level 2 Certificate in Road Passenger Transport (Taxi and Private Hire Route) or the VRQ – Edexcel Level 2 BTEC Award in Transporting Passengers by Taxi and Private Hire shall be required to successfully complete the BTEC Introduction to the Role of the Professional Taxi and Private Hire Driver (L2) course at their own expense within three years from the grant or renewal of their next licence. Further details regarding the course can be found at www.edexcel.com
Private Hire Operators

- Requirements and Obligations
- Right To Work
- Criminal Record Checks
- Conditions
- Insurance
- Planning Consent
- Application Procedure
- Licence Duration
- Address from which an Operator may Operate
- Record Keeping
- Change of Address
- Convictions
- Complaints
- Material Change

Requirements And Obligations

243. Any person who operates private hire vehicles must apply to the Council for a private hire operator's licence.

244. The objective in licensing private hire operators is ensuring the protection of the public who will be using the operator's premises and the vehicles and drivers arranged through them.

245. A private hire vehicle may only be despatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle.

246. A private hire operator must ensure that every private hire vehicle despatched by him is licensed and driven by a person who holds a private hire driver's licence issued by the Council.

247. It is a criminal offence to operate a private hire vehicle without an operator's licence.

248. Operators need to familiarise themselves with the appropriate legal requirements and licence conditions and ensure they employ suitable work methods in order to comply with the legal requirements and avoid committing licensing offences. Part of the applications process will include an interview in this respect.

249. It shall be a condition that the applicant operates from a premise within the controlled district of the Council.

250. The Licensing Office may request additional information for new applications.
**Right To Work**

251. Applicants for private hire operator licences (new or renewal) will be required to prove that they have a RTW in the UK before being considered for a licence.

252. No licence will be granted until the applicant is able to prove they have a right to work in the UK.

**Criminal Record Checks**

253. Private hire operator’s licences will only be granted to persons that the Council are satisfied are fit and proper.

254. At the present time the council is not able to obtain any CRB disclosure on applicants for Private Hire Operator Licences and if the applicant is not a licensed driver reliance has to be place on the information requested on the application form and any additional information if requested during interview with the applicant. This is a position of trust as operators gain detailed knowledge as to a persons movements, travel, arrangements etc.

255. Before an application for the grant of a private hire operators licence will be considered the applicant must provide a certificate of search results on criminal convictions which has been issued no earlier than one calendar month before making the application which can be either:

- A criminal conviction certificate used under the Police Act 1997 or
- The results of a subject access search under the Data protection Act 1998 or the Police National Computer by the National Identification Service

256. If the applicant is currently licensed as a driver with the Council they will be exempt from this requirement, as they are already subject to CRB checks.

257. Applicants for renewal of an operators licence will be required to provide a new certificate or search results every third year.

258. Any concerns highlighted during this process will be carefully considered and may be referred to the Licensing Committee for determination.

**Conditions**

259. The Council has power to impose such conditions on an operators licence as it considers reasonably necessary.

260. Appendix L sets out the conditions to be attached to an operator’s licence which covers the standards of service expected. Applicants wishing to depart from any of these conditions must submit their reasons in writing to the Council when each request will be determined on its merits.

261. Additional conditions may be imposed depending upon individual circumstances.
Insurance

262. Applicants are required to ensure that the appropriate public liability insurance has been taken out for premises that are open to the public and may be required to produce evidence of the same on request.

Planning Consent

263. Applicants are required to obtain planning consent, where necessary, for the premises they intend to operator from.

264. If the planning consent is time restricted it is the operators responsibility to ensure that a new permission is applied for prior to the current planning permission expiring.

265. Planning conditions will be included on the licence.

Application Procedure

266. The following documents are to be submitted in person or by post for a new or renewal application:

- Application form
- Certificate or search results on criminal convictions (if not currently licensed as a driver) which has been issued on earlier than one calendar month before making the application
- Licence fee appropriate to the number of vehicles to be operated

267. Officers may require a site visit prior to the determination of the licence application.

268. Applicants will be interviewed regarding their knowledge of the legislation and conditions appertaining to private hire.

Licence Duration

269. Licences will be issued for a period of one year.

Address From Which An Operator May Operate

270. Upon grant of an operator's licence the Council will specify the address from which the operator may operate. These premises must be in the controlled district of the Council, and will be expected to have planning consent for use as a private hire office when deem applicable.

271. If an operator wishes to change the base from which they operate they shall seek written approval from the Council prior to any change taking place.

272. Operators shall also be required to identify specific locations as bases where they would park their vehicles when waiting for bookings if adequate off street parking is not available at the premises identified on the licence.
Record Keeping

273. Operators are required to keep records, in a format approved by the Council, of each booking. This can be in paper format or by use of a computer data base. Applicants are required to seek Council’s prior approval for use of a computerised record system to ensure compliance with these requirements. Appendix L refers.

274. Records should be preserved for a period of not less than 1 year and be available for inspection at the request of an Officer of the Council or Police.

Change Of Correspondence Address

275. The operator must advise the Council in writing of any change of any correspondence address that appears on the licence within 7 days of such a change taking place.

Complaints

276. Operators must advise the Council within 48 hours of receipt of any complaints received concerning a contract for hire or purported contract for hire relating to or arising from their business and the action, if any, that the operator proposes to take. These details will be kept on file. Appendix L refers.

Material Change

277. A private hire operator’s licence is not transferable and operators must notify any proposed changes, substitution or removal of the person(s) authorised to operate under the terms of the licence to the Council immediately in writing prior to the changes taking place.
Fares

- General
- Table of Fares
- Receipts
- Overcharging

General

278. Councils have the powers to set hackney carriage fares for journeys within their area.

279. Hackney carriage fares, set by the Council, are the maximum and can be negotiated downwards by the hirer.

280. The Council will review the table of fares when requested by the trade. When determining the level of fares consideration will be given to what is reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a service at all times it is needed. The current table of fares is not part of this policy as it is subject to its own review.

281. A notice of any proposed variation to the maximum fares will be advertised in a local newspaper with a date set not less than 14 days from publication for making objections to the proposed variation.

282. If no objections are received the fare variation will have immediate effect at the end of the statutory period set for objections to be made. If any objections are received the matter will be referred to the Licensing Committee for consideration and/or modification and a further implementation date will be set.

283. The Council is not empowered to set fares for private hire operators. It is a matter for negotiation between the hirer and operator at the time of booking and the operator should make this clear. When a hackney carriage vehicle is used for private hire services the fare charged cannot exceed that which would be charged under the table of fares applicable to hackney carriages.

284. When a journey ends outside the Council’s area a fare greater than that shown on the meter may be charged but only if an agreement has been made with the hirer in advance. In the absence of such an agreement, only the metered fare can be charged. Failure to comply is an offence.

Table Of Fares

285. A table of fares will be provided to each hackney carriage licence holder, which must be displayed in each vehicle so that it is easily visible to all hirers.

Receipts

286. A driver must, if requested by the hirer, provide a written receipt for the fare paid.
287. It is a condition of a Private Hire Drivers licence that the driver shall provide the hirer with a written receipt of the fare paid if requested. Conditions cannot be attached to a Hackney Carriage Drivers licence but in the notes given to drivers a similarly worded recommendation is made.

288. It shall be a requirement that any receipt when requested, should show:

- Date of issue
- Time of issue
- Vehicle licence plate number
- Driver name and licence number
- Metered fare (when applicable)
- Metered extras (when applicable)
- Total fare

**Overcharging**

289. All meters must be calibrated to the correct fare scale. It is an offence for the driver to demand more than the fare shown on the meter or agreed at the time of hiring with certain exceptions.
Fees

- Fee Structure
- Variation to Fee Structure
- Payments
- Payment Refunds

Fee Structure

290. The legislation provides that the fees charged may be sufficient to cover the reasonable costs of the issue and administration of driver licences, inspecting vehicles, providing hackney carriage stands and administering the control and supervision of hackney carriages and private hire vehicles and operators.

291. The current fees payable for the grant and renewal of hackney carriage and private hire licence are available from the Licensing Office and the Councils website at www.tradingstandards.gov.uk/stockton

Variation To Fee Structure

292. The fee structure is reviewed as part of the budgetary process. Notice of the current scale of fees will be supplied to new applicants at the time of application.

293. A notice of any variation to the maximum fees in respect of vehicles and operators will be advertised in a local newspaper with a date set not less than 28 days from publication for making objections to the proposed variation of fees.

294. If no objections are received the fee variation will have immediate effect at the end of the 28 day consultation period. If any objections are received they will be considered by the Council and the variations confirmed or varied accordingly.

Payments

295. Payments can be made in the form of either cash or cheque, cheques should be made payable to Stockton on Tees Borough Council. Please do not send cash with postal applications.

Payment Refunds

296. Fees paid in relation to hackney carriage and private hire vehicle licences and private hire operator licences are subject to a partial refund on the unexpired portion of the licence should the proprietor choose to surrender their licence during the period of the licence. Refunds shall be determined by the Council and an administration fee may also be levied.
Convictions, Cautions, Conduct & Medical Fitness

- Hackney Carriage & Private Hire Drivers
- Rehabilitation of Offenders Act 1976
- Operators
- Section A – Guidance as to the Relevance of Convictions, Cautions, & Endorsable Fixed Penalties
- General Policy
- Formal Cautions & Endorsable Fixed Penalties
- Section B – Conduct

Hackney Carriage & Private Hire Drivers

297. When an application is made for a hackney carriage or private hire driver licence the Council must be satisfied that the applicant is a fit and proper person before issuing the licence. By law the council shall not grant a drivers licence unless they are satisfied of this. (s.51 & s.59 Local Government (Miscellaneous Provisions) Act 1976).

298. The legislation is worded in such a way as to put the onus on the applicant to provide evidence that they are a fit and proper person, rather than for the Council to prove that they are not.

299. The Council may fail to be satisfied that an applicant is a fit and proper person to hold a drivers licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there are grounds to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.

300. In additions, the council may:

- Suspend; or
- Revoke; or
- Refuse to renew

a hackney carriage or private hire driver licence if the licensee has since the grant of the licence:

- Been convicted of an offence involving dishonesty, indecency or violence; or
- Been convicted of a private hire/hackney carriage licensing offence; or
- For any other reasonable cause. (s.61 LG(MP) Act 1976)

301. Reasonable course will encompass other convictions, cautions, medical fitness, ISA registration and conduct.

302. If it appears to be in the interests of public safety to do so then a suspension or revocation will have immediate effect and the driver will be given notice of that decision. The effect of this decision will mean that a driver cannot continue to drive licensed vehicles should an appeal be made against the decision.
Rehabilitation Of Offenders Act 1974

303. Hackney Carriage and Private Hire drivers as an occupation are excluded from the provisions of the Rehabilitation of Offenders Act 1974. All relevant convictions, including spend convictions, may therefore be considered.

Operators

304. The Council must also be satisfied that applicants for operator licences are fit and proper persons before issuing a licence. These guidelines will therefore be referred to when considering an operator licence application.

305. It is accepted that the Operator does not have the same level of direct contact with the public as they will not drive the customer (unless they also hold a private hire driver's licence). However, it is acknowledged that the operator will be in possession of information about people’s whereabouts and movements and will deal with the public either face to face or over the telephone and therefore there is a need for them to be fit and proper persons.

Section A - Guidelines As To The Relevance Of Convictions, Cautions & Endorsable Fixed Penalties

General Policy

306. The overriding consideration of the licensing regime is the safety of the public. The Council has a duty to ensure that, as far as possible, those licensed to drive the public in hackney carriage or private hire vehicles are suitable persons to do so, that they are safe drivers with a good driving record and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who might take advantage of their position to abuse or assault customers.

307. The Council has Guidelines on the Relevance of Convictions and Conduct (see Appendix G). These are intended to assist Licensing Officers and the Committee in decision making and to ensure a consistent approach is maintained. However, each case is to be decided upon its own merits and Officers and the Committee may decide not to adhere rigidly to the guidelines if there are exceptional circumstances. Simply remaining free of conviction will not generally be regarded as sufficient evidence that a person is a fit and proper person to hold a licence. Applicants should also demonstrate evidence of good character.

308. It may be appropriate to depart from the general policy in some cases, for example situations where the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account. Where there has been a conviction for a sexual offence, murder or manslaughter a licence will normally be refused. Where an applicant has served a custodial sentence the Council will consider the number of years since their release and the period for which they have been free to conviction when determining their fitness to be
licensed. Time spent in custody will generally be discounted from the conviction free period.

309. The guidelines should also assist applicants and licensees and those that represent them by clearly setting out the expectations the Council have in relation to the behaviour of applicants/licensees. This should also minimise the time (and associated costs) incurred by both the Council and applicants/licensees.

310. These guidelines will be taken into account and in general will be followed when dealing with a new application, a renewal application and when considering whether to issue a warning, suspend or revoke an existing licence.

311. The aim of these guidelines is not to punish the applicant/licensee twice for a conviction or caution but to ensure that public safety is not compromised and to protect the public from those who have demonstrated a propensity toward wrongdoing.

312. In considering evidence of an applicant’s good character and fitness to hold a drivers licence, where previous convictions or other information relating to criminal matters is disclosed, the Council will consider the nature of the offence, when it was committed, the date of conviction, the applicant’s age when the offence was committed and any other factors which might be relevant. However, where an applicant has been convicted of a criminal offence, the Council cannot review the merits of the conviction [Nottingham City Council v Mohammed Farooq (1998)].

313. The guidelines are not an attempt to define what is a fit and proper person.

314. The guidelines do not deal with every type of offence. However, offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.

**Formal Cautions And Endorsable Fixed Penalties**

315. For the purpose of the guidelines formal cautions, endorsable fixed penalties and public order fixed penalties shall be treated as though they were convictions and they shall be disclosed to the Council accordingly.

**Section B - Conduct**

316. Criminal convictions are not the only criteria used when considering whether an individual is a fit and proper person to be licensed. Other factors, including the applicant or licensee’s demeanour and appearance (dress) may be taken into account in determining fitness and propriety.

317. The Council may require an applicant to submit additional information it reasonably considers necessary to enable it to determine whether a licence should be granted or whether conditions should be attached (s.57 LG(MP)Act 1976).
318. The Courts have found that one purpose of licensing powers is to prevent licences being given to or used by those who are not suitable, taking into account their driving records, driving experience, sobriety, mental and physical fitness, honesty and ensuring that they would not take advantage of their employment to abuse or assault passengers [Leeds City Council v Hussain (2002)].

319. When determining the fitness and propriety of drivers Council Officers and Members may consider whether they would allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom they care, to get into a vehicle with the applicant/licensee alone.

320. If the answer to this question is an unqualified yes, then the test is probably satisfied. If the Officers or Members have doubts then further consideration will be given as to whether the individual is a fit and proper person.

321. The Council can consider circumstances of concern even though a conviction has not been obtained or the conduct does not amount to a criminal offence.

322. The Council’s focus is upon the impact of the applicant or licence holder upon members of the public. This does not require any consideration of the personal circumstances of the applicant or licensee, which are irrelevant, except perhaps in very rare cases to explain or excuse some conduct of the driver.
Enforcement, Discipline & Offences

Enforcement & Discipline:

- Council Officers
- The Licensing Committee
- Enforcement/Disciplinary Options
- Informal Action
- Vehicle Defect Rectification Notice
- Suspension, Revocation or Refusal to Renew A Licence
  - Vehicle Licences
  - Driver Licences
  - Operator Licences
- Requests for Insurance and MOTs
- Cautions
- Prosecution
- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 19976
- Hackney Carriage Provisions
- Private Hire Provisions
- Transport Act 1980
- Road Traffic Act 1988 (No Insurance)
- Criminal Justice and Public Order Act 1994 (Touting)
- Health Act 2006 (Smoking)
- Hackney Carriage Byelaws

323. This chapter provides an overview of enforcement and disciplinary action and the main offences concerned with the Private Hire and Hackney Carriage trade. It is not intended to be an exhaustive list. It does not constitute legal advice.

Enforcement & Discipline

Council Officers

324. Whilst the operation of a successful hackney carriage and private hire vehicle service is important to the economic well-being of the Borough, it is equally important that the service provided by the trade is properly regulated in order to instil confidence in the travelling public who wish to use the service.

325. Enforcement of hackney carriage and private hire matters is undertaken by the Council. The Police may also take action in certain circumstances.

326. Officers of the Council can be authorised by the Council to undertake enforcement work. In undertaking such work the officers will abide by the appropriate Regulatory Services Enforcement Policy. Enforcement work includes routine checks and inspections, investigating complaints made about drivers, vehicles and operators in addition to matters observed by officers e.g. vehicle defects. The Council can consider circumstances of concern even though a
conviction has not been obtained or the conduct does not amount to a criminal
offence.

327. Duly authorised officers may take appropriate disciplinary action against
licensees in accordance with this policy.

The Licensing Committee

Introduction

328. The Council’s Licensing Committee exercised the Council’s functions in relation to
the licensing of Hackney Carriage vehicle, Hackney Carriage drivers, Private Hire
vehicle, Private Hire operators and Private Hire drivers under the Town Police
Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and
other relevant legislation.

329. When considering any matter Officers and the Licensing Committee will have
regard to the Council’s Private Hire and Hackney Carriage Policy.

Determination Of Appeals, Disciplinary Or Referred Matters Concerning Individual
Licensees/Applicants By The Licensing Committee

330. Decision making in relation to licensing is an onerous duty, dealing with both the
livelihood of the Licensee/Applicant and the possible risks to the safety and
comfort of the public.

331. When the Committee considers such matters concerning a Licensee/Applicant it
is operating in a quasi-judicial capacity and the rules of natural justice must be
observed, the Licensee/Applicant must be treated fairly and be seen to be
treated fairly. The Committee must be impartial, unbiased and act in good faith.

332. The Committee is required to make judgements based on the evidence
submitted to it. It is not the Members’ role to sit as advocates of either the Head
of Community Safety/the Police or the Licensee/Applicant but to weigh the
merits of the case as presented – ensuring that the proper considerations are
taken into account and irrelevant factors are ignored, thereby reaching a
balances decision. The Committee must also state the reasons for its decisions.

333. Only Committee Members who have heard the entire
application/appeal/disciplinary matter are able to take part in the decision
making process.

334. Committee Members should not participate in the hearing of a matter if there is
apparent bias. This can arise where a member’s outside connections make it
appear that there is a real danger of bias or a member has a prejudicial interest.
Personal interest in a matter under consideration must be declared. Where a
prejudicial interest exists the member must withdraw from the meeting room.

335. A prejudicial interest exists where a member has a personal interest which a
member of the public with knowledge of the relevant facts would reasonably
regard as so significant that it is likely to prejudice their judgement of the public interest and it either

- Affects the financial position of the relevant person or body; or
- Relates to the determination for any approval, consent, licence, permission or registration in relation to that person or body

**Disciplinary Or Referred Matters**

336. In accordance with Council’s constitution, the Committee is authorised to:

- “determine the appropriate disciplinary action (if any) to take against licensees referred to it by the Head of Community Safety”

And to

- “determine any licensing application or other matter concerning individual licensees referred to it by the Head Of Community Safety”

337. When considering a referred matter e.g. an application for a licence, the Committee will have regard to the appropriate section of the policy.

338. Appropriate disciplinary action can take a number of forms, for example:

- Revocation of a licence
- Refusal to renew a licence
- A warning letter expressing the council’s dissatisfaction with the Licensee’s behaviour, whilst also advising that future conduct incompatible with that expected of a Licensee could lead to a revocation or refusal to renew
- Additional conditions if considered reasonably necessary may be attached to a licence when it is renewed (note: conditions cannot be attached to a Hackney Carriage Driver’s Licence)

339. The action to be taken in any particular case will depend on the seriousness of the conduct/conviction/medical condition concerned.

**Licensing Committee - Procedure Note**

340. The Licensing Committee hearing aims to ensure that the Licensee/Applicant and Complainant (where applicable) have the fullest opportunity to present all of the information they wish. The Committee is required to give full and fair consideration to the cases presented by the Officers and the Licensee/Applicant and must reach a decision based on all of the relevant information presented to it at the hearing. To achieve this, the following procedure is adopted:
Before The Hearing

341. Where the Head of Community Safety refers a matter to the Licensing Committee for determination he shall inform the Licensee/Applicant of this and will submit a report to the Committee.

342. A full copy of the report to Committee and the procedure to be followed at the hearing is supplied to the Licensee/Applicant prior to the hearing. Copies of the Private Hire and Hackney Carriage Policy are available on the internet or upon request from the Council. Licensees/Applicants are strongly advised to read this document when preparing for the hearing.

343. The Licensee/Applicant will be given notice in writing at least seven days in advance of the time and place of the hearing and of his right to be accompanied by a friend or other person, including a solicitor, and shall be allowed to call witnesses.

344. The Licensee/Applicant shall also be given the opportunity to submit a written statement of his/her case or other supporting documents prior to the hearing. Documentation should be provided to the Council in advance of the hearing, if it is not, or if the Committee has not had sufficient time to consider the documentation the committee may refuse to accept the documentation or it may be necessary for consideration of the case to be deferred.

Absence Of The Licensee/Applicant

345. The meeting may proceed in the absence of the Licensee/Applicant if they have informed the Licensing Authority or the Democratic Support Officer that they do not wish to attend or be represented at the hearing. If the Licensee/Applicant would like the meeting to be adjourned to enable them to attend then they must make this clear and provide reasons for the request.

346. If the Licensee/Applicant fails to attend or be represented at a meeting without notifying the Licensing Authority or Democratic Support Officer, the Committee may adjourn the hearing to a specific date if it considers it to be appropriate to do so, alternatively it may proceed with the meeting in their absence.

347. Where it is decided to proceed in the absence of the Licensee/Applicant the committee will consider the information they have supplied along with the report from the Head of Community Safety.

348. If a decision is made to adjourn a hearing the Licensee/Applicant will be advised of the new date, time and venue.

At The Hearing

349. Members of the Committee may ask questions at all stages.

350. The Head of Community Safety or his representative shall present a report in the presence of the Licensee/Applicant and his/her representative and may call witnesses.
351. The Licensee/Applicant and/or his/her representative shall have the opportunity to ask questions of the information provided by the officers and any witnesses called.

352. The Licensee/Applicant and/or his/her representative shall then put his/her case and shall call such witnesses as he/she wishes.

353. The Licensing Committee and the officers and witnesses shall have the opportunity to ask questions of the Licensee/Applicant and/or his/her representative and any witnesses called by or on behalf of the Licensee/Applicant.

354. The officer presenting the report and the Licensee/Applicant and his/her representative shall have the opportunity to sum up their case if they so wish. If all parties opt to sum up, the Licensee/Applicant or his/her representative may speak last.

355. The Licensee/Applicant and his/her representative, officers and any witnesses shall withdraw from the meeting. Officers from Legal and Democratic Services will remain in the meeting to provide procedural and legal advice.

356. The Licensing Committee shall deliberate in private, only recalling the Licensee/Applicant or his/her representative and officers to clear points of uncertainty. If this occurs all parties will be invited back into the hearing together. If the Committee has no additional queries than all parties will be called back into the meeting when the Chairman of the Committee will announce the decision of the Committee.

357. The Licensee/Applicant will be notified of the Committee’s decision and the reasons for it in writing, usually within five working days. Where a licence has been revoked or a renewal has been refused written notice must be given within fourteen days.

**Appeal To Court**

358. There is a statutory right of appeal to the Magistrates court in relation to

- A refusal to grant a private hire or hackney carriage driver licence;
- Any conditions attached to a private hire driver licence;
- A decision to suspend, revoke or refuse to renew a private hire or hackney carriage driver licence;
- A refusal to grant a private hire vehicle licence or against any conditions specified in the licence;
- A refusal to grant an operator’s licence or any conditions attached to the grant of an operator’s licence
- A decision to suspend, revoke or refuse to renew an operator’s licence

359. An appeal against a refusal to grant a Hackney Carriage vehicle/proprietors licence lies straight to the Crown Court.
360. Any appeal must be lodged with the appropriate Court within 21 days of notification of the decision.

361. Costs may be awarded by the Court against an unsuccessful appellant and therefore a licensee may wish to take independent legal advice with regard to the merits of an appeal.

362. Usually, when an appeal has been lodged, any action against the licence is stayed pending the outcome of the court appeal (s.77(2)LG(MP) Act 1976) and the driver, operator and or vehicle can still work. However, in cases where in the interests of public safety a decision has been made that a suspension or revocation of a driver licence should take immediate effect S.77(2) shall not apply and a driver is not allowed to continue driving pending the outcome of the appeal. In such cases the driver must be notified in writing, with an explanation as to why such action has been taken.

363. Decisions may also be challenged by way of judicial review in the High Court. Independent legal advice should be sought.

Who Is Who?

<table>
<thead>
<tr>
<th>The Licensee or Applicant</th>
<th>The Licensee or Applicant (accompanied by a friend or representative if so wished) is invited to attend and make representations to the Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officers of Trading Standards &amp; Licensing</td>
<td>Officers representing the Head of Community Safety will submit information to the Committee to enable it to consider whether and what action should be taken. On occasions a representative from the Police Authority, other body or a witness may attend to provide relevant information</td>
</tr>
<tr>
<td>The Licensing Committee</td>
<td>The Licensing Committee is the body which has the delegated authority from the Council to determine licence applications and to decide upon disciplinary and other matters referred by the Head of Community Safety. The Committee is composed of elected Members from across all political parties and comprises a Chairman, Vice-Chairman and twelve members</td>
</tr>
<tr>
<td>Officers of Legal &amp; Democratic Services</td>
<td>Officers representing Legal and Democratic Services advise the Committee on the relevant law and procedures. They do not take part in the decision making process</td>
</tr>
</tbody>
</table>
Enforcement/Disciplinary Options

364. There are various options to take depending upon the circumstances including:

- Take no action
- Take informal action, including the issue of licensing penalty points
- Use statutory and other notices/requests
- Suspend a licence
- Revoke a licence
- Refuse to renew a licence
- Use formal cautions
- Prosecute
- Obtain an injunction

365. The Head of Community Safety may refuse to grant or renew licences and may suspend licences, however, only the Licensing Committee can revoke a licence except in the case of vehicle licences deemed revoked under the provisions of s68 LG(MP) Act 1976. Where the Head of Community Safety considers that revocation of a licence is appropriate he will refer the matter to Committee. Where appropriate, the licence may be suspended pending the Committee decision.

Informal Action

366. Informal action to secure compliance with the legislation and policy includes offering advice, verbal and written warnings and requests for action, requiring a driver attend a Driver Improvement Scheme and the issue of licensing penalty points (see Appendix O)

367. Informal action may be appropriate where:

- The act or omission is not serious enough to warrant more formal action, or
- From the individual licensee’s history it can be reasonably expected that informal action will achieve compliance, or
- The consequences of non-compliance will not pose a significant risk to the safety of the public

368. Even where the above criteria are not met, there may be circumstances in which informal action will be more effective than a formal caution.

369. Repeated incidents of licence infringements, complaints etc are likely to lead to action being taken against the licensee by Officers or a referral to the Licensing Committee.

370. Existing licensed drivers who incur 9 penalty points on their DVLA drivers licence for offences relating to their standard of driving will be offered the opportunity to attend the councils Driver Improvement Scheme, at their expense, as an alternative to being referred to the Licensing Committee.
Vehicle Defect Rectification Notices (VDR)

371. In situations where non-compliance with the conditions of vehicle licence or contravention of the legislation or byelaws are noted or when a vehicle fails its Council test officers may issue a vehicle defect rectification notice to the proprietor. Such notices are appropriate where the immediate suspension of the vehicle licence is not required. The notice will require the proprietor to remedy the defect and present the vehicle for further inspection within 14 days. If the defect has been remedied then usually no further action will be taken. If the defect is not remedied or the vehicle is not presented for inspection the vehicle licence may be suspended and/or the proprietor may be prosecuted. A proprietor may only appeal against a s.60 vehicle suspension notice.

Suspension, Revocation or Refusal To Renew A Licence

Suspension Of Vehicle Licence - Section 68 Notices

372. An authorised officer (or police officer) has the power at all reasonable times to inspect and test any hackney carriage or private hire vehicle (or taximeter affixed to such a vehicle) licensed by the Council to ascertain its fitness. If s/he is not satisfied as to the fitness of the vehicle or the accuracy of the taximeter s/he may by a written notice require the proprietor to make the vehicle or taximeter available for further inspection and testing at a reasonable time and place specified in the notice. The officer may suspend the vehicle licence until such time as they are satisfied as to fitness/accuracy. (S.68 Local Government (Miscellaneous Provisions) Act 1976). Suspension under s.68 takes immediate effect. There is no right of appeal against such a suspension. Therefore, this action will only be taken when an officer has reasonable grounds to suspect that the condition of the vehicle/taximeter poses an immediate risk to passengers and/or other road users.

373. If the officer is not satisfied of the fitness/accuracy of the vehicle within 2 months from the issue of the suspension notice the vehicle licence is deemed to be revoked. Such matters therefore do not need to be referred to the Licensing Committee. The proprietor will be given written notice of the revocation. There is a right of appeal against the revocation of the licence and any appeal must be lodged within 21 days of notification of the decision.

Suspension Of Vehicle Licences - Section 60 Notices

374. The Council, through its authorised officers and/or Licensing Committee, may suspend or revoke or refuse to renew a vehicle licence (private hire or hackney carriage) on any of the following grounds:

- That the vehicle is unfit for use;
- The operator or driver has committed any offence under or has not complied with the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976; or
- Any other reasonable cause
375. Where the Council suspends, revokes or refuses to renew a vehicle licence under s.60 LG(MP)Act 1976 it shall give the proprietor written notice of the grounds for the decision within fourteen days. The proprietor may appeal to a Magistrates Court. Any appeal must be lodged within 21 days of notification of the decision.

Drivers Licences - Section 61

376. The Council may suspend or revoke or refuse to renew a driver licence (private hire or hackney carriage) on any of the following grounds:

- That since the grant of the licence the licensee has been convicted of an offence involving dishonesty, indecency or violence; or
- That since the grant of the licence the licensee has been convicted of an offence under or has failed to comply with Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976; or
- Any other reasonable cause.

377. Action to suspend a driver will usually be made by an authorised officer pending further action or enquiries. Suspension of a licence will not be used as an enforcement penalty against a driver.

378. In addition the following revisions to Section 61 were introduced under the Road Safety Act 2006:

(2A) Subject to subsection (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which the notice is given to the driver under subsection (2)(a) of this section.

(2B) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2)(a) of this section includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

379. Action to suspend a driver with immediate effect will only be taken after consultation and agreement with the Director of Law and Democracy.

380. Where the Council suspends, revokes or refuses to renew a driver licence under s.61 LG(MP) Act 1976 it shall give the driver written notice of the grounds for the decision within fourteen days. The driver must, on demand, return to the Council the Driver’s badge. The driver may appeal to a Magistrates court. Any appeal must be lodged within 21 days of notification of the decision.

Operator Licences - Section 62

381. The Council may suspend or revoke or refuse to renew an operators licence on any of the following grounds:

- Any offence under or non-compliance with Part II of the Local Government (Miscellaneous Provisions) Act 1976;
• Any conduct on the part of the operator which appears to render him unfit to hold an operator’s licence;
• Any material change since the licences was granted in any of the circumstances of the operator on the basis of which the licence was granted; or
• Any other reasonable cause.

382. Where the Council suspends, revokes or refuses to renew an operator licence under S.62 LG(MP) Act 1976 it shall give the operator written notice of the grounds for the decision with in fourteen days. The operator may appeal to a Magistrates Court. Any appeal must be lodged within 21 days of notification of the decision.

Stay Of Action Pending Outcome Of Court Appeal

383. S.77(2) LG(MP) Act 1976 – stays any action against a licence pending the outcome of the Court appeal. This means that if a driver, operator or proprietor appeals against a decision to refuse to renew, suspend, or revoke his licence, the licence is deemed to remain in force until the appeal has been determined.

384. The licensee has 21 days from receipt of written notification of the decision to lodge an appeal with the Court. The licensee can continue to use the licence during that period and once an appeal is lodged, can continue to use it until the appeal has been dealt with. If the Magistrates dismiss the appeal the licensee has 21 days within which to lodge an appeal in the Crown Court and again, can continue to use the licence until the appeal is determined.

385. The Council may decide that a suspension or revocation of a drivers licence should take immediate effect where they consider it is the interests of public safety to do so. In such cases the notice given to the driver must include a statement that it is an immediate suspension/revocation and an explanation why. In this case the suspension or revocation takes effect when the notice is given to the driver and the driver will not be able to continue working pending an appeal.

386. Where a licensee’s Court appeal is unsuccessful the Court may order them to pay the Council’s costs.

Requests For Production Of Insurance And MOT Certificates

387. The Council has a monthly programme whereby reminder requests to produce renewed insurance and/or MOTs maybe sent to proprietors before they are due to expire. If a valid insurance and/or and MOT is then not produced the vehicle licence will be suspended and the proprietor may be prosecuted (s.50 LG(MP) Act 1976).

388. In additions, anyone driving an uninsured vehicle may be prosecuted (s.143 Road Traffic Act 1988).
Cautions

389. A caution may be used as an alternative to a prosecution in appropriate circumstances, where the criteria for prosecution are satisfied but an offence is of a less serious nature. The Council will have regard to Home Office Guidance and other relevant guidance. It is necessary for the offence to be admitted prior to administering a caution.

390. A caution may be used to:

- To deal quickly and simply with less serious offences;
- To divert less serious offences away from the Courts;
- To reduce the chances of repeat offences

Prosecution

391. In certain cases the Council will prosecute offenders. Due regard to the Regulatory Services Enforcement Policy will be taken when determining if legal proceedings should be instituted.

392. In addition to prosecution, the licensee may be referred to the Licensing Committee for consideration for further disciplinary action (e.g. warning, suspension, revocation, refusal to renew).
**Town Police Clauses Act 1847 (TPCA)**

393. The following offences under the TPCA 1847 relate to hackney carriages.

<table>
<thead>
<tr>
<th>Section</th>
<th>Offence</th>
<th>Maximum Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>40</td>
<td>Giving false information on an application for a HC proprietor’s licence</td>
<td>Level 1</td>
</tr>
<tr>
<td>44</td>
<td>Failure of HC proprietor to notify of change of address</td>
<td>Level 1</td>
</tr>
<tr>
<td>45</td>
<td>Plying for hire without HC proprietor’s licence</td>
<td>Level 4</td>
</tr>
<tr>
<td>47</td>
<td>Driving a HC without HC driver’s licence</td>
<td>Level 3</td>
</tr>
<tr>
<td>47</td>
<td>Lending or parting with HC driver’s licence</td>
<td>Level 3</td>
</tr>
<tr>
<td>47</td>
<td>HC proprietor employing unlicensed driver</td>
<td>Level 3</td>
</tr>
<tr>
<td>48</td>
<td>Failure of HC proprietor to hold HC driver’s licence of person employed/ permitted to drive his/her HC</td>
<td>Level 1</td>
</tr>
<tr>
<td>48</td>
<td>Failure of HC proprietor to produce HC driver’s licence of person employed/ permitted to drive his/her HC</td>
<td>Level 1</td>
</tr>
<tr>
<td>52</td>
<td>Failure to display HC plate</td>
<td>Level 1</td>
</tr>
<tr>
<td>53</td>
<td>Refusal to take a fare</td>
<td>Level 2</td>
</tr>
<tr>
<td>54</td>
<td>Charging more than agreed fare</td>
<td>Level 1</td>
</tr>
<tr>
<td>55</td>
<td>Obtaining more than the legal fare</td>
<td>Level 3 and 1 months imprisonment until the excess is refunded</td>
</tr>
<tr>
<td>56</td>
<td>Travelling less than the lawful distance for an agree fare</td>
<td>Level 1</td>
</tr>
<tr>
<td>57</td>
<td>Failing to wait after a deposit to wait has been paid</td>
<td>Level 1</td>
</tr>
<tr>
<td>58</td>
<td>Charging more than the legal fare</td>
<td>Level 3</td>
</tr>
<tr>
<td>59</td>
<td>Carrying person other than the hirer without consent</td>
<td>Level 1</td>
</tr>
<tr>
<td>60</td>
<td>Allowing another to driver HC without proprietor’s consent</td>
<td>Level 1</td>
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<tr>
<td>61</td>
<td>Drunken driving of HC</td>
<td>Level 1</td>
</tr>
<tr>
<td>61</td>
<td>Wanton or furious driving or wilful misconduct leading to injury or danger</td>
<td>Level 1</td>
</tr>
<tr>
<td>62</td>
<td>Driver leaving HC unattended</td>
<td>Level 1</td>
</tr>
<tr>
<td>64</td>
<td>HC driver obstructing other HC’s</td>
<td>Level 1</td>
</tr>
</tbody>
</table>


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<tr>
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<th>Maximum Penalty</th>
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</thead>
<tbody>
<tr>
<td>49</td>
<td>Failure of proprietor to notify Council of transfer of HC proprietor’s licence</td>
<td>Level 3</td>
</tr>
<tr>
<td>50(1)</td>
<td>Failure of proprietor to present HC for inspection as requested</td>
<td>Level 3</td>
</tr>
<tr>
<td>50(2)</td>
<td>Failure of proprietor to inform Council where HC is stored if requested</td>
<td>Level 3</td>
</tr>
<tr>
<td>50(3)</td>
<td>Failure of proprietor to report an accident to the Council</td>
<td>Level 3</td>
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<tr>
<td>50(4)</td>
<td>Failure of proprietor to produce HC proprietors licence and insurance certificate</td>
<td>Level 3</td>
</tr>
<tr>
<td>53(3)</td>
<td>Failure of driver to produce HC driver’s licence</td>
<td>Level 3</td>
</tr>
<tr>
<td>57</td>
<td>Making false statement or omitting information to obtain a HC proprietor’s licence</td>
<td>Level 3</td>
</tr>
<tr>
<td>58(2)</td>
<td>Failure of proprietor to return plate after notice given after expiry, revocation or suspension of HC proprietor’s licence</td>
<td>Level 3</td>
</tr>
<tr>
<td>61(2)</td>
<td>Failure to surrender driver’s licence after suspension, revocation or refusal to renew</td>
<td>Level 3</td>
</tr>
<tr>
<td>64</td>
<td>Cause or permit any vehicle other than HC to wait on a HC stand</td>
<td>Level 3</td>
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<tr>
<td>66</td>
<td>Charging more than metered fare for a journey ending outside the district, without prior agreement</td>
<td>Level 3</td>
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<tr>
<td>67</td>
<td>Charging more than metered fare when HC used as PH vehicle</td>
<td>Level 3</td>
</tr>
<tr>
<td>69</td>
<td>Unnecessarily prolonging a journey</td>
<td>Level 3</td>
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<tr>
<td>71</td>
<td>Interfering with a taximeter</td>
<td>Level 3</td>
</tr>
<tr>
<td>73(1)(a)</td>
<td>Wilful obstruction of authorised officer or constable</td>
<td>Level 3</td>
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<tr>
<td>73(1)(b)</td>
<td>Failure to comply with requirement of authorised officer or constable without reasonable excuse</td>
<td>Level 3</td>
</tr>
<tr>
<td>73(1)(c)</td>
<td>Failure to give information or assistance to authorised officer or constable without reasonable cause</td>
<td>Level 3</td>
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</table>


<table>
<thead>
<tr>
<th>Section</th>
<th>Offence</th>
<th>Maximum Penalty</th>
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<tbody>
<tr>
<td>46(1)(a)</td>
<td>Proprietor using or permitting use of an unlicensed PH vehicle</td>
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<tr>
<td>46(1)(b)</td>
<td>Driving a PH vehicle without a PH driver’s licence</td>
<td>Level 3</td>
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<td>46(1)(c)</td>
<td>Proprietor of PH vehicle using an unlicensed driver</td>
<td>Level 3</td>
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<tr>
<td>46(1)(d)</td>
<td>Operating a PH vehicle without a PH operator’s licence</td>
<td>Level 3</td>
</tr>
<tr>
<td>Section</td>
<td>Offence</td>
<td>Maximum Penalty</td>
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<tr>
<td>46(1)(e)</td>
<td>Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle</td>
<td>Level 3</td>
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<tr>
<td>46(1)(e)</td>
<td>Operating a vehicle as a PH vehicle when the driver is not licensed as a PH driver</td>
<td>Level 3</td>
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<tr>
<td>48(6)</td>
<td>Failure to display PH vehicle plate when using or permitting use of PH vehicle</td>
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<tr>
<td>49</td>
<td>Failure to notify the Council of transfer of PH vehicle licence</td>
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<tr>
<td>50(1)</td>
<td>Failure of proprietor to present PH vehicle for inspection and testing as required</td>
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<tr>
<td>50(2)</td>
<td>Failure of proprietor to inform Council where PH vehicle is stored if requested</td>
<td>Level 3</td>
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<tr>
<td>50(3)</td>
<td>Failure of proprietor to report an accident to the Council</td>
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<tr>
<td>50(4)</td>
<td>Failure of proprietor to produce PH vehicle licence and insurance certificate</td>
<td>Level 3</td>
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<tr>
<td>53(3)</td>
<td>Failure to drive to produce PH driver’s licence</td>
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<tr>
<td>54(2)</td>
<td>Failure to wear PH drivers’ badge</td>
<td>Level 3</td>
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<tr>
<td>56(2)</td>
<td>Failure to PH operator to keep records of bookings</td>
<td>Level 3</td>
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<tr>
<td>56(3)</td>
<td>Failure by PH operator to keep records of Ph vehicles operated by him</td>
<td>Level 3</td>
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<tr>
<td>56(4)</td>
<td>Failure to produce PH operator’s licence on request</td>
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<td>57</td>
<td>Making false statement or omitting information to obtain PH driver’s or operator’s licence</td>
<td>Level 3</td>
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<tr>
<td>58(2)</td>
<td>Failure to return plate after notice given after expiry, revocation or suspension of PH vehicle licence</td>
<td>Level 3 (plus daily fine of £10)</td>
</tr>
<tr>
<td>61(2)</td>
<td>Failure to surrender driver’s licence after suspension, revocation or refusal to renew</td>
<td>Level 3</td>
</tr>
<tr>
<td>67</td>
<td>Charging more than the metered fare when HC used as PH vehicle</td>
<td>Level 3</td>
</tr>
<tr>
<td>69</td>
<td>Unnecessarily prolonging a journey</td>
<td>Level 3</td>
</tr>
<tr>
<td>71</td>
<td>Interfering with a taximeter</td>
<td>Level 3</td>
</tr>
<tr>
<td>73(1)(a)</td>
<td>Obstruction of authorised officer or constable</td>
<td>Level 3</td>
</tr>
<tr>
<td>73(1)(b)</td>
<td>Failure to comply with requirement of authorised officer or constable</td>
<td>Level 3</td>
</tr>
<tr>
<td>73(1)(c)</td>
<td>Failure to give information or assistance to authorised office or constable</td>
<td>Level 3</td>
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**Transport Act 1980 – Private Hire Provisions**

<table>
<thead>
<tr>
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<th>Offence</th>
<th>Maximum Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>64(2)(a)</td>
<td>Driving a PH vehicle with a roof sign which contravenes s.64(1)</td>
<td>Level 3</td>
</tr>
<tr>
<td>64(2)(b)</td>
<td>Causing or permitting a PH vehicle to be driven with a roof sign which contravenes s.64(1)</td>
<td>Level 3</td>
</tr>
</tbody>
</table>
Road Traffic Act 1988 s.143 - Using A Vehicle Without Insurance

395. Drivers may be prosecuted by the Police or the Council in relation to driving without insurance.

396. The maximum penalty is a level 5 fine. The driver’s licence must be endorsed with between 6-8 penalty points and the Court has discretion to disqualify the driver. The Court may impose a curfew or community rehabilitation order.

397. When sentencing the Court will consider aggravating and mitigating factors. If the vehicle concerned is a hackney carriage or private hire vehicle this will be an aggravating factor.

Criminal Justice And Public Order Act 1994 s.167 - Touting For Hire

398. It is an offence in a public place, to solicit persons to hire vehicles to carry them as passengers. The penalty is a level 4 fine.

Health Act 2006, s.7 - Smoking In Vehicle & s.8 - Failing To Prevent Smoking In Vehicle

399. The maximum penalty for the above offences is a level 1 fine.

Hackney Carriage Byelaws

400. Prosecutions may be brought against hackney carriage proprietors and drivers for breach of the Council’s byelaws.
### Equality Act 2010

<table>
<thead>
<tr>
<th>Section</th>
<th>Offence</th>
<th>Maximum Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>165(7)</td>
<td>Driver of a designated taxi who fails to comply with the duty: a) to carry the passenger in the wheelchair b) not to make any additional charge for doing so c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonably comfort e) to give the passenger such mobility assistance as is reasonably required</td>
<td>Level 3</td>
</tr>
<tr>
<td>168(3)</td>
<td>Hackney carriage driver who fails to comply with the duty to: a. carry disabled passengers guide or hearing dog and allow it to remain with the passenger; and b. not make any additional charge for doing so.</td>
<td>Level 3</td>
</tr>
<tr>
<td>170(1)</td>
<td>Private hire operator failing or refusing to accept a booking made by or on behalf of a disable person on the basis that they will be accompanied by an assistance dog.</td>
<td>Level 3</td>
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<tr>
<td>170(2)</td>
<td>Private hire operator making an additional charge for carrying an assistance dog which is accompanying a disabled person.</td>
<td>Level 3</td>
</tr>
<tr>
<td>170(3)</td>
<td>Driver of private hire vehicle failing or refusing to carry out a booking made by or on behalf of a disable person on the basis that they will be accompanied by an assistance dog.</td>
<td>Level 3</td>
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</tbody>
</table>
Hackney Carriage Stands

- Appointed Stands
- Creating of a Stand
- Waiting on Stands
- Hackney Carriage Hailing Points

Appointed Stands

401. The purpose of hackney carriage stands (also known as hackney carriage ranks) is to provide the public with a set location where they can hire a licensed hackney carriage. The stand is the only situation where a hackney carriage may ply for hire in a stationary position and should be situated in locations where the public most need hackney carriages, for example adjacent to transport facilities, retail areas and places of employment, entertainment and leisure facilities. Stands should be sited so that passengers can board or alight from the vehicle safely. Stands can be for continual or part-time use.

402. The Council will review the provision of hackney carriage stands in the Borough from time to time. In this respect officers will work closely with the Stockton Hackney Carriage Drivers Association.

403. As stands can be regularly reviewed please contact the Council for a list of current stands.

Creation Of A Stand

404. A new hackney carriage stand can be appointed under s.63 Local Government (Miscellaneous Provisions) Act 1976. This allows new stands to be created on public highways or private land with the appropriate consent of the land owner and can be for continual or part-time use.

405. Prior to a new stand being created or the maximum number of vehicles that can use a stand is varied a notice will be given to the Chief Officer of Police and a public notice published in a local newspaper.

406. New stands are subject to approval by the Council’s Officer Traffic Group and will not normally be approved where they may lead to obstruction or road safety issues.

Waiting On Stands

407. It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages.

408. Drivers of hackney carriages may only wait on a stand whilst plying for hire or waiting for a fare.

409. Drivers who park on a stand and leave their hackney carriage vehicle unattended commit an offence.
Hackney Carriage Hailing Points

410. Hackney carriage hailing points are an alternative to a stand either where there is insufficient space for a stand or the location does not justify the creation of a stand. It is a specific point where the public know they will be able to hail a hackney carriage and the theory is that the drivers know where they are and will ensure that they pass them on a regular basis. There is no provision for hackney carriages to wait at such points.

411. The provision of hailing points within the borough will be considered by the Council on their individual merits.
Complaints Procedure

412. The Council is proud of its private hire and hackney carriage trade and expects them to uphold high standards at all times. However, it is recognised that there may be occasions for transport users and other members of the trade to make complaints. Any complaints will be considered and appropriate action will be taken in accordance with the Regulatory Service Policy.

413. All complaints received will be considered.

414. Complainants may be asked to put their complaint in writing or provide a witness statement if the complaint is such that formal action may result.

415. The Council recognises that some complaints can be frivolous or vexatious. These complaints will not be taken further.

416. Licensees are expected to assist Officer investigations and make themselves available for interview when reasonable requests have been made.

417. At the conclusion of the investigation all parties concerned will receive confirmation of the result and action to be taken (if any).

418. If any party is not satisfied as to the outcome of the complaint investigation the Council has a corporate complaints procedure in place to deal with these issues.
Appendix A

Private Hire And Hackney Carriage Vehicle Specifications

All licensed vehicles shall comply in all respects with the requirements set out below as appropriate for the type of vehicle. This is in addition to all requirements of the Road Traffic legislation, which relates to all motor vehicles.

All vehicles must comply with the requirements of Section A. Private Hire vehicles must comply with the requirements of Section B and F as appropriate, Novelty Vehicles and Stretched Limousines must comply with Sections B and C, and Hackney Carriage vehicles must comply with the requirements of Section D and E as appropriate.

All vehicles must be ‘exceptionally well maintained’.

All vehicles must be ‘type approved’.

The vehicle specification shall be complied with during the licence period unless any changes have been given prior approval by the Council.

It must be understood that, although the requirements set out in this document have been complied with, each application will be dealt on its merits and approval will be withheld if the Council is of the opinion that a vehicle is unsuitable for public use.

Section A - General specification for all vehicles

General Construction

1. The vehicle shall comply fully with all relevant statutory provisions relating to the construction of motor vehicles and including in particular those contained in the Road Vehicles (Construction and Use) Regulations 1986.

2. No modification may be carried out on a vehicle (e.g. alteration of the original seat configuration or any other ‘adaptation’) without prior approval from the council and/or the appropriate certificate produced.

3. No fittings, other than those approved by the Council, may be attached to, or carried on the inside or outside, of the vehicle.

4. The steering must be on the offside of the vehicle (unless exempted by the Council).

5. All tyres must comply with the relevant legislation and tyres must be of the designated size, speed and weight rating for that make and model of vehicle as prescribed by the vehicle manufacturer. Retreaded tyres must be marked accordingly.

6. The vehicle shall be capable of carrying in reasonable comfort a minimum of four passengers unless the Council approves a smaller number.

7. The body shall be of the fixed head type.
Passenger Comfort

8. The rear seat dimensions must be adequate to carry the appropriate number of passengers and must provide a minimum:
   - Seat width of 44cm for each person
   - Headroom measured from centre of seat to underside of roof – 75cm

9. The vehicle shall have an adequate heating and ventilation system for the comfort of all passengers.

10. The vehicle shall have an interior lighting fitted in the passenger compartment sufficient to illuminate the whole of that compartment. The light(s) shall be switched such that they may be turned on and off both from the driving and passenger compartments and shall operate automatically when a door is opened.

Passenger Safety

11. The windows should maximise passenger visibility into and out of the vehicle. If tinted glass is fitted, it shall have minimum light transmittance of 75% for the front windscreens, and 70% for all other vehicle window glass (unless previously exempted by the Council)

   A proportion of the window area in the passenger compartment must be available for opening by the seated passenger.

12. The vehicle shall have at least 4 doors which open sufficiently wide so as to allow safe and easy access and egress and provide the following minimum opening measurements:

   - Door width 712mm (28”)
   - Door height 875mm (33”)

   Each passenger, other than a front-seated passenger, must have access to at least two doors.

13. Lap and diagonal seatbelts must be fitted to all seats.

14. Head restraints must be fitted for all (forward and rear facing seats. The design of headrests should maximise rear sightlines for the driver when any of the passenger seats are not occupied.

Luggage Capacity

15. Suitable dedicated provision for the secure carriage of luggage must be made separated from the passenger compartment. Estate models of vehicles must provide a fixed grill between the luggage and passenger compartments. Each vehicle model will be determined on its merits.

Age/Emission Standards

16. Vehicles in respect of applications for new and replacement hackney carriage and private hire vehicle licences shall meet Euro 4 emission standards (this became mandatory for vehicles manufactured from 2005).
Existing licensed hackney carriages and private hire vehicles will be expected to meet Euro 3 emission standards as a minimum (this became mandatory for vehicles manufactured from 2000). Vehicles that currently do not meet this standard will not be re-licensed at the licence renewals in 2012.

Section B - Specification For New and Replacement Saloon Private Hire Vehicles

17. The vehicle must have M1 European Whole Vehicle Type Approval and be of an approved type and which is not black in colour.

18. If the Private Hire vehicle is fitted with a meter, it must comply with the requirements of this policy in relation to meters.

19. Private Hire vehicles must not have a roof sign.

Section C - Additional Specifications For Novelty Vehicles And Stretched Limousines Private Hire Vehicles

20. The vehicle must have passed the Single Vehicle Approval (SVA) (before 29 April 2009 or the Individual Vehicle Approval (from 29 April 2009) scheme test requirements.

21. The vehicle shall have Qualified Vehicle Modifier or Cadillac Coach Builder approval where appropriate.

Section D - Specification For Saloon Hackney Carriage Vehicles

22. Hackney Carriage vehicles must be of an approved type and be black in colour.

23. Hackney Carriage vehicles must have fitted on the roof, an internally illuminated TAXI top sign meeting a specification in relation to size approved by the Council (min. 60cm).

24. Hackney Carriage vehicles must be fitted with an approved calendar controlled taximeter in accordance with the requirements of this Policy and the Byelaws with Respect to Hackney Carriages.

Section E - Specification For New Hackney Carriages

General Construction

25. The vehicle shall accommodate a passenger with a disability confined to a wheelchair and shall have been tested, or retested after any modification, to meet the European Community Whole Vehicle Type Approval standards in the M1 category.

26. Certification from the Vehicle Certification Agency (VCA) shall be required in all instances. This must bear the VCA authentication stamp.

27. The vehicle must comply fully with Section A and the applicable parts of Section D of the preceding ‘General Specification for all Hackney Carriages and Private Hire Vehicles’
Passenger Safety And Comfort

28. The vehicle must be capable of accommodating one or more wheelchairs in either a forward or rear facing position allowing adequate space to ensure the safety and comfort of the wheelchair user, and without interfering with the safety and comfort of any other passengers.

29. Approved anchorages must be provided for wheelchair tie-downs and the wheelchair passenger restraint. These anchorages must either be chassis or floor linked and shall comply with the strength requirements for M1 standards and any current European directives. Restraints for wheelchair and occupant must be independent of each other. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.

30. The design of the vehicle must allow safe access and egress of passengers including elderly and disabled passengers.

31. The door and doorway must be constructed as to permit an unrestricted opening across the doorway of at least 75cm.

32. The clear height of the doorway must not be less than 1.2 metres.

33. Wheelchair access from the rear of the vehicle will not be permitted.

34. Grab handles must be placed at one or more passenger door entrances as appropriate, to assist the elderly and disabled. Grab handles must be in a contrasting colour.

35. At the main access door into the passenger area of the vehicle, steps shall be provided to aid ingress/egress as follows:

- where the internal floor height of the vehicle exceeds 300mm an intermediate step shall be fitted every 250mm from road level up to the internal floor height. All steps must be capable of supporting a minimum weight of 150kg.

- The tread area of all steps must have a minimum depth of 150mm and shall have a slip resistant surface. All steps, both internally and externally shall have all open edges highlighted in a contrasting high-visibility colour.

- Not be capable of operation when the vehicle is in motion

- If automatic powered, be fitted with a safety device which stops the motion of the step if that motion could cause injury to the passenger

- Can fold or retract so that it does not project beyond the side face of the vehicle and the vehicle is not capable of being driven away unless the step is so folded or retracted.

36. A means of illuminating the entrance step at all access doors shall be fitted and switched such that they operate automatically when a door is opened.

37. The vertical distance between the highest part of the floor and the roof in the wheelchair passenger area must be no less than 1.3 metres.
38. A ramp for the loading of a wheelchair and occupant must be available at all times for use at either the nearside or offside passenger door. The ramp must have a safety lip, be at least 70cm wide, as a minimum, and comprise a single non-slip surface. The ramp shall have a visible reference to safe working load of 250 kgs and certified to BS 6190. Provision must be made for the ramp to be stowed safely when not in use.

39. Where seats are placed facing each other, there must be a minimum space of 42.5cm between any part of the front seat and any part of any other seat which faces it, provided there is adequate leg room.

40. Where all seats are placed facing to the front of the vehicle, there must be a clear space of at least 66cm in front of every part of each seat squab, measured along a horizontal plane at the centre of the cushion.

41. When fitted occasional seats must be at least 40cm in width and the distance from the back of the upholstery to the front edge of the seat must not be less than 35.5cm.

42. Occasional seats must be so arranged as to rise automatically when not in use. They must be placed at least 4cm apart. When not in use, they must not obstruct doorways.

43. Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.

44. Colour contrasting sight patches are required on all passenger seats.

45. An induction loop system or (equivalent) must be fitted and clearly signed.

46. A swivel facility may be fitted to the nearside rear tip seat to assist disabled passengers.

Drivers Compartmen

47. Every vehicle must be provided with an approved means of communication between the passenger and the driver. If a sliding window is fitted on the glazed partition, the maximum width of the opening must not exceed 12cm.

48. Where a single-piece glazed partition is fitted, a facility must be provided for making payment to the driver.

Section F - Specification For New And/Or Replacement Wheelchair Accessible Private Hire Vehicles

49. The vehicle must comply fully with Section A and E and the applicable parts of Section B of the preceding Specifications for all Hackney Carriages and Private Hire Vehicles'
Appendix B

Conditions Of Private Hire Vehicle Licence

1. **Maintenance Of Vehicles**
The vehicle and all its fitting and equipment shall at all times when the vehicle is in use or available for hire be kept in an exceptionally well maintained condition and all relevant statutory requirements shall be fully complied with.

2. **Alteration Of Vehicle**
No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

3. **Safety Equipment**
There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances. Such equipment to be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency.

Where a ramp or ramps are used to facilitate access into the vehicle, they must be fitted/carried in the vehicle at all times and must be identified with the vehicle registration number.

4. **Interior Identification Marking**
The proprietor shall cause to be clearly displayed inside the vehicle in such a position as to be visible at all times to persons conveyed therein the internal comment card and at the top of each rear passenger door window a window sticker as supplied by the Council indicating the vehicle identification number and contact details for the Council.

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

6. **Convictions**
The proprietor shall within seven days disclose to the Council in writing details of any convictions and/or caution imposed on him or, if the proprietor is a Company or Partnership, on any of the Directors or Partners during the period of the licence.

7. **Change Of Address**
The proprietor shall notify the Council in writing of any change of his address that appears on the licence during the period of the licence within seven days of such change taking place.

8. **Identification Plate**
The plate, loaned by the Council, identifying the vehicle as a private hire vehicle and required to be exhibited on the vehicle pursuant of Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 shall unless exempted in wiring be securely fixed to the rear of the vehicle in a conspicuous position duly approved by the Council and in such manner using the fixings supplied by the Council as to be easily removable by an authorised officer of the Council or a Constable.
9. **Signs, Notices Etc:**

1) No signs, notices, advertisements, video or audio display, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision or required or permitted by these conditions, provided however, that this condition shall not apply to any indication on a taxi meter fitted to the vehicle.

2) The proprietor shall unless exempted in writing cause to be affixed and maintained in or on the vehicle in a conspicuous position in accordance with the directions of the Council any roundel, sign or notice relating to private hire vehicles, which the Council may from time to time require.

b) Without prejudice to the generality of the foregoing, the proprietor shall unless exempted in writing cause to be affixed and maintained on the outside of the vehicle:

   i) a door sign of such design and appearance as may be approved and supplied by the Council to be located on the nearside and offside front doors of the vehicle.

   ii) a front identification sign as may be approved and supplied by the Council.

   Note: The use of magnetised signs is only permitted when the vehicle has been exempted in writing from the general requirement to display the roundel or sign in i) above but the proprietor wishes to display such signs on occasional basis.

3) Without prejudice to the generality of the foregoing condition any advertisement shall not be allowed or affixed without the prior approval of the Council and specifically shall not:

   a) be affixed to any window of the vehicle and

   b) be affixed to any door or panel on which the door sign referred to in paragraph 9 2)a)i) of these conditions is located.

4) The proprietor or such person in charge of the vehicle when requested to do so by an authorised officer of the Council shall return to them, any identification plate, sign, door sign, badge, emblem or device.

   a) If any proprietor or such person in charge of the vehicle fails without reasonable excuse to comply, an authorised officer of the council shall be entitled to remove and retain any identification plate, sign, door sign, badge, emblem or device.

5) There may be displayed within the vehicle for the information of passengers a table of fares in a form and printing previously submitted to and approved by the Council.

6) The proprietor shall notify the Council of the loss or theft of any identification plate, door sign, sign, or notice relating to the private hire vehicle as soon as the loss becomes known and in any case within two working days. The loss or theft must also be notified to the police.
10. **Deposit Of Drivers Licence**  
If the proprietor permits or employs any other person to drive the vehicle as a private hire vehicle, he shall before that person commences to drive the vehicle cause the driver to deliver to him his private hire driver’s licence record card for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

11. **Transfer Of Interest**  
The proprietor shall notify the Council in writing, giving the name and address of the new proprietor, within 14 days if he transfers his interest in the vehicle to another person.

12. **Accident Notification**  
The proprietor shall notify the Council as soon as practicable, or in any case within 72 hours of any accident which results in damage to the vehicle. The council’s ‘Notification of Accident’ form must be completed for each notification.

13. **Insurance**  
The vehicle shall have a current valid policy of insurance at all times appropriate to the use authorised by this licence.

14. **Change Of Engine**  
The proprietor must notify the Council, in writing, within 7 days if the vehicle engine is changed. Such notification shall include details of the new engine number.

15. **Change Of Private Hire Operator**  
This vehicle may only be operated under the provisions of one Private Hire Operators Licence at any moment in time and the proprietor shall notify the Council of any change to the licensed Operator during the period of this licence within 72 hours.

16. **Letting/Leasing Of Vehicles**  
The proprietor shall not let or hire the vehicle identified in this licence to any other person, other than a fare paying passenger, without first notifying the Council in writing. Note: the proprietor will still be jointly responsible for the vehicle should a leasing arrangement be entered into.

**Additional Conditions To Be Applied To Novelty Vehicles And Stretched Limousines**

17. Vehicles must not carry front seat passengers

18. All passengers must remain seated at all times and must wear seat belts and any other safety restraint when the vehicle is in motion.

19. Where passengers in the vehicle consist of any persons under the age of 14 years they must be accompanied by a responsible adult, other than the driver, who must be over the age of 18 years.

20. No more than eight passengers may be carried in the vehicle.

21. If all the occupants of the vehicle, save for the driver and responsible adult, are under the age of 18 then there shall be no alcohol at all in the vehicle for consumption or otherwise.
22. Advertisements will not be allowed on the vehicle windows.

23. The operator of a novelty vehicle fitted with side facing seats shall provide a declaration that they will never be used to carry passengers under 16 years of age regardless of whether the vehicle is fitted with or without seatbelts.

24. Notices forbidding children to be carried in side facing seats must be clearly displayed in prominent positions and be visible at all times on entrance doors to the passenger compartment and on the inside of the vehicle on either side of the passenger compartment.
Appendix C

Conditions Of Hackney Carriage Vehicle Licence

1. **Maintenance Of Vehicles**
The vehicle and all its fitting and equipment shall at all times when the vehicle is in use or available for hire be kept in an exceptionally well maintained condition and all relevant statutory requirements shall be fully complied with.

2. **Alteration Of Vehicle**
No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

3. **Safety Equipment**
There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances. Such equipment to be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency. Where a ramp or ramps are used to facilitate access into the vehicle, they must be fitted/carried in the vehicle at all times and must be identified with the vehicle registration number.

4. **Interior Identification Marking**
The proprietor shall cause to be clearly displayed inside the vehicle in such a position as to be visible at all times to persons conveyed therein the internal comment card and at the top of each rear passenger door window sticker as supplied by the Council indicating the vehicle identification number and contact details for the Council.

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

6. **Convictions**
The proprietor shall within seven days disclose to the Council in writing details of any convictions and/or caution imposed on him or, if the proprietor is a Company or Partnership, on any of the Directors or Partners during the period of the licence.

7. **Change Of Address**
The proprietor shall notify the Council in writing of any change of his address that appears on the licence during the period of the licence within seven days of such change taking place.

8. **Identification Plate**
The plate, loaned by the Council, identifying the vehicle as a hackney carriage and required to be exhibited on the vehicle pursuant to the Byelaws With Respect To Hackney Carriages shall be securely fixed to the rear of the vehicle in a conspicuous position duly approved by the Council and in such manner, using the fixings supplied by the Council, unless the vehicle has a purpose built plate.
display/fixing location, so as to be easily removable by an authorised officer of the Council of a Constable.

9. **Signs, Notices Etc**

i) No signs, notices, advertisements, video or audio display, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision (including byelaws) or required or permitted by these conditions, provided however, that this condition shall not apply to any indication on a taxi meter fitted to the vehicle or to a sign, approved and located in accordance with the directions of the Council which is displayed in, on, or from the vehicle.

ii) Without prejudice to the generality of the foregoing, the proprietor shall unless exempted in writing cause to be affixed and maintained on the outside of the vehicle:

   a) a door sign of such design and appearance as may be approved and supplied by the Council to be located on the nearside and offside front doors of the vehicle.

   b) a roof sign displaying the word TAXI in letters of a minimum height of 79mm (standard vehicle number plate lettering) shall be fixed to the roof of the vehicle and shall be maintained and connected to the taxi meter and “for hire” sign and capable of being illuminated in such a manner as to indicate clearly to persons outside the vehicle whether or not the vehicle is for hire. The roof sign shall be of a minimum width of 60cms (24”) except in the case of vehicles where the roof sign is incorporated into the design and structure of the vehicle; and

   c) a front identification sign as may be approved and supplied by the Council.

Note: The use of magnetised signs is not permitted

iii) Without prejudice to the generality of the foregoing condition any advertisement shall not be allowed or affixed without the prior approval of the Council and specifically shall not:

   c) be affixed to any window of the vehicle and

   d) be affixed to any door or panel on which the roundel or sign referred to in paragraph 9 ii)a) of these conditions is located.

iv) a) The proprietor or such person in charge of the vehicle when requested to do so by an authorised officer of the Council shall return to them, any identification plate, sign, door sign, badge, emblem or device.

   a) If any proprietor or such person in charge of the vehicle fails without reasonable excuse to comply, an authorised officer of the council shall be entitled to remove and retain any identification plate, sign, roundel, badge, emblem or device.

v) The proprietor shall notify the Council of the loss or theft of any identification plate, door sign, sign, or notice relating to the hackney carriage vehicle as soon
as the loss becomes known and in any case within two working days. The loss or theft must also be notified to the police.

10. **Table Of Fares**
   There shall be displayed within the vehicle for the information of passengers a current table of fares approved and supplied by the Council and kept in such a position as to be easily visible to passengers.

11. **Transfer Of Interest**
    The proprietor shall notify the Council in writing, giving the name and address of the new proprietor, within 14 days if he transfers his interest in the vehicle to another person.

12. **Accident Notification**
    The proprietor shall notify the Council as soon as practicable, or in any case within 72 hours of any accident which results in damage to the vehicle. The Council’s ‘Notification of Accident’ form must be completed for each notification.

13. **Insurance**
    The vehicle shall have a current valid policy of insurance at all times appropriate to the use authorised by this licence.

    If the vehicle is off the road and uninsured at any time the proprietor shall advise the Council within 72 hours.

14. **Change Of Engine**
    The proprietor must notify the Council, in writing, within 7 days if the vehicle engine is changed. Such notification shall include details of the new engine number.

15. **Letting/Leasing Of Vehicles**
    The proprietor shall not let or hire the vehicle identified in this licence to any other person, other than a fare paying passenger, without first notifying the Council in writing. Note: the proprietor will still be jointly responsible for the vehicle should a leasing arrangement be entered into.
Appendix D

Vehicle Testing Arrangements

Note: This document is for guidance only and should be read together with the current policy and vehicle conditions and the Vehicle and Operator Services Agency (VOSA) publication ‘MOT Inspection Manual – Car and Light Commercial Vehicle Testing’.

It shall be the proprietor’s responsibility to ensure that their licensed vehicle(s) is roadworthy, maintained to the Council’s standards and specifications and fit for hire and reward purposes at all times. Vehicles must be submitted fully prepared for the test. It is not intended that the test be used in lieu of a regular preventative maintenance programme. If in the opinion of the vehicle examiner the vehicle has not been fully prepared, the test will be terminated and the vehicle failed. Proprietors failing to maintain their vehicles in a safe and roadworthy condition may have their licence suspended or revoked by the Council.

The following parts of the vehicle will be examined and records made:

**Vehicle Identification Number**
Not more than one different identification number should be present on a vehicle first used on or after 1st August 1980. However, the same number may be displayed in more than one place.

**Engine Number**
Recorded

**Registration Plate**
Condition, security, legibility and format of letters/numbers.

**Lighting And Signalling Equipment**
Condition, operation, security and correct colour. The headlamps will also be checked to see if the aim is correct.

**Steering and Suspension**
Correct condition and operation

**Wipers/Washers**
Operate to give the driver a clear view of the road

**Windscreen**
Condition and driver’s view of the road

**Horn**
Correct operation and type

**Seatbelts**
All seatbelts installed are checked for type, condition, operation and security. All compulsory seatbelts must be in place.

**Seats (including any swivel seat when fitted)**
Security and condition. Front and rear backseats can be secured in the upright position. Clean, free from rips or tears. Colour match.
Fuel System
No leaks, fuel cap fastens correctly and seals securely. The fuel cap will need to be opened so make sure the key is available.

Exhaust Emissions
Vehicle meets the requirement for exhaust emissions. These vary on the age and fuel type of the vehicle.

Exhaust System
Complete, secure, without serious leaks and silences effectively.

Vehicle Body And Structure
Free from corrosion or damage. No sharp edges. Exceptionally well maintained

Doors
Open and close. Latch securely in closed position. Front doors should open from inside and outside the vehicle. Rear doors may need to be opened to gain access to testable items.

Mirrors
Presence, condition and security.

Wheels and Tyres (includes spare)
Condition, security, tyre size/type and tread depth.

Brakes
Condition, operation and performance (efficiency test). Wheels are not removed during the test. The tester only examines what they can see, reach or feel.

Vehicle Interior
Clean and exceptionally well maintained

Vehicle Exterior
Uniform colour. No sharp edges. Exceptionally well maintained

Glass
Windscreen - minimum 75% light transmittance
All other glass - minimum 70% light transmittance (unless exemption certificate issued)

Fire Extinguisher
Present, correct type, gauge fitted, BS/ EN number present. Identification mark

First Aid Kit
Present, complete and suitable identification mark

Meter (if fitted)
Must be sealed. Meter number is recorded. Accuracy is checked

Spare Wheel
Present, above legal limit. Same tyre size as other tyres. Space-saver is of an approved type
Wheel-brace & Jack
Present

Luggage Accommodation
Compartment clean, empty

Interior Trim
Clean, free from rips or tears

Floor Covering
Clean. No obstructions.

Licence Plates
Present. Securely attached to vehicle. Correct location on vehicle. In satisfactory condition.

Road Fund Licence
Present and valid. Securely attached to windscreen. In satisfactory condition

Signs
Present. Fitted correctly. In satisfactory condition, information legible.

For Hire Sign
Present. Works in conjunction with meter and roof-sign

Roof Sign  (Saloon hackney carriages only)
Present. Correct type and size for type of vehicle. Lettering correct size. Works in conjunction with meter and for-hire sign.

Roof Sign - (Wheelchair accessible vehicles only)
Present. Correct type and size for type of vehicle. Lettering correct size. Works in conjunction with meter and for-hire sign.

Advertising
Must be approved. Present on body panels other than front doors only.

Fare Table (Dashboard/partition)
Present. In satisfactory condition. Most recent issue.

Interior Door Locks (Purpose built cabs only)
Work in conjunction with foot-brake

Ramps
Present. Stored securely. Marked with vehicle identification

Odometer
Connected. Working. Reading recorded

Oil And Water Leaks

Towbars and Trailers
Conditions and Suitability
Appendix E
Private Hire Vehicle Exemption Notice Conditions

General Conditions

1. The proprietor shall be exempt from the requirement to display the Private Hire Vehicle identification plates and door signs issued by the Council during the period of exemption.

2. Any driver of the private hire vehicle subject to this exemption notice shall be exempt from the requirement to wear the private hire drivers badge issued by the Council whilst acting as the driver of the vehicle.

3. The Private Hire drivers badge shall be carried on the drivers person at all times and be produced for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.

4. The Proprietor shall ensure that the small private hire vehicle licence identification plate issued by the council is displayed within the nearside of the front windscreen at all times.

5. The ‘Exemption Notice’ issued by the Council in respect of the licensed private hire vehicle shall be carried within the vehicle at all times, and presented for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.

6. Other than the Council’s Small Licence Identification Plate, Internal comment card and Driver Identification Badge; the proprietor shall not display in, on or from the vehicle any advertisement, sign, logo or insignia advertising the operating company or promoting the vehicles’ status as a licensed private hire vehicle, without the prior written approval of the Council.

7. The Private Hire Vehicle licence identification plate issued by the council shall be carried in the vehicle at all times and produced for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.

8. No taximeter shall be displayed within the vehicle at any time.

9. Notable of fares/tariff cards shall be displayed in the vehicle at any time.

10. The proprietor shall ensure that the driver of the vehicle shall be appropriately dressed in a chauffeur’s uniform or ‘business type’ suit when the vehicle is hired.

11. The proprietor shall inform the hirer that an exempted vehicle will be used for each individual booking.

12. The Proprietor shall notify the Council within 7 days in writing if there is any material change in the nature of the use of the vehicle during the period of exemption.

Additional Conditions

The Proprietor of any executive hire vehicle wishing to take advantage of the exemption limiting the window tint should not be engaged in any contract or provision of vehicle for the carriage of school children or based around the carriage of unaccompanied children/young persons (under age 18 years). The driver must not act as the accompanying adult. Further, the Operator must, unless such a vehicle has been specifically requested, inform a hirer that such a vehicle with tinted windows will be supplied.
### Appendix F

#### Table Of Existing Vehicles By Age

<table>
<thead>
<tr>
<th>Year</th>
<th>HCV Saloon</th>
<th>HCV Wheelchair</th>
<th>PHV Saloon</th>
<th>PHV Wheelchair</th>
<th>Grand Total</th>
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<td>1998</td>
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</tr>
<tr>
<td>Grand Total</td>
<td>273</td>
<td>26</td>
<td>303</td>
<td>9</td>
<td>611</td>
</tr>
</tbody>
</table>
Appendix G

Relevance Of Convictions, Cautions, Reprimands, Warnings And Complaints And Character

Stockton on Tees Borough Council use the following guidelines to make fair and consistent decisions when considering criminal convictions, cautions, reprimands, warnings, information or complaints received which result in disciplinary action against licensed Private Hire or Hackney Carriage Drivers and Operators, or disclosed at the time of new applications, renewal applications or on notification of conviction during the period of licence.

The Council may fail to be satisfied that an applicant is a fit and proper person to hold a drivers licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there is good reason to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.

These guidelines also apply to existing holders of such licences. It should be noted that the Council will consider it extremely serious when existing holders of licences receive criminal convictions, cautions, reprimands, or warnings or receive complaints which result in disciplinary action.

The issuing and holding of a licence is a privilege not a right and persons who hold a licence are expected to conduct themselves in a manner that does not bring their profession or the council into disrepute.

The overriding consideration is the safety of the public. The council has a duty to ensure so far as possible that those licensed do drive Hackney Carriage and Private Hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.

Existing holders of licences who commit criminal offences or receive complaints about their behaviour which result in disciplinary action may expect the council to consider revoking their licence.

The Council uses the Enhanced Disclosure service from the Criminal Records Bureau and will use the Independent Safeguarding Authority (SIA) Vetting and Barring Scheme, when appropriate, to determine the suitability of applicants for Hackney Carriage and private Hire Driver Licences. Any information disclosed as being considered relevant by the police on the CRB will be considered on its merits.

The Council will comply fully with the Criminal Records Bureau Code of Practice and the requirements of the Data Protection Act. Disclosure information will be used fairly, stored securely and only be handled by authorised persons. Please see guidance leaflet on “Handling, Storage and use of Disclose Information Received from the Criminal Records Bureau” for further information.

For the purpose of the guidelines formal cautions, endorsable fixed penalties and public order fixed penalties shall be treated as though they were convictions and they shall be disclosed to the Council accordingly.

General
Each case will be decided on its merits. The Council will endeavour to make consistent decisions but is not bound by or obliged to follow previous decisions made by them in relation to the holders of licences.
It may be appropriate to depart from the general policy in some cases, for example, situations where the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account. Where there has been a conviction for a sexual offence, murder of manslaughter a licence will normally be refused. Where an applicant has served a custodial sentence the Council will consider the number of years since their release and the period for which they have been free of conviction when determining their fitness to be licensed. Time spent in custody will generally be discounted from the conviction free period.

A person with a current conviction, caution, reprimand or final warning need not be permanently barred from obtaining a licence but should be expected to remain free from conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Applicants should also demonstrate evidence of good character.

However, any person on the ISA Barred List will normally be refused a licence.

Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. Whilst, the Council may exercise its discretion, the overriding consideration should be the protection of the public and someone who has committed an offence and has to wait before being accepted, as a driver is more likely to value the licence and act accordingly.

The guidelines are not an attempt to define what is a fit and proper person.

The guidelines do not deal with every type of offence. However, offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.

The following examples afford a general guide on the action to be taken where convictions, cautions, reprimand or final warning are admitted.

(a) Minor Traffic Offences

Convictions, cautions, reprimands or final warnings for minor traffic offences will not prevent a person from being considered for a licence. If an applicant has six “live” penalty points on their driving licence for such offences then the application may be granted subject to a written warning. If an applicant has between 6 and 9 points on their licence for such offences then the application will be referred to the licensing sub-committee who may decide to refuse the application. At the very least a severe warning will be given that further offences will result in revocation of the licence. Where an applicant has more than 9 penalty points for such convictions they must normally show a period of 12 months free from conviction, caution, reprimand or final warning before their application is considered. Even then the application will be referred to the Licensing Committee and may be refused.

(b) Major Traffic Offences

Major traffic offences include those on the attached list of offences that have the following codes. Please note that the Council appreciates there is a difference in the level of seriousness of these offences and will consider each on its merits.
<table>
<thead>
<tr>
<th>DVLA CODE</th>
<th>DESCRIPTION OF OFFENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>DR10</td>
<td>Driving or attempting to drive with alcohol level above limit</td>
</tr>
<tr>
<td>DR20</td>
<td>Driving or attempting to drive while unfit through drink</td>
</tr>
<tr>
<td>DR30</td>
<td>Driving or attempting to drive then failing to supply a specimen for analysis</td>
</tr>
<tr>
<td>DR40 (See Section C and D Below)</td>
<td>In charge of a vehicle while alcohol level above limit</td>
</tr>
<tr>
<td>DR50 (See Section C and D Below)</td>
<td>In charge of a vehicle while unfit through drink</td>
</tr>
<tr>
<td>DR60</td>
<td>Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive</td>
</tr>
<tr>
<td>DR70</td>
<td>Failing to provide specimen for breath test</td>
</tr>
<tr>
<td>DR80</td>
<td>Driving or attempting to drive when unfit through drugs</td>
</tr>
<tr>
<td>DR90</td>
<td>In charge of a vehicle when unfit through drugs</td>
</tr>
<tr>
<td>AC10</td>
<td>Failing to stop after an accident</td>
</tr>
<tr>
<td>AC20</td>
<td>Failing to give particulars or to report an accident within 24 hours</td>
</tr>
<tr>
<td>BA10</td>
<td>Driving whilst disqualified by order of court</td>
</tr>
<tr>
<td>BA30</td>
<td>Attempting to drive while disqualified by order of court</td>
</tr>
<tr>
<td>CD40</td>
<td>Causing death through careless driving when unfit through drink</td>
</tr>
<tr>
<td>CD50</td>
<td>Causing death by careless driving with alcohol level above the limit</td>
</tr>
<tr>
<td>CD60</td>
<td>Causing death by careless driving with alcohol level above the limit</td>
</tr>
<tr>
<td>CD70</td>
<td>Causing death by careless driving then failing to supply a specimen for analysis</td>
</tr>
<tr>
<td>DD40</td>
<td>Dangerous driving</td>
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<td>DD60</td>
<td>Manslaughter or culpable homicide while driving a vehicle</td>
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<tr>
<td>DD80</td>
<td>Causing death by dangerous driving</td>
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<tr>
<td>IN10</td>
<td>Using a vehicle uninsured against third party risks</td>
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<tr>
<td>IN14</td>
<td>Causing or permitting the use of a vehicle uninsured against third party risks</td>
</tr>
<tr>
<td>UT50</td>
<td>Aggravated taking of a vehicle</td>
</tr>
<tr>
<td>TT99</td>
<td>To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 years, the driver is liable to be disqualified</td>
</tr>
</tbody>
</table>
Note: Should the Courts decide not to disqualify a driver under the totting up procedures the Council may still consider that the driver is not a fit and proper person and may consider revocation of the private hire and/or hackney carriage driver’s licence.

If an applicant has a live endorsement in respect of a major traffic offence then the application will be referred to the Licensing Committee and will normally be refused until at least four years after the most recent conviction, caution, reprimand, final warning or if the person was disqualified, after the restoration of their driving licence.

(c) Alcohol Related Offences

A person who has been disqualified from driving as a result of a drink driving offence must show at least three years free from conviction after the restoration of their driving licence before their application will be considered.

More than one “live” conviction, caution, reprimand or final warning of this type would require a period of at least five years free from such conviction, caution, reprimand or final warning before the application would be considered.

Such an applicant would also be required to pass a medical examination and if the applicant was found to be an alcoholic a further period of five years should elapse after treatment is complete before an application is considered.

(d) Drug Offences

An applicant with a conviction, caution, reprimand or final warning for a drug driving related offence should be required to show a period of five years free of a conviction, caution, reprimand or final warning before an application is considered, or five years after detoxification treatment if the applicant is an addict.

An applicant with a conviction, caution, reprimand or final warning for a drug related (non driving) offence should be required to show a period of at least five years free of a conviction, caution, reprimand or final warning before an application is considered or five years from completion of any custodial sentence imposed, whichever is the later.

If the conviction, caution, reprimand or final warning relates to the supply of prohibited drugs then it is unlikely that even after this period the application will be granted.

(e) Indecency Offences

Applicants with a conviction, caution, reprimand or final warning for indecent exposure, indecent assault, importuning or any sexual offence, will normally be refused a licence. Any person on an ISA Barred List will be refused a licence.

(f) Violence

Applicants with a conviction, caution, reprimand or final warning for grievous bodily harm, wounding, serious assault, or possession of a dangerous weapon will normally be refused a licence. An application may be considered if the applicant can show at least three years free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 3 years from completion of any custodial sentence imposed, whichever is the latter.
Please note that the Council deems incidents of domestic violence to be extremely serious as if an individual is prepared to assault an individual in a domestic or home environment then they would have concerns over the person's ability to maintain their temper when working in an environment dealing with members of the public.

(g) Dishonesty

Applicants with a conviction, caution, reprimand or final warning for an offence involving dishonesty will normally be refused a licence. An application may be considered where the applicant can show at least 3 years free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 3 years from completion of any custodial sentence imposed, which ever is the later.

(h) Public Order Offences

Applicants with a conviction, caution, reprimand or final warning involving public order offences such as affray, fear of provocation of violence, criminal damage will normally be refused a licence. An application may be considered where the applicant can show at least 2 years free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 2 years from completion of any custodial sentence imposed, which ever is the later.

Any conviction, caution, reprimand or final warning which results from an offence committed by any person while working as a Hackney Carriage or Private Hire Proprietor, Driver or a Private Hire Operator is regarded as extremely serious and may lead to a licence being revoked or in an application to renew the licence being refused.


The following examples afford a general guide to what action the Council may take in relation to existing Hackney Carriage and Private Hire Licence holders:-

Proprietor Offences

Any person convicted, cautioned, reprimanded or given a final warning of an offence relating to a Hackney Carriage or Private Hire vehicle of which they are the proprietor may have their licence(s) suspended or revoked.

Driver Offences

Any person convicted, cautioned, reprimanded or given a final warning of an offence whilst acting as the driver of a Hackney Carriage or Private Hire vehicle may have their driver licence suspended/suspended with immediate effect or revoked.

Operator Offences

Any person convicted, cautioned, reprimanded or given a final warning for an offence relating to their operation of Private Hire vehicles or Drivers may have their Private Hire Operators Licence suspended or revoked.

Should the Council chose to take action short of revocation them more than one such conviction, caution, reprimand or final warning will normally lead to the licence being revoked.
Appendix H

Conditions Of Private Hire Drivers Licence

1. **Conduct Of Driver**
   The Driver shall at all times when acting as a driver of a licensed vehicle:-
   
   a) unless exempted in writing display the dash display badge issued to him by the Council inside the vehicle in such a position as to be visible at all times to persons conveyed therein;

   b) afford all reasonable assistance with passengers luggage;

   c) comply with the Councils Dress Code and Code of Good Conduct;

   d) behave in a civil and orderly manner at all times and in particular shall not engage in any activities of a sexual nature whilst acting as a driver of any vehicle licensed by this Council;

   e) when requested by the Council attend a medical practitioner and/or submit to any drugs tests deemed appropriate;

   f) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him;

   g) not without the express consent of the hirer drink or eat whilst driving the vehicle;

   h) not without the express consent of the hirer play any radio or sound reproducing instruments or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle; and

   i) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

   j) the application for renewal of a licence should be made in advance to ensure continuity. There is no automatic period of grace.

2. **Passengers**
   a) The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.

   b) The driver shall not allow there to be conveyed in the front of a private hire vehicle;
      
      i) any child below the age of ten years; or
      
      ii) more than one person above that age (except where separate seats are provided)

   c) The driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in the vehicle, other than a person permitted by the licensed proprietor of the vehicle.
3. **Lost Property**
   a) The driver shall immediately after the termination of any hiring of a Private Hire Vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.

   b) If any property accidentally left in a private hire vehicle by any person who may have been conveyed therein is found by or handed to the driver the property shall be returned to the owner if known or handed in at a police station as soon as possible.

4. **Written Receipts**
   The driver shall if required by the hirer of a private hire vehicle provide him with a written receipt for the fare paid. The receipt shall contain the relevant information as specified by the Council.

5. **Animals**
   a) The driver shall not whilst hired carry in a Private Hire Vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle;

   b) Any animal belonging to or in the custody or any passenger may at the driver’s discretion be conveyed in the vehicle but shall only be conveyed in the rear of the vehicle.

   **Note:**
   This discretion does not apply to a disable person’s guide, hearing or assistance dog which must be carried in a Private Hire Vehicle without any additional charge, unless the driver holds a Certificate of Exemption on medical grounds issued under the Equality Act 2010.

6. **Prompt Attendance**
   The driver of a Private Hire Vehicle shall, if he is aware that the vehicle has been hired to be in attendance at any appointed time and place punctually attend at the appointed time and place, unless unavoidably delayed or prevented from doing so when he shall inform the Operator of his delay.

7. **Copy Of Conditions**
   The driver shall at all times when driving a Private Hire Vehicle carry with him a copy of these conditions and shall make it available for inspection by the hirer or any other passenger on request.

8. **Deposit Of Licence Record Card**
   If the driver is permitted or employed to drive a Private Hire vehicle of which the proprietor is someone other than himself, he shall before commencing to drive that vehicle deposit the licence record card with the licensed Private Hire Operator for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

9. **Taximeter**
   If a Private Hire Vehicle being driven by the driver is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.
10. **Fare To Be Demanded**
   The driver shall not demand from any hirer of a Private Hire Vehicle a fare in excess of any previously agreed for that hiring between the hirer and the Operator (unless a deviation of the route is requested by the hirer) or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown of the face of the taximeter.

11. **Change Of Address**
   The driver shall notify the Council in writing of any change of his address that appears on the licence during the period of the licence within seven days or such change taking place.

12. **Conviction**
   The driver shall within seven days of conviction or caution disclose to the Council in writing details of any conviction or caution (including Motoring offences or otherwise) imposed on him during the period of the licence.

13. **Return Of Badges**
   The driver shall upon the expiry (without immediate renewal), revocation or suspension of this licence forthwith return to the Council the drivers badges and record card issued to him by the Council when granting his licence.

14. **Loss/Theft Of Identification Badges**
   Loss or theft of your licence or identification badges must be reported to the Council and the police as soon as the loss becomes known and in any case within two working days.

15. **Medical Fitness**
   You must inform the Licensing Office immediately if you suffer from a medical condition or disability or a conditions or disability previously notified worsens that may alter your ability to drive a vehicle.

   A driver who receives medical treatment or medical consultation shall confirm with their medical attendant whether they are at that time fit to undertake the duties of a Private Hire Vehicle Driver in accordance with the DVLAs Guide to Medical Standards of Fitness for a Group 2 licence holder. Where any medical attendant specifies that a driver or prospective driver should not drive for a determinate or indeterminate period that the driver or prospective driver shall notify the council immediately in writing of such medical opinion.

   The requirement will not apply to any temporary incapacity or treatment for the duration of which the driver or prospective driver does not intend to drive a Private Hire Vehicle.

16. **Time Spent Abroad**
   Drivers shall notify the Council in writing when they intend to spend more than 3 months out of the country. Such notification shall include details of the country to be visited and relevant dates of departure and anticipated return. On return the driver shall complete and submit to the Council a statutory declaration.
Appendix I

Notes For Drivers Of Hackney Carriage Vehicles

(Please Refer To The Hackney Carriage Vehicle Conditions And Byelaws With Respect To Hackney Carriage Vehicles And The Councils Hackney Carriage And Private Hire Licensing Policy)

1. **Conduct Of Driver**
   The driver shall

   a) at all times when acting as a driver of a licensed vehicle display the dash display badge issued to him by the council inside the vehicle in such a position as to be visible at all times to persons conveyed therein;

   b) the holder of a Hackney Carriage drivers licence shall at all times when a vehicle is standing, plying or being driven by him, carry on him the Badge associated with the Licence, which should be worn in such a manner as to be clearly visible by passengers at all times;

   c) the holder of a Hackney Carriage drivers licence shall produce the Badge on request, to an Authorised Officer of the council or a Police Constable;

   d) afford all reasonable assistance with passengers luggage;

   e) at all times be clean and respectable in his dress and person and comply with the councils Dress Code;

   f) behave in a civil and orderly manner and comply with the councils Code of Good Conduct;

   g) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him;

   h) not without the express consent of the hirer, drink or eat whilst driving the vehicle;

   i) not without the express consent of the hirer play any radio or sound reproducing instruments or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle; and

   j) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

   k) any application for renewal of a licence should be made in advance to ensure continuity. There is no automatic period of grace.

2. **Passengers**
   a) The driver shall not convey or permit to be conveyed in a Hackney Carriage vehicle a greater number of persons than that prescribed in the licence for the vehicle.

   b) The driver shall not allow there to be conveyed in the front of a Hackney Carriage vehicle;

      i) any child below the age of ten years; or

      ii) more than one person above that age.
3. **Lost Property**
   a) The driver shall immediately after the termination of any hiring of a Hackney Carriage vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.

   b) If any property accidentally left in a Hackney Carriage vehicle by any person who may have been conveyed therein is found by or handed to the driver the property shall be returned to the owner if known or handed in at a Police Station as soon as possible.

4. **Written Receipts**
   The driver should if required by the hirer of the Hackney Carriage vehicle provide him with a written receipt for the fare paid. The receipt shall contain the relevant information as specified by the Council.

5. **Animals**
   a) The driver shall not carry in a Hackney Carriage vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle;

   b) Any animal belonging to or in the custody of any passenger may at the driver’s discretion be conveyed in the vehicle but shall only be conveyed in the rear of the vehicle.

   **Note:**
   This discretion does not apply to a disabled persons’ guide, hearing or assistance dog which must be carried in a Hackney Carriage Vehicle without any additional charge, unless the driver holds a Certificate of Exemption on medical grounds issued under the Equality Act 2010.

6. **Prompt Attendance**
   The driver of a licensed vehicle shall ensure that if he has arranged to be in attendance at an appointed time and place, he shall attend punctually at the appointed time and place, unless unavoidably delayed or prevented from doing so when the hirer should be informed.

7. **Deposit Of Licence**
   If the driver is permitted or employed to drive a Hackney Carriage vehicle he shall before commencing to drive that vehicle deposit the licence record card with that proprietor for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

8. **Taximeter**
   Drivers of Hackney Carriage vehicles must use the taximeter as prescribed in the Byelaws at all times. Hackney Carriage vehicles used for Private Hire must always use the meter for journeys within the district.

9. **Fare To Be Demanded**
   Drivers of Hackney Carriage vehicles must use the taximeter as prescribed in the Byelaws at all times. No fare greater than appears on the meter can be charged, this includes Private Hire use.
10. **Change Of Address**
The driver should notify the Council in writing of any change of his address that appears on the licence during the period of the licence.

11. **Conviction**
The driver should within seven days of conviction or caution disclose to the Council in writing details of any conviction or caution (including Motoring offences or otherwise) imposed on him during the period of the licence.

12. **Return Of Badges**
The driver should upon the expiry (without immediate renewal), revocation or suspension of this licence forthwith return to the Council the drivers badges issued to him by the Council when granting this licence.

13. **Loss/Theft Of Identification Badges**
Loss or theft of your licence or identification badges must be reported to the Council as soon as the loss becomes known and in any case within two working days. You must obtain a lost property/crime number from the police.

14. **Medical Fitness**
You must inform the Licensing Office immediately if you suffer from a medical condition or disability or a condition or disability previously notified worsens that may alter your ability to drive a vehicle.

A driver who receives medical treatment or medical consultation shall confirm with their medical attendant whether they are at that time fit to undertake the duties of a Hackney Carriage Driver in accordance with the DVLAs Guide to Medical Standards of Fitness for a Group 2 licence holder. Where any medical attendant specifies that a driver or prospective driver should not drive for a determinate or indeterminate period that the driver or prospective driver should notify the Council immediately in writing of such medical opinion.

15. **Time Spent Abroad**
Drivers shall notify the Council in writing when they intend to spend more than 3 months out of the country. Such notification shall include details of the country to be visited and relevant dates of departure and anticipated return. On return the driver shall complete and submit to the Council a Statutory declaration.
Appendix J

Code Of Conduct For Licensed Drivers

In order to promote its licensing objectives as regards Hackney Carriage and Private Hire licensing, the Council has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this document.

1. Responsibility To The Trade
   Licence holders shall endeavour to promote the image of the Hackney Carriage and Private Hire trade by:
   
   a) complying with this Code of Good Conduct
   b) complying with all the conditions of their licence and the Council's Hackney Carriage and Private Hire Licensing Policy
   c) behaving in a professional manner at all times

2. Responsibility To Clients
   Licence holders shall:
   
   a) maintain their vehicles in a safe and satisfactory conditions at all times;
   b) keep their vehicles clean and suitable for hire to the public at all times;
   c) attend punctually when undertaking pre-booked hiring;
   d) assist, where necessary, passengers into and out of vehicles (unless medically exempt);
   e) offer passengers reasonable assistance with luggage.

3. Responsibility To Residents
   To avoid nuisance or disturbance to residents when picking up or waiting for a fare, or waiting to be allocated a booking, a driver shall:
   
   a) not sound the vehicle’s horn;
   b) keep the volume of radio/cassette/cd player and VHF/digital radios low;
   c) switch off the engine if required to wait;
   d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood;
   e) not deposit any litter;
   f) not urinate in the street.

   At Hackney Carriage ranks, drivers shall, in addition to the requirements above:
   
   a) rank in an orderly manner and proceed along the rank in order and promptly;
   b) remain in the vehicle.

   At Private Hire Offices a licence holder shall:
   
   a) not allow their radio/cassette/cd players or VHF/digital radios to cause disturbance to residents of the neighbourhood;
   b) take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood which might arise from the conduct of their business.
4. **General**

Drivers shall:

a) pay attention to personal hygiene and dress in accordance with the Dress Code;
b) be polite, helpful and respectful to passengers;
c) drive with care and due consideration for other road users and pedestrians;
d) obey all Traffic Regulation Orders and directions at all times;
e) ensure that they do not smell of alcohol or consume alcohol at any time whilst driving or being in charge of a Hackney Carriage or Private Hire vehicle;
f) not drive while having misused legal or illegal drugs;
g) behave in a civil and orderly manner at all times;
h) when requested by the Council attend a medical practitioner and/or submit to any drug tests deemed appropriate.

**Please Note:**

Any amount of Alcohol or Drugs can affect a driver's judgment.

The Council will take a very serious view of any driver being found to have had any alcohol or having misused any drugs whilst in charge of a licensed vehicle.
Appendix K

Drivers Dress Code

The purpose of a Driver’s Dress code is to seek a standard of dress that provides a positive image of the Hackney Carriage and Private Hire Trade in Stockton on Tees, to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.

Acceptable Standards Of Dress

Tops

- Shirts, Blouses, T-Shirts or Sweat Tops should cover the shoulders and be capable of being worn inside trousers or shorts
- Shirts or Blouses may be worn with a tie or open necked

Footwear

- Footwear for all drivers shall fit around the heel of the foot

Unacceptable Standard Of Dress

The following are deemed unacceptable:

- Clothing not kept in a clean condition, free from holes and rips
- Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend
- Sportswear (e.g. football/rugby kits, track suits, beach wear etc)
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel
- Drivers not having either the top or bottom half of their bodies suitably clothed (see above)
Appendix L

Conditions Of Private Hire Operator Licence

1. Planning Approval
   The Operator shall ensure that any premise from which he intends to operate has been
   granted the appropriate planning approval for such operation prior to commencing
   business.

2. Records
   The record required to be kept by the Operator under Section 56(2) of the Local
   Government (Miscellaneous Provisions) Act 1976 shall either be kept in a suitable book
   duly approved by the Council, the pages of which shall be numbered consecutively
   and dated, or on a suitable computerised record system previously approved by the
   Council, and the Operator shall enter or cause to be entered therein, before the
   commencement of each journey, the following particulars of every booking of a
   private hire vehicle invited or accepted by him, such entries to be made in strict
   chronological order with each entry immediately following the preceding entry;

   (a) The time and date of the booking and how made (i.e. telephone, personal call
      etc).
   (b) The name and address of the hirer (if given), date and time of pick-up.
   (c) The point of pick-up.
   (d) The destination.
   (e) The time at which a driver was allocated and the registration number of the vehicle
      allocated for the booking and the name of the driver.
   (f) Number of passengers to be carried (when known).
   (g) Amount to be charged for hiring where requested or agreed.
   (h) Any variation in the original contract must be recorded

   The Operator shall also keep records of the particulars of all private hire vehicles
   operated by him, which particulars shall include details of the proprietors, registration
   numbers and drivers of such vehicles, together with any radio call sign-used. The
   operator shall also keep records of all desk clerks employed by him/her.

   The operator shall notify the Licensing Section within two working days when any
   vehicle ceases in his/her employ, or any vehicle commences in his/her employ.

   All records kept by the Operator shall be preserved for a period of not less than one
   year following the date of the last entry.

3. Standard Of Service
   The Operator shall provide a prompt, efficient and reliable service to members of the
   public and for this purpose shall in particular:

   (a) Ensure that when a private hire vehicle has been hired to be in attendance at an
       appointed time and place, the vehicle shall, unless delayed or prevented by sufficient
       cause, punctually attend at the appointed time and place.

   (b) Keep clean, adequately heated, ventilated and lit any premises which the Operator
       provides and to which the public have access, whether for the purpose of booking or
       waiting.
(c) It is not considered appropriate for novelty vehicles and/or stretched limousines to be used for standard hirings and operators shall only send such a vehicle when it has been specifically requested by the hirer.

4. Fares
The fare to be charged and/or the method of determining the same by Private Hire Operators shall be agreed with the hirer at the time of booking.

The method of calculation of fares shall not consist of the "round trip" or "office to office" method. The Council expects Operators to charge a reasonable fare for each hiring.

When taximeters are to be used the operator must notify the Council of the fare rate and any subsequent changes made to that fare rate during the period of this licence.

5. Taximeters
Where any vehicle operated by him/her is fitted with an approved taximeter, the operator shall ensure that the taximeter is set to the fare rate notified to the Council and properly sealed in accordance with Council policy.

6. Facilities For Passengers
(i) The operator shall ensure that where any passenger waiting area or room is provided, it is kept physically separate from any driver rest area and operations room.

The operator, where a waiting area or room is provided for the use of passengers or prospective passengers:

- shall provide adequate seating for the use of those passengers or prospective passengers; and
- shall ensure that such room or area is kept clean, adequately heated, ventilated and lit; and
- shall ensure that the interior and exterior of the premises is kept in good repair, to the satisfaction of the Council.

7. Animals
(a) The Operator shall ensure that a driver shall not carry in a Private Hire Vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle;

(b) The Operator shall advise the driver that any animal belonging to or in the custody of any passenger may, at the driver's discretion, be conveyed in the rear of the vehicle.

NOTE: This discretion does not apply to a disabled persons' guide, hearing or assistance dog which must be carried in a Private Hire Vehicle without any additional charge, unless the driver holds a Certificate of Exemption on medical grounds issued under the Equality Act 2010.

8. Complaints
The Operator shall immediately upon receipt notify the Council in writing of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any), which the Operator has taken or proposed to take in respect thereof. The operator shall also notify the complainant of his/her right to forward the complaint to the Council.
All complaints shall be investigated immediately by the operator, and the complainant notified of the outcome within a reasonable time.

Where a complaint is investigated by an Authorised Officer of the Council, the operator shall conform to any reasonable directions of the Officer in respect of that complaint.

9. Change Of Address
The operator shall advise the Council in writing of any change of any correspondence address that appears on the licence within 7 days of such a change taking place.

If an operator wishes to change the base from which they operate they shall seek written approval from the Council prior to any change taking place.

10. Convictions And Cautions
The Operator shall within seven days disclose to the Council in writing details of any conviction or caution imposed on him (or if the operator is a company or partnership, on any of the directors or partners) during the period of the licence.

11. Vehicle And Driver Licences
The Operator shall not operate any private hire vehicle if a current licence issued by the Council is not;

a) in force for the vehicle under Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 and

b) held by the driver under Section 51 of the said Act.

12. Touting Etc.
The operator shall not:-

(a) tout or solicit on a road or other public place any person to hire or be carried out for hire in any private hire vehicle; or

(b) cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle.

In this condition:-
“road means any highway and any other road to which the public has access, including bridges over which a road passes”.

13. Parking
Where adequate off street parking is not available at the address identified on this licence the operator shall identify in writing to the Council specific locations as bases where they would park their vehicles when waiting for bookings.

14. Operators Licence
Operators shall operate wholly from those premises specified in this licence.

The operator shall display a copy of this licence in a conspicuous position at the licensed premises.

This licence is not transferable and any proposed changes to the persons authorised to operate under the terms of the licence must be notified to the Council in writing immediately.
Appendix M

Exceptionally Well Maintained Interior

1. All seats to be of manufacturer's original design (unless a rotating seat is fitted) should all match and be securely fitted no dirt, stains, holes or tears. No loose covers allowed.

2. Front and rear (where fitted) seat belts should be clean and in good working order and condition. All anchorage point covers should be properly fitted and match original trim.

3. All panels should be clean, properly fitted and match original trim.

4. Carpets should be as manufacturers original, clean with no stains or holes and securely fitted.

5. All instrument and accessory covers to be securely fitted and match original trim.

6. Headlining to be clean, free from stains, holes and tears and be as originally fitted.

7. All window winder handles to be as originally fitted, clean and easy to operate.

8. All door handles and arm rests to be secure, clean and as originally fitted.

9. Brake, clutch and accelerator pedal rubbers to be fitted and in good condition.

10. The inside of the vehicle should be free from loose or trailing wires.

11. The boot should be tidy with a clean, unstained carpet/cover to manufacturer's specification. All panelling should be secure, clean and in good condition.

12. In hatchback vehicles the boot cover should be to original specifications, in good condition with both lifting straps fitted. A cargo guard should also be fitted in estate vehicles.

13. Gear lever gaiters (where fitted) should be to manufacturers specifications, in good condition and properly fitted.

14. A rear view mirror must be properly fitted and in good condition.

15. All manufacturers fittings should be as original (i.e. speaker covers, etc).

16. All lights should be in proper working order with appropriate covers securely fitted.

17. Window locks and handles, where provided by the manufacturer should be in good working order.
**Exceptionally Well Maintained Exterior**

1. All bodywork to be clean and sound, free from rust, dents, scrapes, significant scratches or loose panels.

2. All paintwork to be in first class condition - no "egg-shell" finish, or different shades or colours on either external or interior areas which are visible to the public.

3. All wheel trims to be fitted according to manufacturer's specifications and to match.

4. Aerials where fitted to be in good condition and free from rust.

5. Door or wing mirrors to be in good condition, no broken glass or surrounds.

6. Front and rear number plates to be clean, clear and unbroken.

7. Front and rear bumpers to be in first class condition, no rust, dents, scrapes (including any over-riders and end surrounds) and should be securely fitted.

8. Mud flaps (if fitted) should be maintained.

9. No broken or missing glass or surrounds on all front and rear lights and indicators (including repeater indicators where fitted).

10. Radiator grills should be secure and of original specification.

11. Front and rear (where fitted) windscreen wiper heads and arms should be in good condition, no rust and properly fitted.

12. Door and boot locks should be fitted and in good working order.

13. Doors should be easily opened and closed from the outside and inside.

14. All door handles should be properly fitted, easily operated and of original colour specification.

15. A spare wheel, which conforms to legal requirements should be provided and properly fitted in the vehicle.

16. All tyres should conform to legal requirements.

17. All road wheels to be clean and free from rust (where trims are not fitted).
Appendix N

Byelaws With Respect To Hackney Carriages

BYELAWS made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the Council of the Borough of Stockton-on-Tees with respect to hackney carriages in the Borough of Stockton-on-Tees.

Interpretation

1. Throughout these byelaws “the Council” means the Council of the Borough of Stockton-on-Tees and “the district” means the Borough of Stockton-on-Tees.

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

2. (a) The proprietor of a hackney carriage shall cause plates displaying the number of the licence granted to him in respect of the carriage to be affixed on the inside of the carriage and at the rear on the outside thereof.

(b) A proprietor or driver of a hackney carriage shall:

(i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;

(ii) not cause or permit the carriage to stand or ply for hire with any such plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided

3. The proprietor of a hackney carriage shall provide an efficient fire extinguisher, which shall be carried in such a position as to be readily available for use.

4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached, and maintained as to comply with the following requirements, that in to say

(a) the taximeter shall be fitted with a key or other device the turning of which will bring the machinery of the taximeter into action and cause the word “HIRED” to appear on the face of the taximeter;

(b) such key or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;

(c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;

(d) the word “FARE” shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;

(e) the taximeter shall be so placed that all letters and figures on the face thereof
are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring.

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

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

5. The driver of a hackney carriage provided with a taximeter shall:-

(a) when standing or plying for hire, keep the key or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;

(b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key or other device, so that the word “HIRED” is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;

(c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at any other time at the request of the hirer.

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

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

(a) proceed with reasonable speed to one of the stands appointed by the Council under the provisions of Section 63 of the Local Government (Miscellaneous Provisions) Act 1976.

(b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;

(c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;

(d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
9. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

10. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than specified on the plate affixed to the outside of the carriage.

11. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.

12. The driver of a hackney carriage shall:

   (a) afford all reasonable assistance with the luggage of any person hiring or seeking to hire the carriage;

   (b) at all times behave in a civil and orderly manner;

   (c) take all reasonable steps to ensure the safety of persons conveyed in, entering or alighting from the carriage driven by him;

   (d) not without the express consent of the hirer, smoke, drink or eat whilst driving the carriage;

   (e) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the carriage other than for the purpose of sending or receiving messages in connection with the operation of the carriage;

   (f) at no time cause or permit the noise emitted by any radio or other said instrument or equipment in the carriage which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the carriage, and

   (g) not convey in the carriage any animal belonging to him or in his custody or in the custody of the proprietor of the carriage.

Provisions concerning the rates or fares to be paid for hackney carriage within the district and securing the due publication of such fares

13. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council under the provisions of Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council under the said provisions which it may not be possible to record on the face of the taximeter.
14. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Council under the provisions of Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 to be exhibited inside the carriage, in clearly distinguishable letters and figures.

(b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in a hackney carriage

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, carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner to a Police Station in the District.

Penalties

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

Repeal of Byelaws

18. The byelaws relating to hackney carriages which were made by the Mayor, LIdemen and Burgesses of the Borough of Teesside on the 14th day, of January 1969 and which were confirmed by one of Her Majesty’s Principal Secretaries of State on the 12th day of March 1969 are hereby repealed.

This is a true copy of the byelaws with respect to Hackney Carriages made by the Council of the Borough of Stockton-on-Tees and confirmed by the Secretary of State for the Home Department on 13th February 1981 and that the date fixed by him for the coming into operation of the byelaws was 1st April 1984.
Appendix O

Licensing Points System Of Enforcement

A Licensing Points system of enforcement is simply a means of ensuring in a transparent way that the Council’s Licensing Committee is informed about the conduct of those people who are licensed by the Council.

Except in serious cases it is both unnecessary and undesirable to bring licence holders before the Licensing Committee every time they do something wrong. A licensing points system is therefore normally concemed with establishing a record of poor conduct. However, if 12 points are awarded in any 2 year period a reference to the Licensing Committee will be made.

The essential features of the points system are as follows:

- Licensing Points are only derived from activities involving taxis and taxi driving: they are not concerned with what a person gets up to otherwise (e.g. when driving another type of vehicle).
- Licensing Points will last for a two-year period and then be deleted and not be referred to again.
- There can be an element of “double jeopardy”. In other words, the courts may have imposed a penalty and the Council may impose an additional penalty (this has always been the case). However, licensees will have an opportunity to appeal against any award of licensing points when their case is heard at Committee (i.e. after the imposition of 12 points within a twenty-four month period)

There are 4 general categories of event, which may result in points being awarded. These are:

- Failure to comply with conditions: e.g. late renewals, failure to report damage to vehicles, failure to display roof signs, changes of address etc. (note that criminal offences may be committed as well by such failures).
- Failure to maintain vehicles.
- Bye-law offences convictions and cautions.
- Road Traffic offences convictions and cautions.

The detailed licensing points system is set out below.

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Effect Of Gaining Points

12 points awarded in any two year period will result in a reference to the Licensing Committee.

NOTE:
1. Serious matters such as driving without insurance will bypass the points system and result in direct referral to the Licensing Committee.
2. Criminal convictions mean all criminal convictions (whether or not involving fixed penalty points) including, for example, Road Traffic offences, taxi by-law offences, and offences under the 1847 Act and 1976 Act.
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<td>Failure To Keep Clean, Adequately Heated, Ventilated And Lit Premises For The Public For The Purposed Of Booking Or Waiting For A Private Hire Vehicle</td>
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Appendix P

Conditions Relating To The Licensing Of Horse Drawn Carriages (Landaus) And Their Drivers

Making An Application - Essential Requirements

1. Prior to a vehicle licence being issued the applicant, being the proprietor of the vehicle, shall:-
   
   a) Complete and submit to the Council an application on the prescribed form together with the required licence fee no later than three working days prior to the licence being required.
   
   b) Pay the required licence and associated fees. If payment is made by cheque which is subsequently dishonoured any licence issued shall be null and void. Licence fees are non-refundable.

Conditions Of Licence

2. The proprietor of any licensed carriage shall ensure that the following conditions are complied with:-

   The Vehicle - External Construction and Markings

   a) The vehicle shall be purpose built and suitable for the carriage of passengers.
   b) The vehicle shall be inspected and approved as appropriate for use as a hackney carriage prior to licensing.

3. Carriage licence plates shall be fixed to the rear of the vehicle in a clear and conspicuous location in a vertical plane at right angles to the longitudinal axis of the vehicle.

4. Licensed carriages must at all times be maintained in a good condition and be kept clean and tidy. This includes the following examples which are for reference only and does not constitute a definitive list of matters that may be considered to evaluate whether a vehicle is in a good condition:

   a) Bodyshell/paintwork – free from rust, broken metal and other visible damage;
   b) Door hinges - shall be in good working order and to be seated correctly when closed

5. No external marking shall be permitted on the vehicle with the exception of the name and contact number of the owner/operator which may be displayed in the upper half of both passengers doors. Such advertisements must, in the opinion of an authorised officer, be tasteful and decent.

6. The carriage must be fitted with such equipment as to be able to collect and retain horse manure, water and feed for the animal.

7. All tack and fixtures must be kept in good order and be available for inspection by authorised officers.
The Vehicle – Internal Construction and Markings

8. The carriage shall meet the following minimum measurements:

   a) Seats (length) – the shortest distance between the front and back of a seat (i.e. from the back rest to the front edge) must not be less than 450mm.

   b) In the case of rear facing seats, the distance between the backs of facing seats shall not be less than 1520mm. In all other cases the distance between the back rest of the seat and any facing obstruction must not be less than 760mm.

   c) Seats (width) – The shortest distance between the edges of a seat shall be no less than 400mm. Where the rear passenger seating area is divided into individual seats by way of formed cushions or other similar divide and, in the opinion of an authorised officer, affect the comfort of a passenger, the above measurement shall be ascertained by measuring the distance between seatbelt anchorages (if applicable).

9. Floor and seat coverings shall be kept in good condition and be free of holes, stains or other damage at all times.

10. Blankets shall be provided for the comfort of passengers.

11. No fittings or signs (except for advertising detailed below) shall be attached to the inside of vehicle unless approved by the Council.

12. Advertising in the interior of a vehicle is permitted but only where such advertising does not detrimentally affect the safety or comfort of passengers and is not designed or intended to be viewed from the exterior of the vehicle.

The Vehicle – Additional Conditions

13. A vehicle licence applies solely to the vehicle specified on the licence.

14. The licence and associated plates shall remain the property of the Council at all times.

15. The proprietor of a licensed vehicle shall:

   a) Produce the licensed vehicle for inspection at the request of any authorised officer or police constable;

   b) Return the licence to an appropriate council Officer within 7 days of the surrender, expiry, revocation or suspension of such licence or upon the proprietor transferring his/her interest in the vehicle;

   c) Report the loss of any plates or the vehicle licence to an appropriate Council Officer as soon as the loss become known;
d) Notify the Council of any transfer of interest or ownership within 7 days of that transfer. This must include the date of the transfer, plate number and name and address of the new owner;

e) Comply with any reasonable request made by an authorised officer or police constable in respect of that vehicle; and

f) Notify the Council of any significant damage to the vehicle within 72 hours of the occurrence.

16. A vehicle that has failed a vehicle inspection test must be submitted for a re-test to the vehicle examiner approved and appointed by the Council on the defects found within 14 days from the date of the test otherwise a further full vehicle inspection test fee will be liable to be paid.

17. Any material alteration to the design or construction of a vehicle must have prior approval from the Council.

18. The carriage must have a valid policy of insurance in respect of third party risks and a minimum of £5,000,000 public liability insurance.

19. The carriage may only be used on previously approved routes.

The Horse

20. The horse must be a minimum of three years old.

21. Horses must be appropriately shod at all times.

22. If a horse is considered to be lame, or in any other way unwell, it shall be removed from service immediately.

23. Horses must be provided with regular access to drinking water.

24. The horse, and its associated tack, must be examined and passed as fit for the task involved, by a qualified veterinary surgeon who may also advise the authority on the maximum number of hours that a horse may work.

25. The local authority shall require the horse(s) to be examined by a qualified veterinary surgeon on an annual basis, at time of renewal of the licence and at the licence holder’s expense.

26. Certified horses should be easily identified by means of microchip or permanent marking.

27. The horse must have a current passport.

28. The horse should be stabled in appropriate accommodation with access for inspection at all reasonable times.
29. Any horse used in any one day as a horse drawn carriage horse shall not be used during that day for any other purpose.

30. No horse shall be used for drawing a carriage during the hours of darkness.

31. Sufficient horses must be provided to power the licensed vehicle.

**The Driver**

32. The driver of the carriage must be a licensed hackney carriage driver and produce the following certificates:

   a) Suitable qualification demonstrating a knowledge of the most common horse ailments and basic knowledge of the horses' general needs/requirements.

   b) Road Driving Certificate issued by either the British Driving Society or the Heavy Horse Training Committee, passing the driver as capable of handling the horse and carriage under highway conditions.

33. The driver of a carriage is exempted from the requirement to hold a full drivers licence issued by the Driver and Vehicle Licensing Agency (DVLA).

34. The driver of a carriage is exempted from the requirement to pass the locations element of the driver's examination.

**Fares**

35. It shall be the responsibility of the carriage driver to advise any prospective passenger of the cost of the agreed journey prior to the commencement of that journey. In addition, the driver must ensure that a notice is prominently displayed stating that fares must be negotiated and agreed prior to the commencement of a journey.

36. The Council must be notified of the fares to be charged for each approved route which shall not be varied without prior approval of the Council.
From: Haroon Arshad
Sent: 27 August 2012 22:18
To: TPH
Subject: Law commission
From Haroon Arshad

Please find enclosed my response to The Law Commission’s Consultation of Reforming the law of taxi and private hire services. This is a direct response to the summary proposals with reference to the main consultation paper. Each provisional proposal and question has been responded to numerically - in order to make it easy to refer back to specific proposals/questions. Please feel free to contact me with regards to this response. My details are supplied above. I have spent a considerable amount of time reading through the entire Consultation Paper. I have endeavoured to answer all of the questions/proposals succinctly. I hope you acknowledge this and consider carefully what I have had to say. This proposed reform could adversely impact upon my livelihood and the welfare of my family.
Sincerely

Response to The Law Commission Proposed Reforms to The Law of Taxi and Private Hire Services

Provisional proposal number 1: As regulations stand - they should continue to distinguish between Private Hire Vehicle (PHV) and Hackney Carriage Vehicle (HCV) because firstly ALL HCV have disabled access provision. Secondly; HCV have standard fares set by licensing authorities whereas PHV set their own fare rates. Thirdly; HCV are easy to identify therefore public safety would not be compromised if PHV were also allowed to pick up off the street (enabling bogus vehicles to operate freely). Fourthly; HCV drivers have substantial knowledge and training compared with their PHV driver counterparts.

Provisional proposal number 2: We agree that London should be included in the proposal because all major cities should have the same legislation as London because visitors to the UK visit all parts of the country (business or pleasure) not solely, London. For example the use of varying vehicles would be most confusing whereas the iconic black cab - is distinguishable to the general public and visitors from abroad.

Provisional proposal number 3: Taxi and PH regime could be restricted in application to vehicles that require a driving license. Any vehicle wanting to be used as a HCV should be purpose built for the conveyance of the public (with disabled access and partition) thus not restricting competition within this market. PHV should not be restricted on model of vehicle as long as safety checks are standardised.

Question 4: Yes, for purposes of clarity and safety.

Provisional proposal number 5: Public Service vehicles SHOULD be included in the definition of taxi and PHV because many PH firms operate mini-buses which carry in excess of 8 passengers. The law should cover the safety of the vehicle and vetting of the driver.

Provisional proposal number 8: I agree

Question 9: It should not.

Provisional proposal number 10: I agree

Provisional proposal number 13: Currently only HCV are able to pick up off the streets and this should remain the case. On the issue of private land, regulation should not be limited on the way taxis an PHV interact with the public (such as airports, railway stations, supermarkets and other private land) both HC and PHV operators should have equal opportunity to offer their services. As this would offer a fairer and more competitive service - to the public in a closed environment. This would stop monopolies.
**Question 14:** Special provision should only be made at airports so that passengers should ALWAYS have a choice. The benefit of having HCV is that they are easily identifiable (esp. for foreign visitors) and ALL have disability access as standard. Their fares are regulated by the Local Authority (LA) and they have no substantial charges for carrying extra passengers or for short journeys (which is currently the practice at some airports where the sole service provider is a PH operator). In the interests of fairness and competitiveness and consumer choice both HC and PH operators should be allowed to offer their services. So as never to create a monopoly by one or the other.

**Provisional proposal number 15:** Plying for hire - should be placed on a statutory footing and include:

- References to ranking and hailing
  - Currently ranking and hailing is legitimate only for licensed HCV within their defined geographical areas. This should remain the case because:
    1; they are insured to do so as they carry Public Hire Insurance which PH operators do not.
    2; their fares are regulated by the LA so when a consumer hails or goes to a rank they are assured that the fares are regulated, thus standard and consistent. Whereas PHV can charge what they like to whom they like without any sense of fairness or recourse if a HCV driver overcharges they are easily traced and can be dealt with by their LA as is currently the case.
    3; consumers always have a choice to phone a licensed operator if they are unhappy with the fares quoted to them by a HCV driver. Alternatively, the consumer can negotiate a price with the said driver or approach any other HCV driver - this is consumer choice. Technology now allows consumers the ability to analyse which is the best option for them.
    4; not all licensing authorities vet PH drivers (CRB Check). This can leave the public vulnerable as PHV drivers can operate in geographical areas where they have not been vetted. If they had been, they would not have been issued a license because of their CRB check results. ALL HCV drivers in major cities and towns are vetted correctly, in the interests of public safety.

I agree that there needs to be clear and distinct definitions with regards to the term ‘plying for hire’. Currently there is a distinction in the law but more LA enforcement powers are needed so PHV from outside the LA area can be challenged and prosecuted when they are illegally plying for hire. This is in the interests of the consumer from a safety and financial aspect.

I agree that there should be a clear definition between the legitimate activities of HCV and PHV. This would not encroach on PHV going about their legitimate ‘pre-booked’ business.

**Provisional proposal 16:** I agree in principle with this proposal but if it abused by PHV drivers plying for hire, then trying to legitimise this activity by the use of technology, and then provisions for these situations must be made in any forthcoming legislation.

**Question 17:** There would be no advantage to adopting the Scottish approach because firstly, most major cities vet all drivers HC and PH. The Scottish approach would compromise these safety checks which have been put in place over the years (to protect the public). Secondly, it would cause consumer confusion, leaving them vulnerable to criminals e.g. sex pests, rapists, thieves etc.

**Provisional proposal 18:** I agree with this proposal.

**Provisional proposal 19:** I agree with this proposal.

**Provisional proposal 20:** I disagree with this proposal.

**Provisional proposal 21:** Local Authorities are best placed to deal with these matters.

**Provisional proposal 22:** I agree with this as long as legislation clearly states that PHV operators and drivers cannot use the term ‘Taxi’ at any time.

**Question 23:** I think that the terms ‘Taxi’ and ‘Cab’ are best left to describe HCV whereas the term ‘Minicab’ is a good definition for a PHV. Therefore it would be a nationally recognised term as it is currently the case in the capital – London.

**Provisional proposal 24:** I agree.

**Provisional proposal 25:** I disagree and feel this is best left to the LA to assess as long as it is done reasonably. Taking into account, public safety and how viable it would be for the vehicle owners.

**Provisional proposal 26:** I agree.

**Provisional proposal 27:** I disagree.

**Provisional proposal 28:** Yes.

**Question 29:** There does need to be a national minimum safety standard. However, each LA should assess the level of standards required in their area as a ‘one size fits all’ approach is not always appropriate. E.g. there are differences between a major city and a rural setting.

**Question 30:** National conditions should be different because HCV are purpose built whereas PHV are no
more than randomly chosen vehicles. However, safety aspects such as CCTV in vehicles for both PH and HC would be of great benefit.

**Provisional proposal 31:** I agree.

**Provisional proposal 32:** I agree

**Question 33:** The best approach would be each Local Authority assesses its safety standards requirement. These standards can then be fed back to a central organisation which can decide on which are most pertinent and therefore create a National standard (after pooling Local Authority feedback).

**Provisional proposal 34:** I agree that LA should retain the power to set standards.

**Question 35:** No, because each Authority is best placed to determine if certain requirements are necessary to protect the public within its area.

**Question 36:** Yes, LA should retain the power.

**Question 37:** Powers and duties of licensing authorities to cooperate should be on a statutory footing. This would ensure that the LA comply with the nationally set criterion.

**Provisional proposal 38:** Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. This should apply to PH operators and drivers and HCV drivers.

**Provisional proposal 39:** Licensing authorities should have the option to create, or remove, taxi zones within their area. However, this should take into consideration environmental and economic factors. It should not allow PHV to act as ‘taxis’ nor should it allow taxis licensed in other boroughs to work in a busier boroughs therefore ‘cherry picking’.

**Question 40:** No, because:

(i) Councils have powers to release more licenses where demand is necessary e.g. Manchester carries out regular surveys to assess whether there is any unmet demand. If licenses are issued accordingly after consultation with trade and other interested parties.

(ii) the consumer in such cases would be confused and the regulation of different fare structures would be difficult.

(iii) the Authorities should only have emergency powers for such events as the Olympics etc. which would ensure that in extreme circumstances – provision is available.

**Provisional proposal 41:** PHV operators should be restricted to accepting or inviting bookings only within a particular locality and should only use drivers and vehicles licensed there. This is because (i) it stops unsuitable operators and drivers from obtaining a license from a less stringent Authority and then going to a locality where they were not originally allocated a license to work. (ii) the fare structures vary from Authority to Authority so consumers could be charged varying amounts for a similar journey. (iii) In cases of disputes or disciplinary matters the consumer would be unsure where and how to resolve such issues. (iv) It would stop license operators from setting up in areas to save costs and circumventing more stringent safety checks for vehicles and drivers.

**Provisional proposal 42:** I disagree with what is being proposed with regard to ‘cross-border hiring’ for the following reasons:

1. This would result in a ‘free for all’ to work areas which are busier than the one the driver is licensed in without having to be licensed in the busier town.

2. There would be no recourse for the consumer if they had a problem with the driver. Who would the consumer report their issue to? The fares would vary from driver to driver which is unacceptable for the consumer this would lead to inconsistencies. Therefore this is open to abuse by the more unscrupulous driver who knows he is virtually untouchable.

3. This situation would lead to damaging environmental issues. Drivers would flock to busy areas to work thus creating traffic congestion and pollution. Economically it would damage the livelihood of the drivers licensed to work in that area – currently drivers are struggling to earn a fruitful living. Also, the costs incurred to run and license a vehicle in one locality could be far less in one area than another - this leads to a disparity in outlay and return for drivers from differing areas. Will these costs be standardised nationally for a ‘level playing field’ for ALL drivers?

4. Cross-border drivers would not have the local knowledge to offer the high standard of service which is currently given in that area. This level of service is monitored by the license issuing authority and can be improved if and when required within its area. Who would monitor the cross-border drivers? How will this impact upon the consumer? Why should the consumer accept a lower standard of service?

5. Currently, legislation allows PH operators to pick up in any area if they are pre-booked. So can take legitimate bookings from outside of their area and this should remain the case. PH cannot pick up from the streets as they are not pre-booked. Therefore there is no argument for them picking up in the ‘out-of-area’ scenario (it has never been the case). This provisional proposal is not viable with regards to PH as it would
transform them into HC ‘public hire’. They are not insured, equipped or licensed to do so, as this is one of the major distinctions between Private Hire and Hackney Carriage Taxis.
6. Cross-border issues have no relevance with safety issues therefore the two should not be linked. Local Authorities issue licenses to meet demand in their areas so allowing a ‘free-for-all’ would upset that balance. Which would impact economically and environmentally upon the area as mentioned earlier.
7. This leaves the issue of HC drivers from outside an area being allowed to work there under this proposal. It throws up a number of issues firstly; they would not be insured to work that particular area – as they are not licensed in that area. Secondly; the fares differ from area to area. This would leave the consumer confused and out of pocket in many cases. Where would the consumer turn if an issue were to arise – which authority do they complain to? As mentioned previously, this would impact environmentally and economically on that area.

**Provisional proposal 43:** I agree.

**Question 44:** No, taxis should not be allowed to charge more than the metered fare for a pre-booked journey within the boundary set by its licensing authority. However, contrary to your information (at 15.58) the majority of authorities make it obligatory upon the taxi driver to clearly display their driver number and their Local Authority number therefore it would NOT be hard for the consumer to track down that taxi and make a complaint.

**Question 45:** National driver safety standards such as the requirement to be a “fit and proper person” should be set out in primary legislation.

**Provisional proposal 46:** I agree

**Provisional proposal 47:** (a) Primary legislation.

**Provisional proposal 48:** Yes it should.

**Provisional proposal 49:** Operator licensing should NOT be extended to cover taxi radio circuits.

**Provisional proposal 50:** I agree.

**Question 51:** Yes they should

**Provisional proposal 52:** Operators should be expressly permitted to sub-contract services.

**Question 53:** Yes it’s not unreasonable.

**Provisional proposal 54:** I disagree with the Commission’s recommendation. In my opinion Licensing Authorities should have the power to restrict Taxi numbers.

**Question 55:** If Licensing Authorities lost the ability to restrict numbers it would lead to severe problems; Fares would rise sharply for the consumer as has happened in cities that have derestricted numbers e.g. Birmingham. Drivers were unable to earn a living therefore were charging excessive fares to make up the shortfall for lost earnings. Currently fares are regulated stringently by Local Authorities that have control over their numbers.

Recent examples of cities that have derestricted numbers such as Birmingham, Liverpool and Sheffield show that the ‘improved’ provision went hand in hand with a decline in quality of service as the number of taxis increased. Consumers were left with a substandard service. If it’s all about improving consumer choice, why would the consumer choose a lesser service – ultimately the Commission’s recommendations will lead to this.

Most cities do not have a lack of provision. They have enough Taxis and PH operators to meet the consumer’s demands. Illegal activity occurs regardless of numbers. Improved enforcement is the only way to protect the consumer from this – not an increase in the number of Taxis.

Currently most cities do not have any unmet demand. This is because they already have sufficient numbers and in the current economic climate these numbers indicate that supply in fact outweighs demand. The issue of drivers waiting to enter the trade is a red herring, e.g. if a person qualifies as a solicitor the onus is not on the Government or Law Society to find them employment (nor would we expect them to force already saturated areas to accept a new law firm or employee).

The type of business model required with this situation is a ‘franchise’ style model, not the ‘Laissez Faire’ model the Commission seem to be pushing forward. The Local Authorities are best placed to assess their needs and demands taking into account factors such as: consumer demand, economic and environmental impact on their area.

Other sectors that have delimited such as buses have failed the consumer. Standards have dropped, which has led to an all-round poorer service and over-saturation of the busiest routes.

**Question 56:** Transitional measures should be introduced if quantity restrictions are removed. The hardship that drivers will face who have currently taken out loans, remortgages to enter the trade and the loss to drivers who may have been thinking they had something to retire with should be fairlycompensated. Compensation should be given for the value of the ‘goodwill’ that licenses carry. The
Australian and Irish model for compensation could go some way to deal with this because if not, the financial hardship would ultimately put a burden on the State benefit system.

New drivers entering the trade should have a higher entry standard as in London. This would ensure that the consumer was not left short changed by this measure.

**Question 57:** In major towns and cities a separate license category for wheelchair accessible vehicles is not necessary e.g. in Manchester ALL taxis must have wheelchair accessibility so there is no discrimination against disabled consumers – they can hail any cab at any rank and are guaranteed ease of access to the vehicle.

The policy which needs to be adopted by all major towns and cities should be that ALL taxis are purpose built with wheelchair accessibility.

**Question 58:** Licensing authorities should offer incentives such as lower license fees for vehicles which meet certain accessibility standards for drivers taking this responsibility in smaller and rural towns and villages.

**Question 59:** Please refer to responses 57 & 58.

**Provisional proposal 60:** I concur.
**Provisional proposal 61:** I agree that this be introduced nationally.
**Provisional proposal 62:** I agree.

**Question 63:** The best way to discourage discrimination could be for licensing authorities to require taxis to display their availability for hire by some obvious means to the public. This in turn could be coupled with a requirement to stop in response to a hailing if it is free and safe to do so.

**Question 64:** Yes they should have the power to stop licensed vehicles.

**Question 65:** Greater public awareness on the dangers of ‘touts’.

**Question 66:** I agree with this proposal.

**Question 67:** No, they should not.

**Provisional proposal 68:** Yes, enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas.

**Question 69:** Cross-border enforcement powers should extend to suspensions and revocation of licences the best way of achieving this would be formal procedures for cross-border cooperation.

**Provisional proposal 70:** I agree that the right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or PH licence should be limited to the applicant or, as appropriate, holder of the relevant licence. AFTER, extensive consultation with the trade bodies and licensing Authorities and other relevant agencies.

Sent from my Haroon iPhone

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Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.
Reference: Proposal 11, Taxi and Private Hire Consultation Paper No. 203
“Wedding and Funeral Cars will no longer be exempted under primary legislation”

Dear Sirs,

I write to you to offer my strongest objections to the above proposal.

I own a small wedding car company, consisting of seven classic cars, these are maintained to the highest quality, mot’d, fully insured for public liability, and wedding use, with a limit of 3000 miles per vehicle per year, the cars rarely exceed 1000 miles a year. They are driven by mature drivers with an average age of 60, all with clean licences.

The government has stated that from November it will not be necessary to mot pre 1960 vehicles because “owners of these vehicles maintain them to a high standard” & “such vehicles are used for limited mileage”.

We offer a professional service for Brides and Grooms, and receive many thanks and compliments on the quality of the vehicles and the standard of driving.

In the ten years the company has operated we have not had any accidents.

I spend a great deal of time and money maintaining the cars and have no problems in passing the mot’s each year. This will all be wasted if the proposed legislation comes into effect, the cost of an operators licence, licencing of all the vehicles and the drivers, together with the increased insurance for private hire, will outweigh the cost of running the company, consequently the vehicles, drivers, and myself will be out of business.

I agree that there may be a necessity for some form of legislation for the wedding and funeral car industry, but we should not be classed along with Taxis and Private Hire Companies, who cover high mileages, and work 7 days a week.

Yours faithfully

S. Breame
APPENDIX A
LIST OF PROVISIONAL PROPOSALS AND QUESTIONS

CHAPTER 13 - OVERVIEW OF PROVISIONAL REFORM PROPOSALS

Provisional proposal 1

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. (Page 160)

Agree

CHAPTER 14 – REFORM OF DEFINITIONS AND SCOPE

Provisional proposal 2

London should be included, with appropriate modifications, within the scope of reform. (Page 162)

Agree

Provisional proposal 3

The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. (Page 164)

Agree. Many different types of vehicles are already licensed i.e. motorcycles, rickshaws etc.

Question 4

Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? (Page 164)

No advantages to this proposal. Anything used for public hire should be licensed

Provisional proposal 5

Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. (Page 165)

Agree, to include psv’s, buses etc in taxi legislation would only confuse matters

Provisional proposal 6

References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. (Page 166)
Agree, this is a loophole that needs closing and is currently abused by some operators

Provisional proposal 7

The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. (Page 167)

Agree, statutory guidance is long overdue

Provisional proposal 8

The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. (Page 168)

There needs to be a tightening up of regulations on volunteers and the definition of 'genuine volunteers' needs to be clarified.

Question 9

How, if at all, should the regulation of taxis and private hire deal with:

(a) carpooling; Should not come under the scope of taxi licensing as there is no hire or reward.

(b) members clubs. Another loophole that needs closing due to the hire or reward aspect (Page 170)

Provisional proposal 10

The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. (Page 171)

Agree

Provisional proposal 11

Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. (Page 172)

Agree. So called ‘wedding cars’ are often used for a variety of other purposes for hire or reward.

Question 12

Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse? (Page 174)
Definitely not. The contract system was universally abused and would not be welcomed back

Provisional proposal 13

Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”. (Page 175)

Agree, it should apply wherever they are

Question 14

Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? (Page 177)

There should be no special provision for airports

Provisional proposal 15

The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:

(a) references to ranking and hailing;

(b) a non-exhaustive list of factors indicating plying for hire; and

(c) appropriate accommodation of the legitimate activities of private hire vehicles. (Page 181)

Agree. There should be a clear definition of ‘plying for hire’ to assist us in addressing this problem

Provisional proposal 16

The concepts of hailing and ranking should not cover technological means of engaging taxi services. (Page 181)

Technology is a fact and is constantly developing. We must take account of that.

Question 17

Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”? (Page 182)

No. Would confuse the ‘plying for hire’ issue even more

Provisional proposal 18

The concept of compellability, which applies exclusively to taxis, should be retained. (Page 182)
Agree. It prevents discrimination and ‘cherry picking’ of high fare paying passengers

Provisional proposal 19

Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked. (Page 183)

Agree

Provisional proposal 20

Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved. (Page 184)

Disagree. This would open up too many problems. Currently a licensed vehicle must comply to laws/conditions irrespective of the use to which it is being put.

Provisional proposal 21

The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements. (Page 185)

Statutory guidance would be useful. Council’s should be involved in drafting the guidance

Provisional proposal 22

Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned. (Page 185)

Disagree. Users don’t understand difference between taxis and private hire cars.

Question 23

Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion? (Page 186)

No, we need a clear distinction

CHAPTER 15 – A REFORMED REGULATORY FRAMEWORK

Provisional proposal 24

Taxi and private hire services should each be subject to national safety requirements. (Page 188)

Agree, provided we are involved in the process
Provisional proposal 25

National safety standards, as applied to taxi services, should only be minimum standards. *(Page 189)*

*Standards should be sufficiently robust to ensure the safety of the public. We need to remove ambiguity and wide variances in standards across the country*

Provisional proposal 26

National safety standards, as applied to private hire services, should be mandatory standards. *(Page 189)*

*As above*

Provisional proposal 27

Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers. *(Page 190)*

*Disagree. Training is essential in ensuring that drivers are able to provide a good standard of service.*

Question 28

Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? *(Page 190)*

*Local conditions demand local standards. 'Insurance stickers' on private hire cars in Burnley are required due to a high incidence of plying for hire. This may not be the case in some other areas.*

Question 29

What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? *(Page 191)*

*May disadvantage current licence holders. Would need to be implemented with a long lead-in time.*

Question 30

Should national conditions in respect of driver safety be different for taxi services compared with private hire services? *(Page 192)*

*No. Both provide transport service to the public*

Provisional proposal 31

The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should *only* cover conditions relating to safety. *(Page 192)*
The setting of standards across the board is necessary to ensure a transport service that is fit for purpose. Should not be restricted to safety only.

Provisional proposal 32

The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (Page 193)

Yes.

Question 33

What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? (Page 193)

Consultation with trade, councils and other stakeholders coupled with expert technical advice from Vehicle Operator Services Agency

Provisional proposal 34

Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. (Page 193)

Agree for reasons previously stated

Question 35

Should there be statutory limits to licensing authorities' ability to set local taxi standards? (Page 194)

Not sure how statutory limits could be achieved. Local standards could include several authorities in a single County/area

Question 36

Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? (Page 194)

Yes. Should be able to set standards that it is able to properly justify

Question 37

Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? (Page 195)

Co-operation between authorities would remove many of the frustrations of the trade and enable common standards in order to remove ambiguity. Statutory provision would help to ensure its success.

Provisional proposal 38

Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. (Page 196)
As above

Provisional proposal 39

Licensing authorities should have the option to create, or remove, taxi zones within their area. *(Page 196)*

*Although not an issue in our area the above option should be available where appropriate*

Question 40

Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? *(Page 197)*

*No. Impossible to enforce and administer*

Provisional proposal 41

Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. *(Page 198)*

*Agree, providing that there are national standards for drivers and national enforcement capabilities.*

Provisional proposal 42

We do not propose to introduce a “return to area” requirement in respect of out-of-area drop offs. *(Page 199)*

*Agree, would lead to increased fares and less availability.*

Provisional proposal 43

Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares. *(Page 200)*

*Agree. The current system works perfectly well*

Question 44

Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? *(Page 200)*

*No. It will lead to people being ripped off by unscrupulous drivers*
Should national driver safety standards such as the requirement to be a “fit and proper person” be either:

(a) set out in primary legislation; or

(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 203)

Should be set out in primary legislation

Provisional proposal 46

Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. (Page 204)

Some legislation is needed to control vehicle owners who fail to safely maintain their vehicles.

Question 47

Should national vehicle safety standards be either:

(a) set out in primary legislation; or

(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 205)

Set out in primary legislation

Provisional proposal 48

Operator licensing should be retained as mandatory in respect of private hire vehicles. (Page 207)

Totally agree. Operators should be responsible for ensuring the service provided by their drivers is safe and fit for purpose.

Question 49

Should operator licensing be extended to cover taxi radio circuits and if so on what basis? (Page 208)

Operator licensing should include taxis. There is currently no requirement to record pre-booked jobs. That can’t be right.

Provisional proposal 50

The definition of operators should not be extended in order to include intermediaries. (Page 209)

Should not be extended. Technological advances make taxi booking possible through smart phones etc. This would not be possible if there was a licence requirement.
Question 51

Should “fit and proper” criteria in respect of operators be retained? (Page 210)

Yes. Operators are the first point of contact with passengers and should be fit and proper persons.

Provisional proposal 52

Operators should be expressly permitted to sub-contract services. (Page 210)

Agree. It would provide a more efficient service to passengers.

Question 53

Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? (Page 210)

Yes. would bring them more into line with private hire provisions.

CHAPTER 17 – REFORMING QUANTITY CONTROLS

Provisional proposal 54

Licensing authorities should no longer have the power to restrict taxi numbers. (Page 213)

Agree. There is no benefit to passengers by placing restrictions on numbers.

Question 55

What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? (Page 213)

Insufficient rank space. Market flooded initially but market forces would eventually determine adequate numbers.

Question 56

Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period of time, if quantity restrictions are removed? (Page 215)

That could help or entry to trade could be restricted by ensuring only modern, purpose built vehicles are allowed entry.

CHAPTER 18 – TAXI AND PRIVATE HIRE REFORM AND EQUALITY

Question 57

Should there be a separate licence category for wheelchair accessible vehicles? This could involve:
(1) a duty on the licensee to give priority to disabled passengers; and

(2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles. (Page 217)

*It is appropriate that each licensing authority should ensure there are adequate specialist vehicles to meet the needs of disabled passengers.*

*Such passengers should be able to easily recognise those vehicles and so a separate licence may be appropriate.*

**Question 58**

Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards? (Page 217)

*The high cost of specialist vehicles is prohibitive for many taxi operators. That cost should be offset by lower fees.*

**Question 59**

Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? (Page 217)

*Introduce minimum percentage quotas based on the overall size of the taxi fleet.*

**Provisional proposal 60**

We do not propose to introduce national quotas of wheelchair accessible vehicles. (Page 218)

*Disagree. Disabled people will be disadvantaged unless there is some form of regulatory requirement.*

**Provisional proposal 61**

National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. (Page 219)

*Agree. The safety of ALL passengers is paramount. National standards would help drivers to deliver safe transport to all.*

**Provisional proposal 62**

In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. (Page 219)

*Already done by many councils. A good idea but should include details of how to complement good drivers.*

**Question 63**
What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help? (Page 220)

Could make it an offence to fail to stop for disabled passengers who hail a taxi but it would be very difficult to enforce,

CHAPTER 19 – REFORMING ENFORCEMENT
Question 64

Should authorised licensing officers have the power to stop licensed vehicles? (Page 222)

Potential dangers when stopping vehicles. How will enforcement officers be easily identified. What happens if the vehicle they stop is not licensed – are they then acting illegally

Question 65

What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”. (Page 223)

Targeted enforcement. Explore possibility of ‘live’ recording equipment in taxis.

Question 66

Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? (Page 223)

Yes. Illegally used vehicles are in most cases uninsured. The public need to be protected. The seizure and subsequent sale/destruction of seized vehicles would act as a strong deterrent.

Question 67

Should licensing authorities make greater use of fixed penalty schemes and if so how? (Page 225)

Yes. Could be used effectively for many offences such as failure to wear badge, fail to display taxi plate etc.

Provisional proposal 68

Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. (Page 225)

If we are to have national standards for drivers and vehicles it makes sense to have national enforcement powers

Question 69
Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? (Page 226)

No. It should be left to the ‘home’ authority to make decisions such as suspensions and revocations. The exception to this would be to suspend vehicle licences for unroadworthy vehicles.

CHAPTER 20 – REFORM OF HEARINGS AND APPEALS

Provisional proposal 70

The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. (Page 230)

Agree. Appeals by ‘any aggrieved persons’ should be removed

Provisional proposal 71

The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. (Page 231)

If introduced this ‘reconsideration’ could only be done by members who did not make the original decision. This has implications re the identifying of members who have knowledge of the taxi industry but are not members of the licensing committee.

Provisional proposal 72

Appeals should continue to be heard in the magistrates’ court. (Page 232)

Some of the decisions of Magistrates at appeal hearings highlight a lack of understanding of the legislation. A transport tribunal would be preferable.

Question 73

Should there be an onward right of appeal to the Crown Court? (Page 233)

Retain right to Crown Court appeal following tribunal.
LIST OF PROVISIONAL PROPOSALS AND QUESTIONS

CHAPTER 13 - OVERVIEW OF PROVISIONAL REFORM PROPOSALS

Provisional proposal 1
Regulation should continue to distinguish between taxis, which can accept prebooked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. (Page 160)

Response to provisional proposal 1
A one tier system would be preferred as this would result in less confusion for members of the public, market forces would determine the level of specialized vehicles e.g. school contracts, disabled customers etc.

CHAPTER 14 – REFORM OF DEFINITIONS AND SCOPE

Provisional proposal 2
London should be included, with appropriate modifications, within the scope of reform. (Page 162)

Response to provisional proposal 2
Yes – this should be national to avoid confusion.

Provisional proposal 3
The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. (Page 164)

Response to provisional proposal 3
Yes, market forces would dictate this and public safety is paramount.

Question 4
Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? (Page 164)

Response to question 4
No, see response to provisional proposal 3

Provisional proposal 5
Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. (Page 165)

Response to provisional proposal 5
Yes they should be excluded – the definition should have no grey areas. It should be a taxi / private hire vehicle or a public service vehicle, loop holes should be removed.

Provisional proposal 6
References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. 

**Response to provisional proposal 6**
Agreed – see response to provisional proposal 5

**Provisional proposal 7**
The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. 

**Response to provisional proposal 7**
Yes however the guidance should be made available to local authorities. A change in legislation would be preferred as guidance can be interpreted differently.

**Provisional proposal 8**
The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. 

**Response to provisional proposal 8**
“Volunteers” should be included in the scope of taxi legislation, public safety is paramount.

**Question 9**
How, if at all, should the regulation of taxis and private hire deal with:
   a) carpooling; and
   b) members clubs? 

**Response to question 9**
   a) carpooling should be exempt
   b) members clubs should be included in the scope of the legislation

**Provisional proposal 10**
The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. 

**Response to provisional proposal 10**
Yes – if the two tier system is maintained. If not there should be no grey areas.

**Provisional proposal 11**
Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation.

**Response to provisional proposal 11**
Yes – public safety is paramount.

**Question 12**
Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse? *(Page 174)*

**Response to question 12**
No – public safety is paramount.

**Provisional proposal 13**
Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”. *(Page 175)*

**Response to provisional proposal 13**
Agreed

**Question 14**
Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? *(Page 177)*

**Response to question 14**
Yes

**Provisional proposal 15**
The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:

a) references to ranking and hailing;

b) a non-exhaustive list of factors indicating plying for hire; and

c) appropriate accommodation of the legitimate activities of private hire vehicles. *(Page 181)*

**Response to provisional proposal 15**

a) yes

b) yes

C) yes – if a 2 tier system is kept

**Provisional proposal 16**
The concepts of hailing and ranking should not cover technological means of engaging taxi services. *(Page 181)*

**Response to provisional proposal 16**
Yes – it is important to keep these separate if a two tier system is to be kept.
Question 17
Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”? (Page 182)

Response to question 17
None

Provisional proposal 18
The concept of compellability, which applies exclusively to taxis, should be retained. (Page 182)

Response to provisional proposal 18
Yes – this should be retained if both the driver and passenger can be conveyed safely.

Provisional proposal 19
Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked. (Page 183)

Response to provisional proposal 19
Yes – if the two tier system is to be kept.

Provisional proposal 20
Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved. (Page 184)

Response to provisional proposal 20
No – public safety is paramount.

Provisional proposal 21
The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements. (Page 185)

Response to provisional proposal 21
Regulation and legislation is preferred.

Provisional proposal 22
Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned. (Page 185)

Response to provisional proposal 22
No – this should refer to hackney carriage and private hire respectively if the two tier system is staying.
Question 23
Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “prebooked” and did not otherwise lead to customer confusion? (Page 186)

Response to question 23
No – there should be no grey areas. If a two tier system is staying the differences should be clearly defined.

CHAPTER 15 – A REFORMED REGULATORY FRAMEWORK
Provisional proposal 24
Taxi and private hire services should each be subject to national safety requirements. (Page 188)

Response to provisional proposal 24
Yes – public safety dictates this.

Provisional proposal 25
National safety standards, as applied to taxi services, should only be minimum standards. (Page 189)

Response to provisional proposal 25
Agreed

Provisional proposal 26
National safety standards, as applied to private hire services, should be mandatory standards. (Page 189)

Response to provisional proposal 26
Agreed

Provisional proposal 27
Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers. (Page 190)

Response to provisional proposal 27
Agreed – technology will assist all pre-bookings.

Question 28
Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? (Page 190)

Response to provisional proposal 28
Yes – public safety and assisting in regulation.
Question 29
What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? (Page 191)

Response to question 29
A clear steer and time frame with transitional arrangements is required.

Question 30
Should national conditions in respect of driver safety be different for taxi services compared with private hire services? (Page 192)

Response to question 30
No

Provisional proposal 31
The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety. (Page 192)

Response to provisional proposal 31
Agreed

Provisional proposal 32
The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (Page 193)

Response to provisional proposal 32
Agreed

Question 33
What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? (Page 193)

Response to question 33
Yes - the statutory requirement to consult should refer to a technical advisory panel.

Provisional proposal 34
Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. (Page 193)

Response to provisional proposal 34
Agreed

Question 35
Should there be statutory limits to licensing authorities’ ability to set local taxi standards? (Page 194)

**Response to question 35**
Yes

**Question 36**
Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? (Page 194)

**Response to question 36**
Yes – public safety is paramount.

**Question 37**
Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? (Page 195)

**Response to question 37**
Powers and duties should be statutory to ensure consistency nationally.

**Provisional proposal 38**
Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. (Page 196)

**Response to provisional proposal 38**
Yes – think shared services.

**Provisional proposal 39**
Licensing authorities should have the option to create, or remove, taxi zones within their area. (Page 196)

**Response to provisional proposal 39**
Agreed

**Question 40**
Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? (Page 197)

**Response to question 40**
No, this would be an “enforcement” nightmare.

**Provisional proposal 41**
Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. (Page 198)
**Response to provisional proposal 41**
Licences should not be restricted in this way.

**Provisional proposal 42**
We do not propose to introduce a “return to area” requirement in respect of out-of-area drop offs. *(Page 199)*

**Response to provisional proposal 42**
Agreed

**Provisional proposal 43**
Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares.

**Response to provisional proposal 43**
Agreed – public safety is paramount. A passenger can shop around when pre-booking but they cannot do this if hired from a taxi stand.

**Question 44**
Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? *(Page 200)*

**Response to question 44**
No – see response to provisional proposal 43.

**CHAPTER 16 – REFORM OF DRIVER, VEHICLE AND OPERATOR LICENSING**

**Question 45**
Should national driver safety standards such as the requirement to be a “fit and proper person” be either:
   a) set out in primary legislation; or
   b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? *(Page 203)*

**Response to provisional proposal 45**
   a) yes
   b) no

**Provisional proposal 46**
Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. *(Page 204)*

**Response to provisional proposal 46**
Agreed

**Question 47**
Should national vehicle safety standards be either:
   a) set out in primary legislation; or
   b) included within the Secretary of State and Welsh Ministers’ general powers to set
national safety conditions? (Page 205)

Response to question 47
   a) no
   b) yes – this would be future proof

Provisional proposal 48
Operator licensing should be retained as mandatory in respect of private hire vehicles. (Page 207)

Response to provisional proposal 48
Yes – public safety is paramount.

Question 49
Should operator licensing be extended to cover taxi radio circuits and if so on what basis? (Page 208)

Response to question 49
Yes – public safety is paramount.

Provisional proposal 50
The definition of operators should not be extended in order to include intermediaries. (Page 209)

Response to provisional proposal 50
Agreed

Question 51
Should “fit and proper” criteria in respect of operators be retained? (Page 210)

Response to question 51
Yes – should also include radio circuits

Provisional proposal 52
Operators should be expressly permitted to sub-contract services. (Page 210)

Response to provisional proposal 52
Agreed

Question 53
Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? (Page 210)
Response to question 53
Yes – public safety is paramount.

CHAPTER 17 – REFORMING QUANTITY CONTROLS
Provisional proposal 54
Licensing authorities should no longer have the power to restrict taxi numbers. (Page 213)

Response to provisional proposal 54
Agreed – market forces will dictate

Question 55
What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? (Page 213)

Response to question 55
There would be a temporary “over ranking” of taxi stands but market forces would ultimately dictate.

Question 56
Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period of time, if quantity restrictions are removed? (Page 215)

Response to question 56
Yes, this would prove useful to local authorities.

CHAPTER 18 – TAXI AND PRIVATE HIRE REFORM AND EQUALITY
Question 57
Should there be a separate licence category for wheelchair accessible vehicles? This could involve:
1) a duty on the licensee to give priority to disabled passengers; and
2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles. (Page 217)

Response to question 57
No, market forces will ultimately dictate requirements. Alternatively, a percentage set by central government should be considered along with guidance on how to implement this.

Question 58
Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards? (Page 217)

Response to question 58
No
Question 59
Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? (Page 217)

Response to question 59
Through legislation, e.g. all hackneys

Provisional proposal 60
We do not propose to introduce national quotas of wheelchair accessible vehicles. (Page 218)

Response to provisional proposal 60
Very well

Provisional proposal 61
National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. (Page 219)

Response to provisional proposal 61
Agreed

Provisional proposal 62
In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. (Page 219)

Response to provisional proposal 62
Agreed

Question 63
What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help? (Page 220)

Response to question 63
An enforceable solution for this is no known.

CHAPTER 19 – REFORMING ENFORCEMENT

Question 64
Should authorised licensing officers have the power to stop licensed vehicles? (Page 222)

Response to question 64
Yes – public safety is paramount.

Question 65
What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”. (Page 223)

**Response to question 65**
Clarification through legislation, see provisional proposal 13 and 15.

**Question 66**
Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? (Page 223)

**Response to question 66**
Yes – but only for public safety reasons. Local authorities could look at police contracts to assist with this process.

**Question 67**
Should licensing authorities make greater use of fixed penalty schemes and if so how? (Page 225)

**Response to question 67**
Yes, the ability to issue fixed penalties for minor breaches in the first instance would be useful.

**Provisional proposal 68**
Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. (Page 225)

**Response to provisional proposal 68**
Yes – this is a must with the removal of “borders”.

**Question 69**
Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? (Page 226)

**Response to question 69**
Yes as far as a suspension of vehicles is concerned however driver decisions should be referred back to the local authority.

**CHAPTER 20 – REFORM OF HEARINGS AND APPEALS**

**Provisional proposal 70**
The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. (Page 230)

**Response to provisional proposal 70**
Agreed
Provisional proposal 71
The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. (Page 231)

Response to provisional proposal 71
No, this is pointless as the decision has already been made.

Provisional proposal 72
Appeals should continue to be heard in the magistrates’ court. (Page 232)

Response to provisional proposal 72
Agreed

Question 73
Should there be an onward right of appeal to the Crown Court? (Page 233)

Response to question 73
Yes
THE LAW COMMISSION
REFORMING THE LAW OF TAXI AND PRIVATE HIRE SERVICES

Response by Conwy County Borough Council
Regulatory Services
Civic Offices

PROVISIONAL PROPOSAL 1

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and PHVs, which can only accept pre-booked fares.

This, in effect, represents the retention of the current, “two-tier” system. The main alternative would be a one-tier system in which a single category of vehicle would be able to take pre-bookings, to hail and to rank.

A one-tier system would be simpler because it would avoid the distinction between regulation of taxis and PHVs. However, the Law Commission’s view is that it would require additional regulatory distinctions to be devised to accommodate the different range of services regulated. For example, executive cars and novelty vehicles (“limousines”) would have to come under some different form of control as it would be difficult to impose generic taxi and PHV regulation to these types of services.

The Commission also believes that moving to a single-tier would diminish consumer choice. Regulators would be faced with difficult choices, such as whether fares should be regulated for all journeys (as they may be now for taxis).

RESPONSE

Disagree.

Here is an opportunity, which should not be missed, to simplify and bring a much needed (and anticipated) modern piece of legislation to the Taxi Trade. Anyone with any involvement in the enforcement of this industry will testify that a one tier system will give the public clear and understandable guidance and regulation, which in turn would allow full compliance from the trade without the endless search for loop holes and exemptions. A clear and transparent one tier system could establish and ensure this form of travel dovetails neatly into both local and national transport strategies.
The distinction between Taxis and Private Hire is historical and due to outdated legislation and is perpetuated by the interest of a select few.

Any vehicle used for hire and reward, however small the element of profit, needs to be licensed.

There exists a plethora of stated cases in this field but Brentwood v Gladen (2004) EWHC 2500 (Admin) is interesting in stating a Hackney can undertake Private Hire work without the need of an Operator’s Licence, hence paving the way for a single tier vehicle licensing system.

There is no justifiable need for a two tier system or a single tier system with two classifications and the thinking that an explosion of unlicensed vehicles on the street would follow, as outlined in the Consultation Paper (13.11), is flawed and difficult, if not impossible, to justify.

PROVISIONAL PROPOSAL 2

| London should be included, with appropriate modifications, within the scope of reform. |

This proposal is not considered relevant to Welsh considerations according to the Welsh Government.

RESPONSE

In principle it is a good idea to have one national system to deal with this issue However, the practicalities of the urban environment and the rural environment are very different and any standardisation would need to take this diversity into account

It would also need to be established whether other large cities could make a bid for special consideration and certain exemptions from the National picture.

PROVISIONAL PROPOSAL 3

| The regulation of taxis and PHVs should not be restricted to any particular type of vehicle, but should rather focus on road transport services provided for hire with the services of a driver. |

RESPONSE

There are provisions within the Equalities Act that will affect the types of vehicles that may be licensed. Similarly DFT has issued guidance to local authorities concerning vehicle types. It would, therefore, be useful if they were some restriction contained in any new legislation, particularly with vehicles such as stretched limos which by their very nature give cause for safety concerns.
QUESTION 4

Would there be – and if so, what – advantages to restricting licensing to motor vehicles that require a driving licence?

The Law Commission’s preferred approach is to take a broad view, in the spirit of the current legislation, in which “taxis” are “every wheeled carriage, whatever its form or construction”.

Technological developments make it difficult to predict what modes of transport may become common in future. The Law Commission concludes that it would be undesirable to use a definition which might not cover some vehicles that may provide a service similar to that of a taxi or PHV.

Consequently, a greater range of standards would be needed to apply to a broad definition. Possible vehicles include motorbikes, limousines, horse-drawn carriages and Pedi cabs, which call for different sets of safety standards tailored to each. The default inclusion of all vehicles carrying passengers for hire might act as a barrier to entry in respect of novel vehicles that may not fall within a pre-established category with defined standards. Standards of fitness for such vehicles would need to be agreed before they could be allowed to operate.

Or the taxi and PHV regime could be restricted to vehicles that require a driving licence – simple and clear. Limiting the definition to “motor vehicles” would be another alternative – so that motorbikes would be covered but Pedi cabs and horse-drawn carriages would not.

Overall, the Commission argues that the power to regulate taxis and PHVs should apply to a wide range of vehicles, providing flexibility to impose different standards for widely-different classes of vehicle, and the possibility of exempting certain types of vehicles or services.

RESPONSE

Agree

PROVISIONAL PROPOSAL 5

Public Service Vehicles should be expressly excluded from the definition of taxi and PHVs; and taxis and PHVs should only cover vehicles adapted to seat eight of fewer passengers.

Buses – and lorries – are regulated as Public Service Vehicles (PSVs). This covers any vehicle used for hire and reward adapted to seat more than eight passengers. PSVs fall within the scope of mandatory EU Regulations covering drivers’ working hours and tachographs. But PSV drivers are not required to undergo criminal record checks.
Private hire regulation expressly excludes PSVs and only applied to vehicles with fewer than nine passenger seats. Taxi legislation predates modern public service legislation and instead of excluding PSVs carves out “stage coaches” or “stage carriages” which charge separate fares. Unlike PHVs, taxis have no limits in primary legislation on their passenger seating capacity, meaning that there is a potential overlap between PSVs and large taxis.

The Commission believes that the considerable discrepancies between PSV regulation compared with taxi and PHVs make it desirable to reduce the area of overlap to avoid providers selecting the licensing regime that is least onerous. The Commission’s proposal is therefore to use the number of passenger seats as a way to distinguish between taxi and PHV regulation on the one hand; and PSV regulation on the other.

RESPONSE

Agree.

You could go further and restrict PSV licenses to vehicles which have more than 8 passenger seats only. This would get rid of the anomaly of the Traffic Commissioner licensing vehicles of 8 seats or less and operators choosing who to licence with - Local Authorities or Transport Commission.

There should be no distinction between taxis and Private Hire Vehicles under a new single tier licensing system

PROVISIONAL PROPOSAL 6

References to stage coaches charging separate fares should no longer feature as an exclusion from the definition of taxis.

The current – Victorian – taxi legislation expressly carves out stage coaches (an historical term for PSVs) and stage carriages from licensing requirements. Where passengers pay separate fares in vehicles with fewer than nine passenger seats, the law is unclear about whether or not that should count as a stage coach. This means that the proper scope of taxi licensing is, as a consequence, also unclear.

As an example of this unsatisfactory state of affairs, in London, Pedi cabs are considered to be stage carriages (i.e. cannot be licensed) whereas in the rest of England and Wales Pedi cabs may be licensed as taxis.

RESPONSE

Disagree - see question 4 above.

It is believed that all horse drawn ‘stage coaches/stage carriages’ should remain within the taxi licensing remit regardless of the number
of passengers. This will remove the grey area that some of these vehicles currently operate in.

Horse drawn carriages do still exist.

**PROVISIONAL PROPOSAL 7**

| The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other “novelty” vehicles to assist consistency. |

The Law Commission acknowledges that there is an overlap between the regulation of small PSVs (with fewer than nine passenger seats) and PHVs that can give rise to confusion.

Whereas PSV standards are outside the scope of the Commission's review, it considers it important to get the relationship between the standards adopted under the respective licensing regimes right. The Commission therefore proposes that limousines should seek licences as PHVs where they have fewer than nine passenger seats. [However, should a local licensing authority refuse to license limousines at all operators may have little choice but to license their limousines with the Traffic Commissioner as small PSVs.] The Secretary of State has power to issue guidance to the Senior Traffic Commissioner who, in turn, may issue guidance and general directions to Traffic Commissioners and their deputies.

**RESPONSE**

Agree.

As the law is to be re-written with statutory minimum standards then it is believed that limousines (especially stretched limousines) and novelty vehicles should be covered by the proposed minimum standards policy. All vehicles with 8 passenger seats or less should be the responsibility of Local Authorities not the Traffic Commissioner.

This proposal is supported in order to remove the perceived loophole of a less onerous compliance standard than required by the private hire licensing regime. Reference in guidance should also be made regarding ensuring that small public service vehicles are driven by “fit and proper” persons and that they have had a CRB check.

Some drivers who have been refused a private hire driver's licence are still employed by private hire operators to drive over 8 seat vehicles. This loophole allows unsuitable drivers’ access to vulnerable persons.
PROVISIONAL PROPOSAL 8

The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and PHV licensing to exclude genuine volunteers as well as activities where transport is ancillary to the overall service.

The Commission considers it undesirable that the law currently “catches” activities where transporting passengers to a destination is not the principal purpose – e.g. looking after children. Taxi and PHV regulation should aim to cover services that are principally for the purpose of transport and have a commercial element.

Volunteers would automatically be excluded by an “in the course of business” definition. Volunteers may be subject to registration under the Vetting and Barring Scheme under the auspices of the Independent Safeguarding Authority. Some services may also be provided under a community transport (i.e. Section 19) permit.

Requiring volunteers to hold private hire licences (including a driver, vehicle and operator licence) seems excessively onerous and unnecessary.

RESPONSE

Agree in part.

It is very difficult to identify ‘genuine volunteers’. There are ‘volunteers’ who work 5 days a week driving hospital patients to/from appointments. A round trip between two hospitals could be 100 – 200 miles at 50p per mile could include a margin of profit which would make it a licensable activity.

Consideration could be given to hotel transport for exemption.

QUESTION 9

How, if at all, should the regulation of taxis and PHVs deal with carpooling and members’ clubs?

Carpooling is increasingly popular and should continue to be encouraged. Carpooling arrangements where passengers pay separate fares are expressly exempted from the public service licensing regime provide that they are not “in the course of a business of carrying passengers”. This is not the case in respect of taxi and private hire legislation.

In carpooling the vehicle is not for hire in the conventional sense but there is a payment. DfT takes the position that carpooling lacks a commercial element and so is “not for hire” in the terms of the PHV licensing regime. Overall, the absence of profit appears to be the main determinant.
Some private hire services may be offered only to members of a club or to particular sections of the public, such as disabled passengers. In principle, taxi-type services could be similarly restricted.

RESPONSE

(a) Carpooling
The Department for Transport’s guidance refers to using the rates as set by HM Revenues and Customs to assess the ‘profit’ which may be made by carpooling. This is based on the vehicle travelling 10000 miles in a year. Profit is the money made above and beyond the cost of running any vehicle for a particular journey. If any profit is made from an individual journey, then that vehicle must be licensed.

(b) Members clubs
This has already been dealt with by the Courts who decided that this type of operation needs to be licensed. To re-open the discussion of possibly entertaining this type of transport is wrong. Who will licence/control/enforce this type of operation?

Any exemption will be open to abuse, therefore, if we are to have a new piece of legislation make it a robust one.

PROVISIONAL PROPOSAL 10

The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes.

The Law Commission’s proposal for broad definitions in respect of vehicles and services to be covered in the regulatory regime means that some activities may be caught which should not be. This is especially true in the case of PHVs, where pre-existing arrangements are in place.

A key rationale for excluding a category of drivers or vehicles form the regulatory framework is where there is an alternative structure already in place to ensure safety and quality controls are met.

This proposal is linked to proposal 11, below.

RESPONSE

Agree in principle but would like to see a safety net of consultation with Local Authorities prior to any decision being made. However if standards are set in stone most agree this would make everyone’s’ life easier.
PROVISIONAL PROPOSAL 11

Weddings and funerals should no longer be expressly excluded from private hire licensing through primary legislation.

Where a vehicle is hired in connection with a wedding or funeral it is currently exempt from PHV licensing requirements. The Commission has noted that wedding cars could be provided by companies that also provide transport for other occasions which would not give rise to an exemption – e.g. stag or hen parties, or anniversaries. It is not clear why wedding cars should be excluded.

On the other hand, the case for continuing to exclude funeral cars may be stronger because those would usually be provided as part of the broader funeral function and transport in this case might be regarded as ancillary.

This proposal is linked to proposal 10, above.

RESPONSE

Exclusive use of vehicles for funerals should remain as an exemption; however, abuse of an exemption by wedding cars will prevail. Weddings now appear to last a week and transport often includes Hen/Stag Nights plus conveyance of other guests and to and from airports and so forth.

Such exemptions and/or vehicles need to be clearly defined.

QUESTION 12

Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the powers to set national standards?

If so, what modifications could be made to help prevent abuse?

The so-called contract exemption excluded vehicles under a contract of hire for a period of not less than seven days. This was repealed in 2008 to enhance public safety by ending perceived loopholes.

The rationale for contact exemption was that where long-term contractual arrangements are in place the contracting parties can put in place sufficient safeguards in respect of vetting vehicles and drivers on their own terms. In these cases, there is no need for the burdens of general licensing criteria to be met. Public bodies, in particular the NHS and education authorities need to set up large contracts for transporting children and vulnerable individuals. Such organisations are best-placed to set standards and monitor their attainment. Unlike most pre-bookings, such contracts will typically be subject to negotiation and be in writing.

The public safety argument is support of the repeal is less convincing because the most vulnerable passengers are in many cases transported by
volunteer or contract drivers out with the taxi and private hire licensing regime. Where drivers are remunerated, as with care workers, this is typically as part of a wider package, often with carers using their own vehicles. Public-spirited individuals, some of whom had been offering long-term services based on lasting relationships, had been put off by the extra costs of licensing.

On balance, the Commission suggests that the Secretary of State and Welsh Ministers standard-setting powers would be the more appropriate means of addressing the contract exemption. This would allow such powers to be used flexibly in amending the terms of the exemption. For example, the exemption might only apply where the customer is a public sector organisation or for a contract period longer than seven days. Alternatively, certain limits on the contract exemption which had been introduced through case law might be made express, including – for example – the requirement for the contract to have an end date, or that it relate to a specified vehicle.

RESPONSE

The whole idea of the repeal was to take away the option of unlicensed drivers/vehicles with no formal enhanced Criminal Records Bureau check being allowed to transport vulnerable children/adults. In this area the repeal has not caused any problems and it is believed more problems will be created by taking this proposed retrograde step.

PROVISIONAL PROPOSAL 13

| Regulation of the way taxis and PHVs can engage with the public should not be limited to “streets”. |

The statutory framework does not take a consistent approach towards private land. Significant areas – such as hospital, airports, railways, shopping centres and amusement parks – can fall within this category.

Some aspects of regulation are limited to (public) streets. This is true for plying for hire outside London. “Street” includes any road, square, court, alley and thoroughfare or public passage.

Where a taxi at a stand or in the street accepts a hiring, it is not under a duty to accept any passenger, but once it has accepted the passenger, it must take the passenger anywhere they might wish to go, within a prescribed distance.

This concept of compellability is limited to streets in London and in the rest of England and Wales.

Railways, which are on private land, have been dealt with specifically by statute so that licensing authorities’ requirements can apply to the railway station precinct as if it were a street or rank. There is no equivalent provision in respect of airports.
Subject to the need to comply with additional conditions imposed by private landowners, the Commission believes that it would be desirable to remove restrictions on the applicability of regulation by reference to streets. The imperative of public safety applies no differently whether services to the public are being provided on public – or private – land. The general law would therefore apply as a default minimum standard which could be raised by private landowners. This would adopt the current position in London.

**RESPONSE**

Agree

**QUESTION 14**

Is there a case for making special provision in respect of taxi and private hire regulation at airports?

In particular, where concessionary arrangements are in place, should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank?

Unlike railways, taxi and private hire legislation does not deal with airports specifically. Airports are now mainstream integrated transport hubs and market failures in airport settings are, if anything, more extreme than those at railway stations. Consumer transport options at airports for onward travel can be limited and some do not have rail links. Particularly vulnerable consumers, such as tourists, are a significant part of the consumer base. This makes information deficits a particular problem. Airports also have limited space which also reduces the scope for competition.

This appears to suggest that the rationale for extending taxi and private hire licensing to railways might similarly apply at airports. Byelaws under the Civil Aviation Act 1986 cover the provision of taxi services. Some airport owners enter into contracts with chosen taxi and private hire companies and restrict access by all other providers. Other vehicles may only park some distance from the terminal.

It is important to consider how regulations can encourage competition and consumer choice. Funding information desks through a levy on the trades can be controversial. A requirement to monitor customer satisfaction according to agreed parameters might be useful. Waiting times and facilities could be rated, and benchmarking used to ensure that if satisfaction fell below agreed levels regulators might intervene.

**RESPONSE**

Disagree.
Airports, Ferry Terminals and Railway stations should be serviced by licensed vehicles. How the customer can access those services on arrival could be a local and logistical matter not a licensable aspect.

PROVISIONAL PROPOSAL 15

The defining feature of taxis, the concept of “plying for hire” should be placed on a statutory footing and include:

a. References to ranking and hailing.

b. A non-exhaustive list of factors indicating plying for hire.

c. Appropriate accommodation of the legitimate activities of PHVs.

There is no statutory definition of “plying for hire”, although it is widely accepted as meaning exhibiting a vehicle as available for immediate hire by the public. Given that unlawful plying for hire is a criminal offence, it is important that its meaning should be clear and accessible.

The Commission believes that the central aspects of plying for hire should be put on a statutory footing to be more accessible and better reflect modern understandings of what taxis do.

The Commission suggests that there should be three key elements of a proposed statutory definition:

1. Use of the concepts of ranking and hailing;

2. Reference to a non-exhaustive list of factors relevant to determining plying for hire in grey areas; and

3. Accommodating the legitimate activities of PHVs.

RESPONSE

Agree

The central aspects of plying for hire should be put on a statutory footing to be more accessible and better reflect modern understandings of what taxis do.

Taxis - that is - representing a single tier system of licensing.

PROVISIONAL PROPOSAL 16

The concepts of hailing and ranking should not cover technological means of engaging taxi services.
The Commission suggests that plying for hire should not be interpreted to extend to novel technological ways of engaging vehicles, through mobile ‘phones and internet-assisted applications, which should remains means of pre-booking.

**RESPONSE**

**Agree - if applying to a one tier system; disagree otherwise.**

**QUESTION 17**

<table>
<thead>
<tr>
<th>Would there be advantages to adopting the Scottish approach to defining taxis is respect of “arrangements made in a public place”, instead of “plying for hire”?</th>
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</table>

In Scotland, taxis are defined as “A hire car which is engaged, by arrangements made in a public place, between the person to be conveyed in it (or a person acting on their behalf) and its driver for a journey beginning there and then.”

Private hire cars (as they are known in Scotland) are “any kind of vehicle which is, with a view to profit, available for hire by the public for personal conveyance, but is not a taxi”.

The taxi definition retains the idea of immediate availability for hire, but references to a “public place” could cause problems, especially as regards the internet.

**RESPONSE**

**Agree.**

**PROVISIONAL PROPOSAL 18**

**The concept of compellability, which applies exclusively to taxis, should be retained.**

A key feature of taxis is that they are not permitted to refuse jobs once the consumer has engaged them appropriately, either at a rank or by hailing.

**RESPONSE**

**Agree.**
PROVISIONAL PROPOSAL 19

Pre-booking would continue to be the only way of engaging a PHV and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked.

Under current law, the key distinction from taxis is achieved through restricting PHVs in how they can be engaged by the consumer. Bookings must be made in advance and through a licensed operator.

RESPONSE

A one tier licensing system would resolve such issues. It would also simplify the licensing regime and, therefore, be more cost effective and easier to enforce.

PROVISIONAL PROPOSAL 20

Leisure and non-professional use of taxis and PHVs should be permitted. There would, however, be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved.

Currently, leisure use of licensed taxis and PHVs outside London driven by unlicensed drivers is not allowed. Restricting this sort of use to licensed drivers restricts the scope to use a family vehicle for leisure. On the other hand, enforcing the legislation is difficult if the driver were to argue that the vehicle was being used privately at any time.

The Commission is persuaded that the deregulatory arguments in favour of allowing leisure use are strongest. Experience in London has not shown any particular problems.

RESPONSE

Disagree.

The current system is simple to use and does not affect the use of the taxi for family use. The only restriction being that the driver must hold a licence to drive a taxi issued by the parent Authority. As LA officers have no powers to stop vehicles proving/disproving that the vehicle was being used socially would create an unnecessary extra burden of proof aspect to any prosecution action taken by a LA.

PROVISIONAL PROPOSAL 21

The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and PHV licensing requirements.
The Commission considers that the existence of statutory guidance might be helpful in obliging licensing authorities and judges to consider it when exercising their functions, aiding consistency. The DfT’s existing guidance on what could count as a PHV would form the basis of any such statutory guidance.

**RESPONSE**

Agree in principle.

The Department of Transport guidance is very non-specific when using words like ‘likely to’ and would need to be amended accordingly. The section ‘Volunteers’ contained within the guidance is at variance to the feelings of many Licensing Authorities and the answer at 9(a) is relevant here as well.

**PROVISIONAL PROPOSAL 22**

Reformed legislation should refer to “taxis” and “PHVs”, respectively. References to “hackney carriages” should be abandoned.

This is eminently sensible as a hackney carriage is an historical term now out of date.

**RESPONSE**

Disagree.

Taxi should be used to refer to the trade at large and when talking about the current and discrete regimes they should be referred to as Hackney Carriages and Private Hire vehicles.

**However, there would be no need for separate classifications within a one tier system.**

**QUESTION 23**

Should PHVs be able to use terms such as “taxis” or “cabs” in advertising provided that they are only used in combination with terms such as “pre-booked” and do not otherwise lead to consumer confusion?

Current law prohibits private hire operators from using the terms “taxi” or “cab” in signs and advertising. Many people use the term “minicab”.

Allowing PHVs to use the term “taxi” would represent a significant change, even if accompanied by a qualifying prefix. On the other hand, many consumers use the term in respect of taxis and PHVs. The key message for consumers is that PHVs can only be pre-booked.
RESPONSE

Disagree – a one tier system would be more straightforward.

This is giving mixed messages and will be confusing for the public.

PROVISIONAL PROPOSAL 24

| Taxi and private hire services should each be subject to national safety requirements. |

The Law Commission argues that, as a matter of principle, everyone using taxis and PHVs should be entitled to expect the same, basic level of safety. The impact of such a change would be highly deregulatory for PHVs, where a wide range of standards exists at the moment.

In addition, for effective cross-border enforcement by local licensing authorities, the establishment of the same, minimum standards would ensure that each local authority would be applying – at least – the same standards.

RESPONSE

Agree.

PROVISIONAL PROPOSAL 25

| National safety standards, as applied to taxi services, should only be minimum standards. |

The Commission proposes that taxi regulation would continue to work differently from private hire regulation because consumers are able to engage taxis at ranks and by hailing – the local nexus is strong. The ability of licensing authorities to control pricing and apply extra local standards to reflect local conditions is therefore important.

Licensing authorities would therefore retain the ability to impose requirements over and above the national (Welsh) standards to taxis being hailed or using ranks within their licensing area. These could be linked to safety, but the Commission also recognises that authorities might wish to impose other quality standards (e.g. accessibility, colours and signage, CCTV, a “knowledge” test or specific vehicle requirements.

RESPONSE

Agree.
PROVISIONAL PROPOSAL 26

National safety standards, as applied to private hire services, should be mandatory standards.

The Commission proposes that the regulation of private hire services should be limited to addressing safety concerns in accordance with standards set by the Secretary of State and by Welsh Ministers. Licensing authorities in the case of private hire services would not have powers to impose additional standards on private hire drivers, vehicles or operators. Private hire services would be able to exceed the mandatory standards in response to competition.

RESPONSE

Disagree.

Currently Private Hire services are still transporting members of the public for a fee. Therefore, such vehicles should have the same level of safety standards as required for Hackney Carriages. Without knowing what the “minimum” safety standards are going to be it is impossible to answer this question any other way.

A one tier system with a nationally set standard would be the preferred and simplest way forward.

PROVISIONAL PROPOSAL 27

Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no longer apply to private hire drivers.

The Commission has two reasons for treating private hire services differently from taxis. First, for private hire vehicles, all journeys are pre-booked so can be planned in advance. The economic incentive to take the shortest route therefore lies with the provider. Second, a knowledgeable driver is a key example of a quality service but does not affect safety.

Unlike taxis, consumers are able to avoid private hire services – which rely on repeat business - that demonstrate lack knowledge, whether through the route chosen or the ability of the driver to plan.

RESPONSE

Disagree.

The logic here does not appear to have been thought through. As an example, a driver who knows where he is going and in what time frame is bound to be safer than one meandering aimlessly - why make any distinction between classes of vehicles available for hire and reward?
QUESTION 28

Should local standard-setting for private hire services be specifically retained in respect of vehicle signage?

Are there other areas where local standards for PHVs are valuable?

The Commission also acknowledges that particular areas of private hire standards can have a local dimension. For example, vehicle signage has an impact on safety. Clear vehicle signage can help to counteract the risk that consumers will get into an unlicensed vehicle, but such problems do not exist everywhere.

RESPONSE

Disagree.

Once again why persevere with these distinctions when a one tier system would involve a single vehicle clearly identifiable by the public?

QUESTION 29

What practical obstacles might there be to setting common national safety standards for both taxis and PHVs?

By their very nature, private hire standards would apply without geographical variation. At the same time, taxis and PHVs compete for pre-booked journeys. Consequently, if a licensing authority were able to adopt taxi standards lower than those proposed for PHVs, drivers would have an incentive to license in that area even if they had no intention of working there as taxis.

Common safety standards do not require common specifications because different vehicles – of varying design - require different criteria to be met.

Introducing a single set of safety standards for taxis and PHVs would avoid the risk of a mismatch in taxi and private hire standards, but the different ways of working of taxis and PHVs may make it impractical to use the same standards for both.

RESPONSE

It would depend at what level the Standard is set. If the safety standard is set too high to cater for the Taxi trade, then the Private Hire Trade may struggle to reach this standard. Some local authorities have a large number of Private Hire Trade in their areas whose sole work is centred on School Contracts as a result of the removal of the contract exemption.
However, remembering that taxis can also carry out private hire work, there should be no difference to the standard between taxis and private hire vehicles. It is difficult to see why a private hire vehicle is considered to be of a lesser risk than a taxi.

A single tier system with licensed and vetted owners (operators) and vehicles and drivers with standards clearly set in national legislation would ensure the safety of both the driver and the travelling public.

**QUESTION 30**

Should national conditions in respect of driver safety be different for taxi services compared with private hire services?

The safety of taxi and private hire services goes beyond the safety of passengers, and must also address drivers’ safety.

Options that have been considered include a partition between the driver and passenger space; CCTV, audio recording; and panic buttons.

**RESPONSE**

No.

In theory they should both be the same as the driver could find themselves in a dangerous situation regardless of what type of vehicle they are driving. However, consideration must be given as to what level the National Condition is set at. Some Private Hire drivers work similar to the Hackney trade at weekends, and some Private Hire drivers only work on school runs.

However, once again as in question 29, why should one class of driver or vehicle be of a lesser risk than another?

**PROVISIONAL PROPOSAL 31**

The powers of the Secretary of State and Welsh Ministers to set standards for taxis and PHVs should only cover conditions relating to safety.

The Commission believes that each of the pillars (driver, vehicle and operator) under the current licensing regime has a role in promoting safety. The Commission proposes that the scope of standard-setting powers granted to the Secretary of State and to Welsh Ministers would only extend to conditions relating to the safety of taxi and private hire services.

**RESPONSE**

Agree in principle.
Although all LAs would agree that the main purpose of the licensing regime is to ensure public safety; whether this is by ensuring a certain standard of vehicle or ensuring that drivers with criminal or driving records that are below par, are not given licences.

However, because of the number of LA’s across the country and the varying standards applied, there are inconstancies which would be overcome by certain standards being set on a national basis. This is most appropriate particularly with vehicle standards relating to safety where officers are not mechanically trained and may have limited knowledge on such matters.

It is essential that LAs do retain the ability to set standards and conditions that are locally appropriate. There are many issues that are faced in city and town areas that are less likely to affect rural areas. Therefore, there must be scope for these differing challenges to be addressed on a local level. Some amount of local flexibility should be retained.

PROVISIONAL PROPOSAL 32

The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement.

RESPONSE

Agree in principle.

Statutory consultation requirements are becoming more common and useful especially for ensuring the views of the licensed trade, Local Authorities and other stakeholders are considered and represented in the final outcome (if appropriate to do so) of any ‘national safety standards’.

The more opportunity there is for comment and participation in any standards set the more likely all people involved in the licensing process will ‘buy into’ the rules set.

If there are subsequent appeals due to refusals of licence or conditions set based on the ‘national safety standards’ and those standards have been subject to comprehensive consultation, it may give more weight to the decisions made.

The downside of a consultation process is that it can delay changes and amendments that may need to be taken to react to issues or problems. This could be a particular issue if there is an extended consultation period.

It may, therefore, be useful if there is some mechanism for certain types of decisions to be taken without the need for full consultation if it is
determined that the protection of public safety outweighs the benefits of consultation. This may be especially useful if the changes being made are as a result of consultation or investigations made (i.e. university studies, vehicle trade reports etc.) and there is no need for duplication.

**QUESTION 33**

<table>
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<tr>
<th>What would be the best approach for determining the content of national safety standards?</th>
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<td>In particular, should the statutory requirements to consult refer to a technical advisory panel?</td>
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National vehicle standards might include the use of roof signs, signage more generally, taxi-meters, CCTV cameras, tracking systems, driver shields (partitions), or tinted windows.

The Commission believes that the standard-setting powers held by the Secretary of State and Welsh Ministers, along with those of the licensing authorities in setting local standards for taxis, would be sufficiently flexible to deal appropriately with such issues.

**RESPONSE**

Consider that this would be best addressed by creating regional forums who would report to the Technical Advisory Panel. This could be done initially through the IOL/NALEO regional meetings with specific guidelines to follow.

**PROVISIONAL PROPOSAL 34**

| Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. |

Local conditions would continue to apply but exclusively to taxis. Matters relating to quality and fares are key examples where local decision-making for taxis would be valuable (e.g. London’s “Conditions of Fitness”).

The Commission’s provisional view is that licensing authorities should retain the discretion to impose licensing conditions provided that they do not fall below national standards.

**RESPONSE**

Agree.
QUESTION 35
Should there be statutory limits to licensing authorities’ ability to set local taxi standards?

The arguments in favour of regulating quality features are inevitably weaker than they are for safety features. A reformed system could be used to limit local licensing authorities’ powers in this regard.

In Scotland, the Secretary of State and Scottish Ministers already have powers to make some conditions mandatory and – conversely – to prohibit conditions that are deemed undesirable. These powers may be applied differently reflecting local circumstances, including the type of taxi or PHV. There is also a specific [power to set types, sizes and designs of vehicles. Potentially, this could be a useful model for limiting the scope of licensing authorities’ discretion to set local standards.

RESPONSE
Without knowing what the National minimum standard will be it is difficult to say what local standards Authorities would wish to introduce. Authorities should retain some power to set local taxi standards - as a small example; what is suitable for rural areas may not be the same for inner city areas.

Each vehicle would require adequate testing as to its suitability and roadworthiness before a licence is issued. If mandatory conditions are enforced as to the size, type and design this will have a huge effect on small businesses and could lead to a shortfall in vehicle availability.

This could also impact on the ability of cross border enforcement if vast differences between Councils prevail.

QUESTION 36
Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators?

Under the Commission’s proposals, nationally-set standards relating to safety would be the only form of regulation affecting private hire services. Taxis would instead be subject to two distinct sets of standards – one national, and one local.

The national standards may – or may not – be the same as those that would apply to PHVs.

Licensing authorities would not be obliged to introduce local conditions but would have the option to do so depending on local circumstances. Local standards could not, however, be any lower than the nationally-set minimum standards relating to safety.
Currently, licensing authorities may set conditions that apply to all licensees generally in their licensing area, as well as tailoring conditions specific to particular licensees. This applies to both taxis and private hire services.

The Commission considers this flexibility to be helpful, and believes that it should be retained for taxis as it is compatible with local licensing – albeit with the presumption that general conditions should be used, and individual conditions would be the exception.

RESPONSE

As question 35 above.

Currently Licensing Authorities cannot impose conditions on Hackney Drivers nor in turn operators if using only Hackney Carriages therefore, “retain” is not the correct term.

A much more uniformed (one tier system) approach to licensing conditions for both Hackney Carriages and Private Hire drivers and operators would be beneficial. There are vast differences between authorities on how they deal with such individuals, which could give rise to public safety. Having a much more uniformed approach on how each authority deals with convictions at Committee level, how often CRB’s are conducted, DVLA checks carried out, information sharing, disability training and the testing of drivers and operators on their knowledge of those conditions imposed upon them, would be more beneficial.

This will avoid people applying to Authorities with a much more lenient approach.

QUESTION 37

Should the powers and duties of licensing authorities to co-operate be on a statutory footing, or is it best left to local arrangements?

Some local licensing authorities work together through an integrated regulatory service function within a single management structure. This should reduce management and overhead costs as well as encouraging consistency of standards.

Such arrangements can be made informally, while there are also statutory powers (Section 21 of the Local Government Act 1972) under which local authorities can arrange for certain functions to be discharged by other authorities.

RESPONSE

Believe it would be best left to individual Councils to make local arrangements. It may be useful for small local Authorities but Councils
with large geographical areas may find statutory condition costs prohibitive. There could be a different Welsh Government perspective and consideration should be given to the Simpson Review.

PROVISIONAL PROPOSAL 38

Neighbouring licensing authorities should have the option of combining areas for the purpose of taxi standard setting.

Where licensing authorities have combined resources in administering and enforcing taxi and private hire functions, they may also wish to combine their remaining licensing activities relating to taxi standard-setting.

The Local Transport Act 2008 introduced powers for the creation of integrated transport authorities and to change the constitutional arrangements in existing ones. Under such arrangements, functions of the Secretary of State or a local authority can be delegated to the integrated authority.

RESPONSE

Agree.

PROVISIONAL PROPOSAL 39

Licensing authorities should have the option to create or remove taxi zones within their areas.

DfT recommends the abolition of taxi licensing zones to provide greater benefits to passengers through the greater availability of vehicles and more consumer choice. It also allows taxi drivers to ply for hire in a wider area, promoting more efficient operation.

On the other hand, where licensing authorities have proposed removing existing zones drivers have raised concerns about potentially higher fares through the introduction of blanket tariffs across a then wider area.

The Commission proposes the introduction of more flexible powers enabling licensing authorities to respond more easily to local circumstances. Such powers could allow authorities to create licensing zones or to remove them within their areas.

RESPONSE

Agree with removal.

Creating Zones also goes against Department of Transport guidance as mentioned in section 2.28 of the consultation document.
QUESTION 40

Would it be useful for licensing authorities to have the power to issue peak-time licences, which may only be used at certain times of the day as prescribed by the licensing authority?

Peak-time licences might offer an attractive, targeted option for ensuring provision at times of perceived, unsatisfied demand. Such a system is used successfully in parts of Australia.

RESPONSE

Disagree.

Good idea in principle but isn’t this a restrictive practice? This would be difficult to control or regulate unless significant investment made by way of colour coding or some other identifier.

PROVISIONAL PROPOSAL 41

Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to using drivers or vehicles licensed by a particular licensing authority.

Currently, licensing officers have no enforcement powers in respect of vehicles licensed outside their licensing area. Moving to a common set of safety standards would mean that licensing officers would have a shared set of standards they may apply to any vehicle, driver or operator.

Also under current legislation, taxis may only ply for hire within their licensed area but may undertake pre-booked journeys anywhere. The Commission proposes retaining this. The scope for local variation in taxi standards, and in particular the different fares and accessibility standards, means that they should be restricted to working on ranks and to hailing passengers located in their licensing area. On the other hand, taxis would continue to be able to do pre-booked work out of borough as they can now.

Private hire operators are restricted to inviting and accepting bookings within their licensed area, and using vehicles and drivers licensed within the same licensing area. This is notwithstanding that PHVs are free to pick up and drop off anywhere.

Taxi drivers undertaking pre-booked journeys have no similar constraints whether taking bookings directly or where a third party may invite or accept bookings on their behalf (thus acting like an operator).

The move to mandatory national standards would mean that, although licences would be issued locally by different licensing authorities, their requirements would be the same. Cross-border restrictions, and the so-called “triple licensing” requirement whereby the operator, driver and vehicle must all
be licensed by the same licensing authority, would therefore fall away in respect of private hire services.

RESPONSE

Agree.

PROVISIONAL PROPOSAL 42

The Law Commission does not propose the introduction of a “return-to-area” requirement in respect of out-of-area drop offs.

The Commission does not propose the adoption of specific measures aimed to restrict cross-border activities of licensed PHVs or taxis. Introducing a return-to-area requirement would only lead to increased prices and reduced flexibility in the provision of services.

Taxis and PHVs could, after dropping off a passenger, legitimately pick up a different fare outside their licensed area pursuant to a pre-booking. Increasingly, intelligent dispatch systems make the likelihood of matching up passengers with proximate vehicles a reality. If drivers were required to drive back empty to their own licensing area that would not only be expensive but also environmentally damaging.

The danger that an out-of-area taxi or PHV might illegally ply for hire requires specific action through targeted enforcement.

In addition, the introduction of common safety standards reduces the seriousness of cross-border issues. If a licensed vehicle is illegally plying for hire it may be competing unfairly and breaching various regulatory requirements but it does not present a safety risk.

RESPONSE

Disagree.

This will lead to conflict between local drivers and those from “out of area”. What reason would a driver doing a 100 mile trip for an airport drop off have for staying in an area completely unknown to him? Not practicable for a rural authority with distances in excess of 40 miles.

A one tier, single vehicle used for hire and reward would simplify a host of such anomalies.

PROVISIONAL PROPOSAL 43

Licensing authorities should retain the ability to regulate maximum taxi fares.
Licensing authorities should not have the power to regulate private hire fares.
Price controls are widely used to address market failure in the taxi rank and hail markets. Most licensing authorities regulate maximum fares determined in accordance with formulae to reflect the cost of running a taxi further to a consultation process.

The private hire market does not require such intervention because of the existence of normal market competition. This does not mean that private hire fares are completely unregulated because general consumer protections do apply. For example, where a PHV has a meter it must comply with the Measuring Instruments Directive and trading standards controls.

Nothing in the Commission’s proposals would require local licensing authorities to regulate fares, and local authorities would retain the choice of whether to do so.

RESPONSE

Agree with the principle of setting the maximum fare and, in practice, all our private hire vehicles (excluding those solely used for school transport) as well as our Hackney Carriages, use this tariff.

There would be not need to make a distinction if there was a single licensing tier.

QUESTION 44

Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys?

Under current law, taxi fares for pre-booked journeys ending inside the licensing area are capped at what have been the metered fares. Out-of-area journeys can be subject to a higher fare provided that this is agreed.

Taxis compete directly with PHVs in respect of the pre-booked market, so in effect provide competition pressure on taxis in respect of such journeys. The rationale for fare regulation of pre-booked taxi journeys is therefore less strong.

There are advantages to regulating pre-booked taxi fares. Taxis can be booked without operators and under current law they are not required to keep records of pre-booked journeys (unlike PHVs). If a taxi driver were to demand more than the metered fare it would be hard to track down that taxi, whereas if an operator is involved it would be easier to complain.

Requiring details of pre-booked taxi journeys to be to be kept and a presumption that the metered fare applies could allay concerns.

RESPONSE

Disagree.
The maximum in area should be the maximum at all time regardless of how the journey was carried out.

This would not be an issue with a one tier system with a set maximum.

**QUESTION 45**

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<th>Should national driver safety standards such as the requirement to be a “fit and proper” person be either:</th>
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A “fit and proper” person is not defined in statute. This might include the driver's medical health as well as their level of training and skills. This is especially relevant in terms of assisting disabled passengers.

While the Commission acknowledges that certain requirements might best be set out in primary legislation, it also recognises that the powers of the Secretary of State and Welsh Ministers to set conditions in respect of bottom-line safety requirements could be sufficiently wide to cover such issues.

**RESPONSE**

Agree, set out in primary legislation.

**PROVISIONAL PROPOSAL 46**

| Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. |

Currently, general vehicle requirements for both taxis and PHVs leave much discretion for setting local standards, which can relate to appearance, design and any distinguishing marks.

London’s Conditions of Fitness are the most prominent example of locally-set conditions and have been adopted by other authorities.

PHVs must satisfy licensing authorities in respect of:

- Suitability of type, size and design.
- Sufficient difference to taxis to avoid confusion.
- Suitable mechanical condition.
- Safety.
- Comfort.
- Proper insurance cover.
The Commission has suggested that the Secretary of State and Welsh Ministers should have powers to set national safety-related standards subject to a statutory consultation.

In England and Wales outside London the owner of a licensed vehicle is not subject to any statutory suitability requirements – there is no express power to refuse a vehicle owner a licence for reasons related to the applicant, as opposed to the vehicle. In respect of taxis, licensing authorities can issue byelaws “regulating the conduct of the proprietors”. They may also suspend or revoke a taxi or private hire licence for any reasonable cause. This may be broad enough to include reasons linked to the licence holder.

Vehicle owners in London must satisfy Transport for London that they are of good character, good business repute and, having regard to their financial position, are “fit and proper”. Owners do not come into public contact so are remote from considerations relating to passenger safety.

**RESPONSE**

Disagree

Vehicle owner should also be subject to a fit and proper test. The owner of the vehicle is also the person responsible for acquiring the necessary insurance, road fund licence and MOT/COC certificate for the vehicle. This person must, therefore, be a “responsible” (or fit and proper) person.

Examples exist of taxi proprietors convicted of operating cannabis factories in Wales who, because of poor legislation, are not required to be vetted. These “licensed” vehicles are, therefore, an ideal outlet to deliver and transport goods and for the laundering of money.

**QUESTION 47**

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Currently, licensing authorities can take into account a broad range of criteria (beyond safety) in respect of licensing both taxis and PHVs.

The Commission has suggested that national standard setting would only extend to vehicle safety. This would also cover features distinguishing taxis from PHVs. On the other hand, considerations relating to broader quality considerations (e.g. colour or comfort) could only be regulated locally, and then only in respect of taxis.
Appropriate vehicle testing and insurance remain key safety requirements.

RESPONSE

Agree, set in primary legislation.

PROVISIONAL PROPOSAL 48

Operator licensing should be retained as mandatory in respect of PHVs.

Operators have only indirect contact with the public, although this is not the case for pre-bookings. Passengers in the latter circumstances do not know who the driver will be until they are collected. In private hire this is reinforced by the fact that the contract is between the consumer and the operator, not the driver.

Operators should periodically check that drivers and vehicles comply with safety requirements, as well as checking that they continue to satisfy relevant regulatory requirements. Operators’ reliance on customer goodwill for repeat business is an important regulatory control.

In Scotland, operator licensing was deemed unnecessary when private hire licensing was introduced. However, because of a perceived increase in concerns about public safety and public order, operator licensing was introduced in 2009.

RESPONSE

Agree, under current terms or under a single tier system.

QUESTION 49

Should operator licensing be extended to cover taxi radio circuits and, if so, on what basis?

Unlike private hire drivers, taxi drivers may take pre-bookings directly. This means that a third party who arranges a pre-booking can, in principle, act merely as an agent and take no direct responsibility in respect of the booking.

Third-parties taking bookings on behalf of taxi drivers have no formal role in legislation but it may appear that taxi radio circuits – dispatching solely taxis – carry out a very similar function to operators.

If all third parties who invite bookings for taxis had to be licensed that would effectively ban agency arrangements. The third party would, by statute, have to take substantial legal responsibilities in respect of the taxi service provided.

RESPONSE

Yes, where a company controls the radio base and owns the vehicles.
PROVISIONAL PROPOSAL 50

The definition of operators should not be extended to include intermediaries.

Intermediaries may have a long-standing contract for particular events. They may also contact an operator to dispatch PHVs or taxis. In such cases, the customer is not in any meaningful way relying on the operator, but rather on the identifiable intermediary. Given this overlap, there is an issue as to whether the definition of operators should be extended to intermediaries.

Under current arrangements, customers may still have recourse through contract law if a problem arises. The operator ultimately engaged would remain liable and subject to regulation.

RESPONSE

If the intermediary is dealing only with licensed operators, then no.

If the intermediary is dealing directly with the driver of a vehicle, then yes.

QUESTION 51

Should “fit and proper” criteria in respect of operators be retained?

Currently, licences may only be granted to operators if they are “fit and proper” persons and subject to such conditions as a licensing authority may deem “reasonably necessary”. Operators are directly liable for breaches by their drivers, and vehicles.

There is evidence that initial checks on operators can yield significant intelligence useful to the police.

RESPONSE

Agree; please see response for proposal 46 and 48.

PROVISIONAL PROPOSAL 52

Operators should be expressly permitted to sub-contract services.

Where a customer contacts an operator who is unable to fulfil the proposed booking, that operator may wish to sub-contract the job to another operator.

Currently, it is illegal to sub-contract bookings elsewhere in England and Wales, whereas it is expressly permitted in London – where the original operator remains liable to the customer.
RESPONSE

Agree, but a record of who the booking was sub-contracted to should be made and be a condition of the licence or preferably contained in primary legislation.

QUESTION 53

Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply?

The Commission does not suggest that taxi drivers should be required to obtain an operator licence to take pre-bookings. However, a requirement to keep records of pre-booked journeys might be reasonable, particularly if fare regulation did not apply to such journeys.

RESPONSE

Yes.

PROVISIONAL PROPOSAL 54

Licensing authorities should no longer have the power to restrict taxi numbers.

RESPONSE

Agree, and any current restrictions should be removed by primary legislation

QUESTION 55

What temporary or permanent problems might arise if licensing authorities lost the ability to restrict numbers?

Under current legislation, licensing authorities have the option to limit taxi numbers, but only in the absence of “unmet demand”.

Restricted numbers limit competition and so consumer choice. Quantity controls also create a market for taxi licences. In some parts of England, there is evidence that a taxi licence can command up to £60,000.

An as yet unimplemented provision of the Equality Act 2010 would further restrain authorities’ scope to limit numbers by preventing the refusal of a licence to a wheelchair-accessible taxi.

As at the end of February 2012, some 93 licensing authorities had quantity controls in place. Approximately 21,000 vehicles are currently operating in areas with quantity controls, accounting for just over ¼ of all taxis operating in England and Wales.
Lack of provision can push consumers into taking unlicensed vehicles.

Taxi representative groups have highlighted the potential benefits to the public through restricting numbers which flow from a more stable and better paid trade. However, those could also be achieved through regulation targeted at ensuring appropriate quality standards.

On balance, the Commission is proposing that arguments in favour of deregulation, and for the abolition of quantity controls, are most convincing.

**RESPONSE**

There may be a short term increase in vehicles but this may be negated by the introduction of more stringent national quality controls.

**QUESTION 56**

| Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period of time, if quantity restrictions are removed? |

There is some concern that removing quantity restrictions may drive out high skilled drivers as a sudden influx of drivers could force down standards. Even if the new entrants leave after a few years, the overall standards might be lower than before the change. There would be reputational issues, too.

However, the risk of lower standards can be protected against by ensuring that new entrants are required to provide services to an appropriate standard. London is a prime example, as there are no quantity restrictions but there are stringent quality controls. Even in such circumstances, there has to be an adequate enforcement regime to monitor and enforce those standards.

**RESPONSE**

No transitional measures should be put in place as this has a tendency to cause confusion. A simple start date for when the new, preferably single tier, regime would be best.

**QUESTION 57**

| Should there be a separate licence category for wheelchair accessible vehicles? This could involve: |

- A duty on licensees to give priority to disabled passengers; and
- a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles.

Ensuring proper accessibility is a priority of the Law Commission’s review.
Some authorities have a policy requiring all licensed taxis to be wheelchair accessible. This guarantees a disabled person an accessible taxi. Such vehicles may not be ideal for passengers with other disabilities.

The Commission is not arguing that a percentage of taxis should be wheelchair accessible.

The Commission has considered whether a specific accessible taxi licence could be required, so that licence holders would be obliged to prioritise bookings from passengers in wheelchairs. There could be special ranks for such vehicles.

**RESPONSE**

(1) Agree in principle, but could this encourage more owners to move away from other vehicle types in favour of one with a lower fee base?

(2) Agree in principle, but with the numerous vehicle body types (i.e. rear loading) this would not be practical on a rank owing to the distance required behind the vehicle for loading purposes. Each rank would require a “dropped curb” to facilitate this type of vehicle (unless this type of vehicle was deemed unsuitable as a taxi).

**QUESTION 58**

Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards?

**RESPONSE**

Disagree – one licence one fee

**QUESTION 59**

Do you have any other suggestions for increasing the availability of accessible vehicles, and for catering for the different needs of disabled passengers?

In some countries, the licence fee for a wheelchair accessible taxi is considerably lower than for other vehicle types. This helps to offset the cost of purchasing an accessible vehicle. One option might be, therefore, to introduce a range of fees relating to vehicles that satisfy different accessibility standards.

**RESPONSE**

The difficulty here is that certain types of wheelchair accessible vehicles come with additional purchasing costs to the trade, which in many cases are not recoverable, especially in small semi-rural areas. This
may work in larger towns and cities where there is a larger fleet of vehicles to start with.

A fee discount for wheelchair accessible vehicles has been used in Torfaen CBC for 4 years, as an example, but it had no effect on the number of wheelchair accessible vehicles. The reduction in fee did not cover the additional cost of purchasing the specialist vehicles.

Operators could perhaps apply for a grant for the initial purchase cost of the vehicles. There would of course have to be conditions of use etc attached to any award.

The Commission should take account of different areas and different needs of individuals.

PROVISIONAL PROPOSAL 60

The Commission does not propose the introduction of quotas for wheelchair accessible vehicles.

The Commission is not persuaded of the need for quotas because of the fluidity of the industry and because many drivers and vehicle owners are sole traders. It also recognises that quotas may not help many disabled people in a wheelchair because there is no guarantee that an accessible vehicle would be available at the time and place they required it.

RESPONSE

Quotas will not work. The difficulty is that different people have different needs; some people with lesser disabilities will only get into a normal un-adapted motor car, as many of the wheelchair accessible vehicles are high and difficult to get into. We concluded that setting a quota would unreasonably and adversely affect the trade and would not improve the provision.

In various consultation exercises the trade were clear that there was insufficient business for them to justify investing in the more expensive vehicles and that many of their customers would not want to use them.

The Commission should take account of different areas and different needs of individuals. Whatever is decided must have enough latitude to allow for local decisions.

PROVISIONAL PROPOSAL 61

National standards for drivers of both taxis and PHVs should include recognised disability awareness training.

There are plenty of examples of disabled people – in particular those in wheelchairs or with assistance dogs – having been refused service or
discriminated against in the provision of a service. More needs to be done to eradicate illegal and unacceptable practices.

There should therefore be a national standard requiring all taxi and PHV drivers to complete a recognised accessibility training course as a condition of holding a licence.

Assisting a disabled person also has safety implications.

Some local authorities (e.g. South Ayrshire) have introduced a mandatory requirement for licensed drivers to attend an appropriate course.

RESPONSE

Disability awareness is seen as an important element of any National Standards of both taxi and PHV drivers. Licensing Authorities recognise the need to ensure measures are taken by drivers to prevent discrimination against disabled people.

Proposals would need to weigh up the extent and nature of awareness training needed against the additional burdens, financial and otherwise, which would need to be borne by applicants and/or the Authority.

The nature of any proposed awareness training would also need careful consideration to prevent the possibility of delays in the application process caused by applicants waiting for awareness training.

Therefore, careful consideration is needed as to:

1) Who provides the training?
2) Where and when can this be made available to applicants?
3) Would there be a waiting list or delay to access the course?
4) What cost to applicants / the authority?

PROVISIONAL PROPOSAL 62

To better address concerns about discrimination, taxis and PHVs should be required to display information about how to complain to the licensing authority.

This would be consistent with the spirit of the Equality Act 2010, because – regrettably – discriminatory practices are not rare. More can be done at local level to ensure that discrimination is not condoned. Licensing authorities should take appropriate action against licence holders who participate in discriminatory practices.
RESPONSE

Licensing Authorities would support the principle of providing complaint information to customers of the licensed trade to ensure compliance with equality and other legislation and raise standards.

However, it must be recognised that an increase in complaints to the Licensing Authority could consequently increase the budgetary pressures on Authorities in some instances. Dealing with additional complaints, investigating them and taking appropriate action could also lead to an increase in suspensions and revocations of licences, with a proportionate increase in the number of appeals to Court as a result.

It is recommended that a full analysis of the costs of all proposals to Authorities and applicants is undertaken.

In addition, where and how would this information is displayed? It would have to be in a position where it could be seen and accessed by passengers. It would also need to be available in Braille for visually impaired passengers.

In an ideal world this proposal would be acceptable but in reality how it could be introduced and enforced would need considerable further investigation.

QUESTION 63

What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them?

Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help?

Legislation already prohibits discrimination against disabled people in the provision of goods and services – including services provided in taxis and PHVs. This includes a requirement to make “reasonable adjustments” in the provision of the service, including the provision of auxiliary aids.

The law provides that there should be no additional charge for carrying an assistance dog, although this is not always followed.

Taxis are not under a general duty to stop when hailed, and the Commission does not seek to change that.

Good practice would suggest that licensing authorities should require taxis to display their availability for hire by some obvious means to the public. This, in turn, could be coupled with a requirement to stop in response to a hailing if free and safe to do so.
Drivers should be provided with the appropriate training to assist disabled and/or able bodied passengers. Appropriate training should increase awareness and discourage any form of discrimination.

If a Hackney Carriage is showing its availability for hire, then an obligation to stop for [any] disabled passengers if hailed should prevail.

**QUESTION 64**

<table>
<thead>
<tr>
<th>Should authorised licensing officers have the power to stop licensed vehicles?</th>
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Breaches of taxi and PHV legislation are criminal offences enforced through magistrates’ courts. Licensing authorities also have powers to suspend, revoke or refuse to renew an existing licence, and to refuse to issue licences.

Licensing officers do not currently have powers to stop a vehicle, although they can inspect licensed vehicles for fitness. This requires them to work closely with the police and the Vehicle and Operator Services Agency.

It would not be possible for a licensing officer to determine that a vehicle and driver are licensed in advance of stopping them. There are questions about the propriety of a licensing officer – rather than a uniformed police officer – approach members of the public and questioning them about their behaviour. Such powers would have to be proportionate, appropriate and accompanied by safeguards.

**RESPONSE**

Agree.

This would assist Officers when undertaking enforcement and would lessen the burden on other agencies such as the Police.

**QUESTION 65**

<table>
<thead>
<tr>
<th>What more could be done to address touting (the offence in a public place of soliciting persons to hire vehicles to carry them as passengers)?</th>
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Touting can be a serious problem at airports and town centres with an active nightlife.

**RESPONSE**

Very little due to the limited resources available to Licensing Authorities. The offence would have to be observed in the first instance. It is suggested that this can only be targeted on receipt of good intelligence from the trade.
QUESTION 66

Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules?

The Vehicle and Operator Services Agency and Traffic Commissioners are empowered to impound vehicles in respect of illegally operated public service and goods vehicles. The police have powers to seize vehicles that are operated without insurance.

If a vehicle is impounded it is for the owner to show that the vehicles has not been operated in contravention of the law. Were they unable to do so, the vehicle would be sold or destroyed.

RESPONSE

Agree in principle, but there would need to be in place definitive guidelines for officers to follow. In addition, there are issues regarding costs and practicalities of impounding vehicles. However, if this goes forward, it is suggested that a regional facility for impounding vehicles could exist to dovetail into Police and DVLA officer powers.

QUESTION 67

Should licensing authorities make greater use of fixed penalty schemes and, if so, how?

A number of road traffic offences are now classed as fixed penalty offences. A Fixed penalty Notice (FPN) may be given on the spot by authorised persons where that person has reason to believe that someone is committing, or has committed, a fixed penalty offence. They are only appropriate where the commission of an offence can be assessed objectively.

The recipient may choose to pay the fine or have the matter heard in court.

Making certain breaches of taxi and PHV legislation fixed penalty offences would reduce the number of cases reaching court, and would be consistent with the enforcement of breaches of other professional motoring requirements.

RESPONSE

Agree.

This would not only give the LA the ability to cover enforcement costs (which cannot currently be covered by some of the fees), but also free Court time when dealing with offences (where many are guilty pleas).
**PROVISIONAL PROPOSAL 68**

Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas.

Currently, enforcement officers are only able to take enforcement action against vehicles licensed in the authority for which they work. Currently also, PHVs can work legally in authorities other than that in which they are licensed providing the licences held by the operator, driver and vehicle are from the same authority.

The Commission’s proposals would enable private hire operators to use drivers and vehicles licensed in another authority to fulfil a booking, and it is important to ensure that enforcement systems sit properly with this greater flexibility.

**RESPONSE**

Agree

**QUESTION 69**

Should cross-border enforcement powers extend to suspensions and revocation of licences? If so, what would be the best way of achieving this?

Non-criminal sanctions can be very effective. Under the current licensing framework, only the home licensing authority has the power to take such action. As this is the licensing authority that originally granted the licence and which holds information about the licensee, this makes sense.

Under a system allowing cross-border enforcement, where a vehicle or driver licensed in one area was found to be in breach of regulations in another area, their home licensing authority would be alerted to this and expected to take appropriate action.

The authority might need to have an incentive to do so. This could be overcome by informal co-operation between licensing authorities; or by formal procedures for cross-border co-operation; or by authorities having full powers to suspend and revoke licences cross-border.

**RESPONSE**

Disagree.

It is believed that cross border enforcement should be restricted to the issue of fixed penalty notices/suspensions only for prescribed offences. Revocation should be the responsibility of the home Authority after receiving written submissions from the reporting Authority.
PROVISIONAL PROPOSAL 70

The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, the holder of the relevant licence.

Currently, there are differences in the rights of appeal available in the taxi licensing regime as opposed to the private hire regime. There are also differences in the regime that applies in London compared to that which applies in the rest of England and Wales.

The Commission’s proposals envisage three main types of standards that might apply to any licensee:

- National standards for taxis and PHVs.
- Additional local standards for taxis only; and
- Individual conditions of licence.

In principle, where the challenge is to a general standard the mode of challenge should be a judicial review. A successful challenge would strike down the standard itself.

If the ability to impose individual conditions is retained, an appeal to the magistrates’ court in respect of the specific condition would be appropriate.

A licensee may also wish to challenge how a standard was applied in a particular case. This would again involve a magistrates’ court.

The Commission recommends that statutory rights of appeal should be limited to the applicant or licence holder, because general conditions will only be susceptible to challenge via judicial review.

RESPONSE

Agree

PROVISIONAL PROPOSAL 71

The first stage in the appeal process throughout England and Wales – in respect of refusals, suspensions or revocations – should be to require the licensing authority to reconsider its decision.

London has a statutory right to require a local licensing authority to reconsider its decision. If the applicant remains unhappy they have a right of appeal to a magistrates’ court. An application to a magistrates’ court can also be made first, bypassing the reconsideration stage.
This option does not exist anywhere else in England and Wales. The applicant must instead appeal directly to the magistrates’ court (or Crown Court).

RESPONSE

The current appeal system is our preferred option.

PROVISIONAL PROPOSAL 72

Appeals should continue to be heard in the magistrates’ court.

This already applies in most cases, although most magistrates have little or no experience of taxi and private hire licensing issues. They are not specialists like the Traffic Commissioners or the First-Tier Tribunal (Transport).

The Commission’s proposals are that only complaints about decisions that directly affect individuals (and potentially, individual conditions) would be heard before the magistrates.

RESPONSE

Agree.

However, appeals against the refusal to grant a Hackney Carriage proprietor licence currently go directly to the Crown Court. This should be amended so that all appeals go directly to the Magistrates’ Court.

QUESTION 73

Should there be an outright right of appeal to the Crown Court?

The Commission’s proposals provide a two-step appeal system, with decisions first subject to reconsideration by the authority followed by a right of appeal to magistrates. This should provide adequate safeguards, but retaining an onward right of appeal to the Crown Court would be desirable given the possible impact on livelihoods.

RESPONSE

Agree.
We would like to oppose the proposed changes to the above laws to include wedding cars.

The wedding car business in no way compares to taxi services.

The wedding season operates basically for four months of the year and also only on one or two days a week.

Consequently as the owner of just two wedding cars we barely break even from year to year as it is.

We do not want or need a private hire taxi licence to operate the wedding cars for one day a week over the Summer season.

The extra costs involved for insurance alone would put us out of business.

John Neesam
South Manchester Wedding Cars
APPENDIX A
LIST OF PROVISIONAL PROPOSALS AND QUESTIONS

CHAPTER 13 - OVERVIEW OF PROVISIONAL REFORM PROPOSALS

Provisional proposal 1

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. (Page 160)

Agree

CHAPTER 14 – REFORM OF DEFINITIONS AND SCOPE

Provisional proposal 2

London should be included, with appropriate modifications, within the scope of reform. (Page 162)

Agree

Provisional proposal 3

The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. (Page 164)

Agree. Many different types of vehicles are already in use.

Question 4

Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? (Page 164)

There are no advantages to this proposal. Anything used for public hire should be licensed

Provisional proposal 5

Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. (Page 165)

Agree, to include psv’s, buses etc in taxi legislation would only confuse matters

Provisional proposal 6

References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. (Page 166)

Agree, this loophole needs closing and is currently abused
Provisional proposal 7

The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. (Page 167)

Agree, statutory guidance is long overdue

Provisional proposal 8

The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. (Page 168)

Question 9

How, if at all, should the regulation of taxis and private hire deal with:

(a) carpooling; and should not come under the scope of taxi licensing as there is no hire or reward

(b) members clubs Another loophole that needs closing due to the hire or reward aspect (Page 170)

Provisional proposal 10

The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. (Page 171)

Agree

Provisional proposal 11

Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. (Page 172)

Agree, cars are often used for a variety of other purposes for hire or reward.

Question 12

Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse? (Page 174)

Definitely not. Contract system was abused and would not be welcomed back
Provisional proposal 13

Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”. (Page 175)

Agree. Should apply where ever they are

Question 14

Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? (Page 177)

There should be no special provisions for airports

Provisional proposal 15

The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:

(a) references to ranking and hailing;

(b) a non-exhaustive list of factors indicating plying for hire; and

(c) appropriate accommodation of the legitimate activities of private hire vehicles. (Page 181)

Agree. There should be a clear definition of ‘Plying for hire’ to

Provisional proposal 16

The concepts of hailing and ranking should not cover technological means of engaging taxi services. (Page 181)

Technology is a fact of life and is constantly developing. However we must not lose sight of the service we supply.

Question 17

Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”? (Page 182)

No. Would confuse the ‘plying for hire even more.

Provisional proposal 18

The concept of compellability, which applies exclusively to taxis, should be retained. (Page 182)

Agree. It prevents discrimination and ‘cherry picking’ of best jobs
Provisional proposal 19

Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked. (Page 183)

Agree

Provisional proposal 20

Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved. (Page 184)

Disagree. It would open up many problems.

Provisional proposal 21

The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements. (Page 185)

Statutory guidance is useful, but trade should be involved in its drafting.

Provisional proposal 22

Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned. (Page 185)

Disagree the word Taxi should not be used at all by P/Hire as they are not taxi’s

Question 23

Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion? (Page 186)

No not at all, there needs to be a clear distintion

CHAPTER 15 – A REFORMED REGULATORY FRAMEWORK

Provisional proposal 24

Taxi and private hire services should each be subject to national safety requirements. (Page 188)

Agree if the trade is involved in the process
Provisional proposal 25

National safety standards, as applied to taxi services, should only be minimum standards. (Page 189)

Agree to ensure the safety of public and trade, there is a need to remove ambiguity and variances in the standards across the trade

Provisional proposal 26

National safety standards, as applied to private hire services, should be mandatory standards. (Page 189)

All standards should be the same

Provisional proposal 27

Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers. (Page 190)

Disagree. Training is essential in ensuring that all driver are able to provide a good standard of service.

Question 28

Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? (Page 190)

Yes local standards should be set by local council

Question 29

What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? (Page 191)

Would need a long lead in time.

Question 30

Should national conditions in respect of driver safety be different for taxi services compared with private hire services? (Page 192)

No. both provide almost the same service to the passengers

Provisional proposal 31

The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety. (Page 192)

Standards across the board is necessary to ensure the service is fit for purpose and should not be just for safety only.
Provisional proposal 32

The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (Page 193)

Agree

Question 33

What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? (Page 193)

The continuing of consultation with the trade, councils and other stakeholder with advice from the VOSA.

Provisional proposal 34

Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. (Page 193)

Agree this is a most provided it is via consultation

Question 35

Should there be statutory limits to licensing authorities’ ability to set local taxi standards? (Page 194)

It is not clear how statutory limits could be achieved.

Question 36

Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? (Page 194)

Yes via consultation and they should be required to property justify any standards

Question 37

Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? (Page 195)

Would remove many of the frustration felt by the trade and the common standards in order to remove ambiguity.

Provisional proposal 38

Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. (Page 196)

Neighbouring council should have the power to check other council’s vehicles
Provisional proposal 39

Licensing authorities should have the option to create, or remove, taxi zones within their area. (Page 196)

Disagree would lead to a loss of availability in some areas, and nothing to with fares. This would be a very bad move

Question 40

Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? (Page 197)

Not an issue in some areas may be should be available were its appropriate?

Provisional proposal 41

Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. (Page 198)

Disagree, will lead to loss in areas and passengers would suffer as with Hackney P/hire should be able to be limited.

Provisional proposal 42

We do not propose to introduce a “return to area” requirement in respect of out-of-area drop offs. (Page 199)

Agree

Provisional proposal 43

Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares. (Page 200)

Agree, but p/hire should be metered and checked by council

Question 44

Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? (Page 200)

No
CHAPTER 16 – REFORM OF DRIVER, VEHICLE AND OPERATOR LICENCING

Question 45

Should national driver safety standards such as the requirement to be a “fit and proper person” be either:

(a) set out in primary legislation; or

(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 203)

Should be in primary legislation

Provisional proposal 46

Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. (Page 204)

Legislation is needed to control vehicle owners who do not maintain their vehicles

Question 47

Should national vehicle safety standards be either:

(a) set out in primary legislation; or

(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 205)

Always set in primary legislation

Provisional proposal 48

Operator licensing should be retained as mandatory in respect of private hire vehicles. (Page 207)

Agree operators should be made responsible to ensuring that all their drivers and vehicles on their fleet is safe and fit for the job, if not should be taken to task along with the driver.

Question 49

Should operator licensing be extended to cover taxi radio circuits and if so on what basis? (Page 208)

All pre booked jobs should be book
Provisional proposal 50

The definition of operators should not be extended in order to include intermediaries. (Page 209)

This could lead to issues later

Question 51

Should “fit and proper” criteria in respect of operators be retained? (Page 210)

Yes they are the first contact with passengers

Provisional proposal 52

Operators should be expressly permitted to sub-contract services. (Page 210)

Agree

Question 53

Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? (Page 210)

See no benefit to this

CHAPTER 17 – REFORMING QUANTITY CONTROLS

Provisional proposal 54

Licensing authorities should no longer have the power to restrict taxi numbers. (Page 213)

Disagree there is benefit to passengers before de-regulation the trade were better off, they have left the trade with more vehicles and less work should not be used just to get people into a job we do have to make a living how many complaints from passengers have been made over having to wait for a cab we can wait 60min to 90 min, it would be better left as it is.

Question 55

What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? (Page 213)

Over supply of cabs, congestion, with in the town centres, and would the market would be flooded, were would all the cabs go there would be the need for more ranks, which is almost impossible in some areas due to space

Question 56

Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period of time, if quantity restrictions are removed? (Page 215)

It would be a little late for that when some one as spent £30.000 for a vehicle
CHAPTER 18 – TAXI AND PRIVATE HIRE REFORM AND EQUALITY

Question 57

Should there be a separate licence category for wheelchair accessible vehicles? This could involve:

(1) a duty on the licensee to give priority to disabled passengers; and

(2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles. (Page 217)

You go back to local needs the Hackney trade have already got the vehicles to do the job

Question 58

Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards? (Page 217)

Yes the overall cost of vehicle ins, tests, and fuel it all adds some one as to pay

Question 59

Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? (Page 217)

Provisional proposal 60

We do not propose to introduce national quotas of wheelchair accessible vehicles. (Page 218)

agree

Provisional proposal 61

National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. (Page 219)

Agree

Provisional proposal 62

In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. (Page 219)

This as been done by most councils
Question 63

What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help? (Page 220)

You could but be very difficult to enforce

CHAPTER 19 – REFORMING ENFORCEMENT

Question 64

Should authorised licensing officers have the power to stop licensed vehicles? (Page 222)

No potential dangers

Question 65

What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”. (Page 223)

More enforcement more use of recording in taxis

Question 66

Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? (Page 223)

No a step too far.

Question 67

Should licensing authorities make greater use of fixed penalty schemes and if so how? (Page 225)

No they are not police officers

Provisional proposal 68

Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. (Page 225)

Agree it makes sense if we are to have national enforcement

Question 69

Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? (Page 226)

No should be left to the local council what to do with suspensions and revocations
CHAPTER 20 – REFORM OF HEARINGS AND APPEALS

Provisional proposal 70

The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. (Page 230)

There should be always the right to appeal

Provisional proposal 71

The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. (Page 231)

Appeals could be hard by council but by who

Provisional proposal 72

Appeals should continue to be heard in the magistrates’ court. (Page 232)

So would say the Magistrates court is not the right place but we have what we have.

Question 73

Should there be an onward right of appeal to the Crown Court? (Page 233)

Always have the right to appeal to crown court

C. Oakes for

The Hackney Drivers Association Ltd
Dear Sir/Madam

Consultation - REFORMING THE LAW OF TAXI AND PRIVATE HIRE SERVICES

With regard to the current consultation on reforming the law in relation to taxi and private hire services I wish to provide the following suggestions in relation to Driver Guiding.

I am a qualified tourist guide and member of the Welsh Official Tourist Guides Association recognised by the Welsh Government as the official guides for Wales. In order to achieve this qualification I have undertaken rigorous knowledge examinations to a degree level as well as undertaken practical and knowledge examinations set by the Institute of Tourist Guiding. My work as a regional guide for Wales and that of my colleagues is currently hampered by the interpretation of legislation in relation to the use of vehicles for hire and reward by local government licensing officers. I would be grateful when considering changes to national or local government legislation or policies and procedures if the work I am qualified to undertake as a guide is recognised as ancillary to the transport of passengers and current restrictions on trade that taxi and private hire regulations imply. To that end and considering the difficulties that officials have in enforcement of traffic and transport legislation as well as the need to ensure the safety of passengers and all road users I have outlined below a number of requirements/suggestions that allow recognised regional qualified guides to provide an appropriate service for customers.

I would request in line with your provisional proposals 8 and 10 that the following guidelines or interpretation be applied to driver guides across the UK.
**Driver Guiding Proposals**

These proposals should allow for the provision of a private Driver Guide tourist service to visitors that reduces the pressures on private hire licensing arrangements for local authorities and allows qualified UK tourist guides to supply a comprehensive package of guiding services for the tourism industry and its customers whilst maintaining the safety of passengers and vehicles using the roads.

In order to reduce the pressures on local authority and licensing services; clarify existing or proposed legislation policy and its interpretation; and allow self employed tourist guides, including those with a disability that prevents them from driving, to supply a comprehensive service to tourists that is financially viable, that the management of driver guide services needs to be clearly separated from current systems of private hire, reward and public transport services. This may be achieved through the current legislation and qualifications available within the UK without recourse to any new or existing licensing arrangements.

This may be achieved through the provision of a tourist driver guiding service where the carriage of passengers in a vehicle where a reward is paid should be classed as ancillary to the overall guiding service provided. However to ensure adequate road safety measures are provided, and to prevent any exploitation of such an exemption, clear guidelines or legislative requirements should be made available to driver guides, local licensing officers and enforcement officials of the Ministry of Transport and Police. These guidelines must manage the safety of vehicles and customers/passengers and of all other road users, as well as the provision of a quality tourism experience at an affordable price to customers.

It is suggested that these guidelines or legislative requirements should include the following:-

- A driver guide service must be a pre booked or arranged service with a recognised/signed agreement or contract for services between the operator and customer(s).
- Vehicles used for Driver Guiding must have less than 8 seats and will be subject to existing UK transport legislation and construction and use regulations relating to the use of such vehicles on a road or public highway.
- The service will primarily be to provide a tourism experience and not the transport of passengers or their luggage and belongings. A tourism experience will include the personal services of a qualified guide within an area or location.
- The service offered must be ancillary to the transport provided. eg pick up at airport/train station service must be as part of an overall guiding package and an agreement must be made between the customer and guide prior to the provision of the service.
- The vehicle will be driven and or guided by a person holding a recognised guiding qualification that must be worn at all times when engaged in the service. A recognised qualification will be one recognised by and/or awarded by the guiding association or institute for the region/ country where the guided tour is to take place, not where a customer is met or transferred from. (Such provision allows the meeting of international tourists at international air or sea terminals or ports within the UK which may be outside of the guiding qualification of the tourist guide eg a pickup at Heathrow airport by a North of England, Welsh or Scottish qualified guide).
• Vehicles must have undergone and passed a standard Ministry of Transport test station examination and have in force a standard motor vehicle test certificate. This will apply to all vehicles including those less than three years old since registration and/or manufacture.
• Motor vehicle insurance commensurate with the use of that vehicle on the road as well as public liability insurance for tourist guiding/business services must be in force.
• The driver must be over the age of 25 years, have passed a UK driving examination for that class of vehicle, and held a full UK licence for at least five years (such a requirement will ensure that only experienced drivers are so employed to provide this service).

Thank you for the opportunity to reply to your consultation.

Yours sincerely

Robert C Bevan
I refer to the “Taxi and Private Hire Consultation” with my objection to “Wedding and funeral cars no longer being exempted under primary legislation” clause, also that I agree with the dropping of the present ‘licenced drivers only’ condition.

Thank you for submitting my objection.

David Ash
From: barry cole
Sent: 29 August 2012 08:43
To: TPH
Subject: wedding cars licensing

I have been a hackney carriage operator for 30 years, I have never heard of anything so ridiculous as licensing old cars and enthusiasts

I OBJECT TO LICENSING WEDDING AND FUNERAL CARS

Kind Regards

Barry Cole - Director

Barringtons Limousines
Luxery Car Hire & Limo Service

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Introduction

1.1. It is acknowledged that in July 2011 the Law Commission announced their Eleventh Programme of law reform which includes this project. The terms of reference are set out as follows:

To review the law relating to the regulation of taxis and private hire vehicles, with a view to its modernisation and simplification, having due regard to the potential advantages of deregulation in reducing the burdens on the business and increasing economic efficiency.

1.2 The Public Authority Transport Network Technical Officer Group (PATN) was established in 2003. The group is supported by the Freight Transport Association (FTA), the Vehicle and Operator Services Agency (VOSA) and comprises local authority Transport Managers and Engineers from across the United Kingdom.

1.3 Following extensive consultation with many interested parties in 2009 the group first published a Best Practice Guide setting out a National Inspection Standard for the licensing of Hackney Carriages (Taxis) and Private Hire Vehicles. In the Foreword to this guide, a representative of VOSA re-affirms the commitment to save lives and make roads safer for all. The guide should be seen as promoting common standards and best practice within the industry.

1.4 As the responsibility for the maintaining of vehicle safety standards for Taxis and Private Hire Vehicles falls to various local authorities, the PATN, VOSA and the FTA recommend that local authorities consider this guide when setting the technical standards that form part of their licensing framework.

1.5 The Best Practice Guide issued by the Department for Transport (DfT) acknowledges the work undertaken by the PATN Technical Group and recommends local licensing authorities to refer to the testing standards set out in this guidance in carrying out their licensing responsibilities. (paragraph 33 DfT Best Practice Guide)

1.6 A significant number of local licensing authorities have incorporated the PATN guide into their licensing policies and conditions for the licensing of Taxis and Private Hire Vehicles, and uptake continues to grow.
2. Consultation Response (to be read in conjunction with the Law Commission Summary document)

2.1 The PATN supports Provisional Proposal (PP) 3 namely that regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. The essence of the PATN Best Practice Guide is to provide a universal and consistent technical standard for licensing authorities. This standard needs a ‘broad base’ and has to encompass all vehicle types. This aim concurs with PP3.

2.2 Q4 – the PATN considers that the notion of only licensing vehicles that require a driving licence is too vague. In the PATN’s view, classes of vehicles that require licensing require definition for the sake of clarity.

2.3 PP7 - It has been the case that limousines and other novelty vehicles have remained outside the licensing regime. It would be desirable for the Secretary of State to issue statutory guidance to the Senior Traffic Commissioner and to local licensing authorities about the licensing of limousines and other novelty vehicles in order to achieve consistency. On past occasions the Department for Transport has issued guidance in this area and decisions have been left largely to individual licensing authorities. It is preferable that any guidance has a statutory backing. On a practical level and by way of illustration, the PATN has concerns over the roadworthiness of some limousines as, in general, these vehicles are constructed and ‘stretched’ using a standard United States saloon car. Little is known therefore of the quality of the conversion and in many cases, these limousines are exported to the UK towards the end of their working life. The present licensing arrangement ie 9 seats or fewer ie PHV and over 9 seats ie PSV, appears to be an acceptable practice and follows a consistent approach. The same principle may be applied to other more obscure forms of transport used by the trade to provide ‘fun rides’ for the public, for example old fire engines, Hummers, three wheeled motorcycles designed to carry a driver and two passengers.

2.4 PP10 - Response

Guidance provided by the Department for Transport around this area has been open to interpretation. It would be a positive move to provide the Secretary of State and Welsh Ministers with the power to set national standards but with the flexibility to allow them to make exclusions from the taxi and private hire licensing regimes. Such a move would make the whole situation a good deal clearer for practitioners. Members of the PATN and their licensing colleagues currently have to make a judgement on a case by case basis which is never easy and can lead to inconsistencies between licensing areas.
2.5 PP19 - **Response**

The PATN supports the present distinction between taxis and private hire. Proposals must embrace the many technological advances that are now available to facilitate pre-booking practices. It is acknowledged that taxis can presently work in a pre-booked way similar to private hire. However, for the sake of clarity, it is recommended that pre-booking should continue to be the only way of engaging a private hire vehicle and cover all technology modes of engaging a vehicle and driver.

2.6 PP22 - **Response**

Agreed. The PATN understands the need to refer to hackney carriages as taxis and continue to make the distinction between the two modes of transport.

2.7 PP24 – **Response**

There is considerable merit in the establishment of a national safety requirement for taxi and private hire services. The PATN concurs with the view of the Law Commissioners that ‘taxi regulation should continue to work differently from private hire regulation due to consumers’ ability to engage taxis at ranks and by hailing’. To achieve this aim and objective the Law Commissioners are referred to the PATN National Inspection Standard which is attached to this consultation response.

2.8 PP 25 - **Response**

The PATN agrees and accepts that national safety standards, as applied to taxi services, should only be to a minimum standard. However, as outlined in paragraph 15.10 of the consultation document it is highly desirable for taxi regulation to work differently to private hire regulation due to reasons stated in 2.7 above. It is important that licensing authorities retain the ability to apply additional local standards to match local conditions and that there is an ability to impose requirements over and above the national standard for taxis. It is noted that the Commissioners recognise that licensing authorities may wish to impose other quality standards, for example in order to promote civic pride or to meet the needs of a specific community, including requirements in respect of wheelchair accessibility, colours and signage, cctv and specific vehicle requirements. The PATN therefore strongly supports this proposal.

2.9 PP26 - **Response**

The PATN agrees with this proposal. It is important for national safety standards to be applied to private hire services as a mandatory standard. The crucial question that requires careful consideration is the level at which the mandatory standard is to be set? The PATN understands that to a certain degree, competitive and market forces will serve to ‘drive up’ standards but setting the standard too low may have serious consequences and safety implications.
2.10 PP27 – Response

The National Inspection Standard (NIS) produced by the PATN has been designed to work in conjunction with the standard VOSA MOT. The local authority Fitness Test as it is called, compliments the MOT and the public can be assured that any vehicle undergoing the two separate testing regimes will be safe for use. The PATN has always regarded the safety of the travelling public as paramount and this emphasis is reflected in the NIS.

2.11 PP29 - Response

It is acknowledged that each local licensing authority has its own interpretation on national safety standards for both taxis and private hire vehicles. This has led to a considerable variation on a common theme and the PATN commends their NIS document to the Law Commission. It is accepted that there may be difficulties and practical obstacles in encouraging all local authorities to adopt a universal and national standard but every effort should be made to reach for this goal. Sufficient timescale would have to be built into the legislation to enable these fundamental changes to take place over a period of time. The combined resources of the PATN Technical Officers Group, the Freight Transport Association and VOSA, have the required knowledge and expertise to examine the safety criteria for different types of vehicles. The NIS has been designed to be broadly based to include most types of vehicles currently serving the taxi and private hire trade. As a collective and operational group of experts in the vehicle field, the Law Commission may consider recommending that the Secretary of State tasks the PATN to assist with this particular piece of work.

2.12 PP31 - Response

The Commissioners make reference to “three pillars of licensing under the current regime, namely drivers, vehicles and operators”. The Commissioners further acknowledge that the current regime has a role in the promotion of safety for drivers and operators. There is considerable merit in giving the Secretary of State and Welsh Ministers powers to set standards for taxis and private hire vehicles but in addition to safety, it may be desirable to include signage and other recognition factors such as roof signs, CCTV and methods of communication.

2.13 PP32 Response

It is accepted that extensive debate will be required around the setting of national safety standards. However, all vehicles are already the subject to minimum inspection standards set by the Vehicle and Operator Services Agency in the form of an annual MOT for taxis and private hire vehicles. In the view of the PATN, the only additional measures required are those included in the Fitness Test as set out in the NIS produced by the Public Authority Transport Network. The two test procedures
are designed to ‘sit together’ with all aspects linked to vehicle safety being comprehensively covered. There is no requirement for the MOT to be part of a consultation and the adoption of the NIS guide as a national standard may require a statutory consultation in order to invite comment from all interested parties.

2.14 PP33 - Response

With regards to the best approach for determining the content of a national safety standard and the setting up of a technical advisory panel, as stated at 2.11 above the Law Commissioners should consider making a direct approach to the Public Authority Transport Network. The PATN is in every sense a technical advisory panel.

2.15 PP34 - Response

Agreed. The view of the PATN is that local licensing authorities should maintain a degree of autonomy to set local standards for taxis above the minimum national standard being proposed.

2.16 PP35 - Response

The PATN does not agree with the proposal that there should be statutory limits imposed upon licensing authorities when setting local taxi standards. The PATN agrees that care should be taken to ensure that any additional standards for taxis are entirely justified. The report issues a note of caution to local authorities that unreasonable conditions may become the subject of legal challenge through the judicial review process.

2.17 PP37

Response

It is acknowledged that the licensed taxi and private hire trade do find the lack of regulatory consistency across local authority boundaries to be a problem. There is also a temptation, as has proved the case in some areas, that drivers and operators will be drawn towards those licensing authorities that have a lower standard than others. This trend has caused many complications over the years and the practice would cease if local licensing authorities were to adopt a national standard and work in a more consistent way. There is considerable merit and benefit for local authorities to step over their geographical boundaries and devise a more universal way of applying regulations for taxis and for private hire services. It would be for local authorities to meet and discuss those areas where greater cooperation might be possible. The adoption, for example, of the national inspection standard for vehicles is an obvious example whereby all taxis and private hire vehicles would be tested and inspected to the same standard. Similarly, practitioners would have the authority and knowledge required to enforce those national regulations. Care would have to be taken to ensure that the trade understood the reasons for this shift in working practices. The view of the PATN is that it would be preferable in the first instance, to
set out the proposed statutory reformed framework and create the possibilities for local licensing authorities to agree upon those common areas where a joint approach might be adopted. If in time it became evident that local authorities were still 'entrenched' in their own policies, then the Secretary of State may consider requiring licensing authorities to cooperate on a statutory footing.

2.18 PP38 - Response

Agreed. See above. There is much work to be done in this area but the results of greater cooperation between licensing authorities could have the potential to bring many benefits to all parties.

2.19 PP47 - Response

The PATN feels it desirable for the Secretary of State and Welsh Ministers' to set national safety conditions in order to provide a more succinct route.

2.20 PP57 - Response

Should there be a separate licence category for wheelchair accessible vehicles? It is noted that ‘ensuring proper accessibility is a priority of this review’.

Wheelchair access to taxis and private hire vehicles varies considerably across the UK. The National Private Hire Association can provide the Law Commission with precise figures following an extensive survey with all licensing authorities. It had been hoped that the relevant sections of the Equalities Act 2010 would bring about a change whereby local authorities would be set a mandatory limit for wheelchair accessible vehicles. This has not come about. There is a reasonable expectation that disabled people should have an entitlement to a seamless transport network. Creating a separate licence category could prove to be detrimental to the disabled community by creating a division within the licensing framework. It is preferable to ensure that all drivers have a duty to at least assist a disabled person even if the assistance can practically only amount to locating a wheelchair accessible vehicle. With an aging population it is important that sufficient provision is made for taxis and private hire vehicles to not only be wheelchair accessible but to be suitable to carry people with other disabilities such as the blind or partially sighted or people with hearing difficulties or back problems.

2.21 PP59 - Response

With regard to the need for suggestions for increasing the availability of wheelchair accessible vehicles and for catering for the different needs of disabled passengers, the various studies conducted on this subject have reached the conclusion that it is not possible to find a vehicle that will suit the whole variety of needs for disabled passengers. Some local authorities have adopted the London Conditions of Fitness.
(CoF) and where this is the case, all licensed taxis are wheelchair accessible vehicles. However, it has been found that some larger wheelchairs than the standard reference wheelchair cannot be comfortably accommodated in London style cabs. As the Law Commissioners are aware, as a policy, the London Conditions of Fitness were the subject of a legal challenge in 2009. As a consequence many local authorities have reviewed or are in the process of reviewing the retention of the London CoF. It must be said that London style taxis and the similar vehicles converted by Allied Vehicles, the conversions on the Mercedes Vito and others are purpose built with the needs of disabled passengers at the forefront of the design and construction. For example the provision of the swivel seat in vehicles made by the London Taxi Company is of considerable benefit to disabled passengers with spinal problems or passengers who simply have difficulty with walking but do not necessarily require a wheelchair. Licensing authorities have a legal duty and responsibility to ensure that any adopted policies and conditions are as inclusive as they can be towards the disabled community. In this way, licensing authorities may be confident in the knowledge that the majority of disabled passengers will be able to comfortably enjoy journeys in vehicles of this type.

3 Conclusion

3.1 The PATN supports the project being undertaken by the Law Commission. It is a well known fact that the existing legislation dating back to 1976 and even further back to 1847 is no longer fit for purpose. Major changes are required to the whole licensing framework and the PATN has welcomed the opportunity to comment on the Law Commissioner’s report.

3.2 In summary, the PATN wishes to commend to the Law Commission the National Inspection Guide for Taxis and Private Hire Vehicles. This document has been devised by local authority Technical Officers from across the UK who have the depth of knowledge and expertise required for such a task. The PATN has received valuable support and advice from the Freight Transport Association and the Vehicle and Operator Services Agency (Roadworthiness and Testing Policy Group). The guide is in use as a national standard in many areas and when applied with the standard MoT test (as reflected in the guides’ subject headings) provides a thorough and comprehensive vehicle testing procedure.

3.3 The PATN wishes to commend this document to the Law Commission and respectively advise that this document be adopted as the proposed national inspection standard for taxis and private hire vehicles.

Prepared by the FTA Public Authority Transport Network Technical Officers Group

Secretary –
Andrew Mair
Head of Engineering
Freight Transport Association
A best practice guide produced by the Hackney Carriage and Private Hire Inspection Technical Officer Group
Foreword

The Vehicle and Operator Services Agency (VOSA) are committed to saving lives, making roads safer, cutting crime and protecting the environment.

As responsibility for the maintaining of vehicle safety standards of hackney carriage and private hire vehicles falls to various local authorities, VOSA, in the pursuit of its objectives fully support the Public Authority Transport Network (PATN) in its promotion of common standards and best practice within industry.

VOSA recommend that local authorities consider this guide when setting technical standards and take the opportunity to become involved in its continued development such that we all contribute to a safer environment.

Nigel R Maden
Process Manager Light Vehicles and Vehicle Approval.
Vehicle & Operator Services Agency
BEST PRACTICE GUIDE FOR THE INSPECTION OF HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES

PART 1

INTRODUCTION

This best practice guide sets out the procedures and standards for those who carry out inspections of hackney carriage & private hire vehicles. It is recommended that the guide is also made freely available to owners, proprietors, operators and drivers of hackney carriage & private hire vehicles, who may find it useful as it details the standards that vehicles are subjected to. The guide also explains the reasons why, a vehicle presented for inspection, has not been issued with a pass certificate.

This guidance deliberately seeks to embrace safety aspects of vehicle inspections using, as a basic inspection standard, those laid down in The MOT Inspection Manual – Private Passenger & Light Commercial Vehicle Testing issued by VOSA. This Best Practice Guide provides additional testing requirements to those in the MOT Inspection Manual. It is advised that local licensing authorities use the Best Practice Guide in conjunction with the VOSA MOT Inspection Manual as an advocate to public safety.

This Best Practice Guide has been developed to provide all local licensing authorities with a benchmark with regard to vehicle inspections and safety.
INTRODUCTION

1.1 BEST PRACTICE GUIDE
This Best Practice Guide has been prepared by the Technical Officer Group (TOG) to assist Hackney Carriage proprietors (HC) and Private Hire Vehicle (PHV) drivers/owners and operators. The guide is intended for use by Local licensing authorities, vehicle inspectors and local authority Authorised Officers.

It is intended that this Best Practice Guide will endorse a minimum national vehicle inspection standard. It will be appreciated that it is for individual local licensing authorities to reach their own decisions, both on overall policies and on individual inspection standards, in the light of their own operational needs and geographical circumstances.

Various interested parties, including the Department for Transport (DfT), Vehicle & Operator Services Agency (VOSA), Disabled Persons Transport Advisory Committee (DPTAC) and the Institute of Licensing, have been consulted on this Best Practice Guide.

The Technical Officer Group commends the DfT for the production of the Taxi and Private Hire Vehicle Licensing: Best Practice Guidance. Vehicle operators, local licensing authorities and vehicle inspectors are strongly advised to refer to the DfT guide in conjunction with this Best Practice Guide. More information can be obtained on the DfT web site at: www.dft.gov.uk

1.2 APPLICATION TO DEVOLVED ADMINISTRATIONS
The Department for Transport (DfT) has responsibility for HC and PHV legislation in England and Wales and, accordingly, the guidance that has been published will be directed at local authorities in England and Wales. Responsibility for HC and PHV licensing in Scotland and Northern Ireland is devolved, but the respective Administrations have been involved in the preparation of the Licensing Guidance and will decide for themselves the extent to which they wish to make use of or adapt to suit their own purposes.

1.3 TECHNICAL SAFETY ISSUES
The aim of a local licensing authority is to protect the public. Local licensing authorities will be aware that the public should have reasonable access to safe and well maintained HC and PHVs. For example, it is clearly important that somebody using a HC or PHV should be confident that the vehicle is safe.
To this end, this best practice guide will detail specific vehicle safety issues based on expert technical knowledge and experience of the Technical Officer Group (TOG). This guide will focus therefore on technical safety issues and make recommendations towards safe working practices. For example, the TOG supports the DfT recommendation that there is no upper age limit for HC and PHVs provided there is documentary evidence to support a routine maintenance regime.

Local licensing authorities will want to ensure that each of their various licensing requirements is properly justified by the risk it aims to address. This is not to propose that a detailed, over-zealous inspection regime creates difficulties for the HC and PHV trades but primarily to promote vehicle safety for the protection of passengers and not for the benefit of operators.

1.4 SCOPE OF THE GUIDANCE
This guidance deliberately seeks to embrace safety aspects of vehicle inspections using, as a basic inspection standard, those laid down in the MOT Inspection Manual – Private Passenger & Light Commercial Vehicle Testing issued by VOSA. This Best Practice Guide provides additional testing requirements to those in the MOT Inspection Manual. It is advised that local licensing authorities use the Best Practice Guide in conjunction with the VOSA MOT Inspection Manual as an advocate to public safety.

This Best Practice Guide has been developed to provide all local licensing authorities with a benchmark with regard to vehicle inspections and safety.

1.5 SPECIFICATION OF VEHICLE TYPES THAT MAY BE LICENSED
The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as HC or PHVs. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.

Normally, best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicles as possible. Indeed, local licensing authorities might usefully specify only general criteria, leaving it open to the HC and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way, there can be flexibility for new vehicle types to be readily taken into account.

It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. But of course the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers).
1.6 ACCESSIBILITY
In addition to their general conditions, local licensing authorities will want to consider the accessibility for disabled people (including - but not only - people who need to travel in a wheelchair) of the vehicles they licence as Hackney Carriage or Private Hire vehicles.

Licensing authorities will be aware that it remains the Department for Transport's intention to make accessibility regulations for Hackney Carriage vehicles subject to a Law Commission review. In the meantime, licensing authorities are encouraged to introduce HC accessibility policies for their areas.

1.7 TYPE APPROVAL
It may be that from time to time a local licensing authority will be asked to license, as a HC or PHV, a vehicle that has been imported independently (that is, by somebody other than the manufacturer). Such a vehicle might meet the local licensing authority's criteria for licensing, but may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the 'type approval' rules. For passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either:

- European Community Whole Vehicle Type Approval;
- National Small Series Type Approval; or
- Individual Vehicle Approval

Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. Further information about these requirements and the procedures for licensing and registering imported vehicles can be seen at:

[www.businesslink.gov.uk](http://www.businesslink.gov.uk)

It is important for local licensing authorities to insist that at least one of the above ‘type approvals’ is produced prior to any imported vehicle being licensed as a Hackney Carriage or Private Hire Vehicle. Local Authorities are advised to verify the validity of an IVA certificate by contacting the VOSA helpline number 0300 123 9000
Voluntary Inspections
Vehicles that are already registered for use in the UK are not eligible for a Statutory Approval, however, there are situations where evidence of compliance with the approval standard would be beneficial or be a requirement. An example would be a local licensing authority that may require evidence of compliance for a vehicle that has been modified since original registration, or where evidence of compliance is being used as part of a contractual agreement on a modified vehicle. To facilitate this requirement a non-statutory Voluntary IVA test is available, and it would be appropriate for Local Authorities to accept a ‘basic’ IVA certification as a minimum requirement. The test criteria applied will be dependant on the vehicle category/class nominated on the application form VIVA 1. The fees are the same as those appropriate to the particular class of vehicle/test required other than VAT is payable. If the vehicle is found to meet the requirements a letter of compliance with the technical standards will be issued and not an Individual Approval certificate. The letter of compliance is not acceptable for First Licensing/Registration purposes.

1.8 VEHICLE TESTING
There is considerable variation between local licensing authorities on vehicle testing. This best practice guide provides local licensing authorities with a minimum standard for vehicle inspections. All HC and PHV must be maintained to no less than the standards set out in the VOSA publication ‘MOT Inspection Manual - Private Passenger and Light Commercial Vehicle Testing’, ISBN 978-0-9549352-5-2.

As the term implies, hackney carriage and private hire vehicles are vehicles used for hire and reward purposes and as such are subject to much higher annual mileages and more arduous driving than normal private vehicles. Therefore, in the interests of passenger and other road user’s safety, a more stringent maintenance and testing regime is required.

The purpose of the HC & PHV test is to confirm vehicles meet these more stringent standards. Vehicles must be submitted fully prepared for the test. It is not intended that the test be used in lieu of a regular preventative maintenance programme. If in the opinion of the vehicle examiner the vehicle has not been fully prepared, the test will be terminated and a further full test shall be required. It is an offence under the road traffic regulations to use an un-roadworthy vehicle on the public highway.

HC proprietors & PHV drivers/owners and operators failing to maintain their vehicles in a safe and roadworthy condition may have their vehicle licence suspended, revoked or their licensing application refused by the Local Licensing Authority. In addition licence holders risk the suspension or revocation of their driver or operator licences by the Local Licensing Authority.

provides a working document for those who inspect, maintain and prepare vehicles for inspection prior to being issued with a hackney carriage or private hire licence. Although detailed in its content the best practice guide is not exhaustive.

However, in assessing the mechanical condition of a vehicle, it is more likely an item which would ordinarily pass an MOT test with an advisory note, could fail the HC & PHV test.

2 NOVELTY VEHICLES (STRETCHED LIMOUSINES)
This section of the best practice guide offers advice to local licensing authorities on the requirements for licensing novelty vehicles. The standard of the test for novelty vehicles will be at the same standard as for other private hire vehicles. That is; as a basic inspection standard, those laid down in the 'MOT Inspection Manual - Private Passenger and Light Commercial Vehicle Testing' issued by VOSA and this best practice guide. (For the purpose of clarity, novelty vehicles in this guide will refer to stretch limousines only until such times as further guidance is obtained on any other such vehicle, i.e. fire tenders etc).

A novelty vehicle shall only be registered as a private hire vehicle if it complies with the following conditions:

- Vehicles with no more than 8 passenger seats as indicated on the V5C. The V5C will state the number of seats and **must be produced to the local licensing authority prior to the vehicle being licensed or inspected**. If the number of seats differs to what is indicated on the V5C, then contact VOSA and your local area DVLA office immediately. Failure to produce a valid and current V5C for the vehicle to be tested could result in refusal to inspect the vehicle.

- Evidence of either European Community Whole Vehicle Type Approval (ECWVTA) or Individual Vehicle Approval (IVA) being presented for inspection.

- Local licensing authorities may consider, as novelty vehicles are not factory produced, that a recommended vehicle maintenance inspection be applied every 10 weeks. The frequency of maintenance inspections is recommended by Traffic Commissioners, VOSA and the National Limousine and Chauffeur Association (NLCA).

- The inspection standards to be applied to novelty vehicles are the same standards as those applied to other hackney carriage and private hire vehicles with the following additions:
  - Any additional item previously mentioned in this paragraph with regard to seating capacity, the production of the relevant documents and frequency of vehicle inspections.
  - See Section 4 – Tyres and roadwheels. Reference in this section is made to tyre rating to be applied to novelty vehicles.
See Section 12 - Vehicle Identification Number (VIN). VIN markings should be checked to ensure compliance, seating capacities and undue stresses.

Local licensing authorities are strongly advised to obtain a declaration, from the operator of a licensed novelty vehicle, that the side facing seats will never be used to carry passengers under 16 years of age, **regardless of whether the vehicle is fitted with or without seatbelts.**

It is strongly advised that notices forbidding children to be carried in side facing seats are displayed in prominent positions, i.e. on entry to the passenger compartment and on either side of the passenger compartment. Local licensing authorities may also require additional outward facing signs adjacent to all entrance/exit doors to the passenger compartment.

### 3 GENERAL INFORMATION

Only vehicles complying with the following conditions will generally be considered for licensing as private hire vehicles: -

- Cars fitted with at least four doors and four wheels.
- Right-hand drive vehicles - with the exception of stretch limousines (where applicable).
- Vehicles with adequate space for luggage.
- Vehicles must be capable of carrying at least four and not more than eight passengers in addition to the driver.
- With the exception of stretch limousines, vehicles will not be accepted with blacked out windows. Passengers being carried in the vehicle must be visible from the outside. In **exceptional circumstances**, tinted windows may be acceptable.

- To allow a thorough examination of a vehicle or any part thereof, it must be presented for test in a clean condition. The vehicle presented, will fail the test if, in the opinion of the vehicle examiner, the vehicle is so dirty that it would be unreasonable for the test to be carried out.

- A test will not be carried out unless the License fee/Examination Fee has been paid in advance.

**Statement of Undertakings and Declaration:**

In the interests of road and passenger safety, the licensed driver/owner or operator undertakes to make proper arrangements so that licensed vehicles are kept in a roadworthy condition at all times.
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<td>Brendan McNamara</td>
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</tr>
<tr>
<td>Andy Mair</td>
<td>Freight Transport Association</td>
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<td>Barry Pearson</td>
<td>Staffordshire County Council</td>
<td>Technical Officer</td>
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<tr>
<td>Simon Smith</td>
<td>Luton BC</td>
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</tr>
<tr>
<td>Derek Rooker</td>
<td>Barnsley MBC</td>
<td>Fleet Engineer</td>
</tr>
<tr>
<td>Dave Moyle</td>
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<td>Workshops Supervisor</td>
</tr>
<tr>
<td>Barry Richards</td>
<td>Bath &amp; North East Somerset Council</td>
<td>Service Team Manager – Fleet Management</td>
</tr>
<tr>
<td>Kevin Spiers</td>
<td>Oxford City Council</td>
<td>Transport Workshop Coordinator</td>
</tr>
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<td>Ken Stone</td>
<td>Liverpool City Council</td>
<td>Principal Licensing Officer</td>
</tr>
<tr>
<td>Dave Colligan</td>
<td>Liverpool City Council</td>
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<td>Marten Pleaden</td>
<td>Walsall Council</td>
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<td>Martin Hamer</td>
<td>City of Bradford MDC</td>
<td>Principal Licensing Officer</td>
</tr>
<tr>
<td>Paul Dibb</td>
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<tr>
<td>Adam Snape</td>
<td>Worcestershire CC</td>
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</tr>
<tr>
<td>Jamie Robson</td>
<td>Worcestershire CC</td>
<td></td>
</tr>
<tr>
<td>Terry Naylor</td>
<td>City of Wakefield MDC</td>
<td>Supervising Technician</td>
</tr>
<tr>
<td>Rod Darton</td>
<td>Chichester DC</td>
<td>Assistant Director Contact Services</td>
</tr>
<tr>
<td>John Hoole</td>
<td>Chichester DC</td>
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</tr>
<tr>
<td>Dave Pike</td>
<td>Vale of Glamorgan</td>
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<td>Keith Miller</td>
<td>Milton Keynes Council</td>
<td>Fleet Manager</td>
</tr>
<tr>
<td>Kevin Lewis</td>
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<td>Fleet Technical and Compliance Officer</td>
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<tr>
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<td>Neath &amp; Port Talbot CBC</td>
<td>Licensing Manager</td>
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<td>John Webb</td>
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<td>Licensing Officer</td>
</tr>
<tr>
<td>Paul Stretford</td>
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<td>Mike Tonks</td>
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</tr>
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<td>Gary Chapman</td>
<td>City of Wakefield MDC</td>
<td>Workshop Manager</td>
</tr>
<tr>
<td>Pete Johnson</td>
<td>City of Wakefield MDC</td>
<td>Transport Services Manager</td>
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This best practice guide sets out the procedures and standards for those who carry out inspections of hackney carriage & private hire vehicles.

It is recommended that the guide is also made freely available to owners, proprietors, operators and drivers of hackney carriage & private hire vehicles, who may find it useful as it details the standards that vehicles are subjected to. The guide also explains the reasons why, a vehicle presented for inspection, has not been issued with a pass certificate.
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## SECTION 1 - LAMPS, REFLECTORS AND ELECTRICAL EQUIPMENT

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<td></td>
<td>• For Hire and Roof Signs</td>
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# 1.9. ELECTRICAL WIRING AND EQUIPMENT

## Method of Inspection
This examination is limited to that part of the electrical system that can be readily seen without dismantling any part of the vehicle.

a. Check all electrical wiring for:
   - Condition
   - Security
   - Position
   - Signs of overheating
   - Heavy oil contamination

b. Check all switches controlling all obligatory lights

## Reason for Rejection

a. Wiring
   - Positioned so that it is chafing or clipped to a fuel line or likely to be damaged by heat so that insulation will become ineffective
   - With clear evidence of overheating
   - Heavily contaminated with oil

b. Switches
   - Insecurity or malfunction of a switch controlling an obligatory light
## 1.9. ADDITIONAL LAMPS

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<td>With the ignition switched on check:</td>
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</tr>
<tr>
<td>Reversing lamps</td>
<td></td>
</tr>
<tr>
<td>a. The reversing lamps emit a diffused white light when reverse gear is selected.</td>
<td>A reversing lamp:</td>
</tr>
<tr>
<td>b. The lamps extinguish when neutral gear is selected</td>
<td>a. That fails to operate or does not emit a white diffused light</td>
</tr>
<tr>
<td>c. The lamps are in good working order and are secure.</td>
<td>b. Fails to extinguish when neutral or forward gear is selected</td>
</tr>
<tr>
<td>d. The lamps do not flicker when lightly tapped by hand.</td>
<td>c. Are not in good working order or insecure.</td>
</tr>
<tr>
<td>Front Fog/Driving Lamps</td>
<td>d. Lamps flicker when tapped lightly by hand.</td>
</tr>
<tr>
<td>Check that:</td>
<td></td>
</tr>
<tr>
<td>e. A single front fog lamp emitting a white or yellow diffused light illuminates only when dipped beam is selected</td>
<td>e. Lamp inoperative or operates other than in dipped beam mode</td>
</tr>
<tr>
<td>f. A pair of matched fog lamps both emitting a white or yellow diffused light should illuminate together</td>
<td>f. Lamps operate incorrectly</td>
</tr>
<tr>
<td>g. A pair of matched, long-range driving lamps, both emitting a white diffused light should illuminate together.</td>
<td>g. Lamps operate incorrectly</td>
</tr>
</tbody>
</table>
### Additional Lamps (continued)

**Method of Inspection**

‘For Hire’ and Roof Signs

Check that:

- Correct style and type of sign fitted.
- Ensure the sign is securely fastened to the vehicle
- Check condition and security of wiring
- Functional test of signs for illumination

**Reason for Rejection**

‘For Hire’ and Roof Signs

- Incorrect colour or details shown on sign, i.e. registration number, vehicle number etc.
- Insecure sign
- Wiring is not in good condition or is loose or chaffed
- Illumination not consistent across the sign, i.e. all light bulb(s) LED(s) illuminated when switched on.
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<td>2.4</td>
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2.1 STEERING CONTROL - STEERING WHEEL

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<th>Method of Inspection</th>
<th>Reason for Rejection</th>
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<tbody>
<tr>
<td>With both hands rock the steering wheel from side to side at right angles to steering column and apply slight downward and upward pressure to the steering wheel rim (in line with column). Note:</td>
<td></td>
</tr>
<tr>
<td>a. Fractures in steering wheel hub.</td>
<td>a. Steering wheel hub fractured.</td>
</tr>
<tr>
<td>b. Fractures in steering wheel rim.</td>
<td>b. Steering wheel rim fractured.</td>
</tr>
<tr>
<td>c. Steering wheel spokes loose or fractured.</td>
<td>c. A steering wheel spoke loose or fractured.</td>
</tr>
<tr>
<td>d. Jagged edges on steering wheel rim.</td>
<td>d. Jagged edges on steering wheel rim likely to injure the driver.</td>
</tr>
<tr>
<td>e. If possible, check the retaining device on steering wheel is fitted.</td>
<td>e. A steering wheel hub-retaining device not fitted.</td>
</tr>
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### 2.1 STEERING CONTROL - STEERING COLUMN

<table>
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<th>Method of Inspection</th>
<th>Reason for Rejection</th>
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<tbody>
<tr>
<td>a. Try to lift the steering in line with the steering column and note the movement</td>
<td>a. Excessive movement of centre of steering wheel in line with steering column (end</td>
</tr>
<tr>
<td>at centre of steering wheel.</td>
<td>float).</td>
</tr>
<tr>
<td>b. While steering wheel is rotated, check for deterioration in any flexible coupling</td>
<td>Note: Certain types of steering column might show some movement not due to excessive</td>
</tr>
<tr>
<td>or universal joint of steering column.</td>
<td>wear, e.g. those fitted with universal joints or flexible couplings</td>
</tr>
<tr>
<td>c. Where practical, check any clamp bolts for presence and security of locking devices.</td>
<td>b. A flexible coupling or universal joint deteriorated, worn or insecure.</td>
</tr>
<tr>
<td>(These may be located in the engine compartment or under chassis).</td>
<td>c. A coupling clamp bolt or locking device loose or missing.</td>
</tr>
</tbody>
</table>
## 2.4 SUSPENSION SPRING UNITS AND LINKAGES

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<td><strong>Coil Springs</strong></td>
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<tr>
<td>a. Welding repairs</td>
<td>a. Repaired by welding</td>
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## SECTION 4 – TYRES & ROADWHEELS

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### 4.1 TYRES

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<th>Reason for Rejection</th>
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<tr>
<td><strong>Condition of Tyres</strong></td>
<td>In accordance with the 'MOT Inspection Manual - Private Passenger and Light Commercial Vehicle Testing', ISBN 978-0-9549352-5-2</td>
</tr>
<tr>
<td>On all the tyres, including spare wheel - <strong>where fitted</strong>, examine each tyre meets all the requirements laid down in the 'MOT Inspection Manual - Private Passenger and Light Commercial', ISBN 978-0-9549352-5-2</td>
<td><strong>Note 2</strong> Space saver tyres should only be approved with the support of a method statement highlighting driver responsibilities with regard to the maximum permitted speed and that space savers are a temporary 'get-you-home tyre'.</td>
</tr>
<tr>
<td><strong>Note 1</strong> Where a doughnut tank is fitted in the boot for LPG, the spare wheel if still carried in the boot must be properly secured. Alternatively, a spare wheel cage installed to manufacturers and British Standards may be fitted to the underside of the vehicle.</td>
<td></td>
</tr>
</tbody>
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**SPECIAL NOTICE – STRETCHED LIMOUSINES:**
In the case of American imported stretched limousines, vehicle inspectors will need to be vigilant when inspecting tyres for suitability, and an assessment should be made with the information detailed on the convertor plate. Most converted stretched limousines are converted from Ford Lincoln Town Cars with a number of Cadillac variants also. In approved ‘stretch’ limousine conversions, the maximum weight can be in excess of 7,100lbs (3.2tonnes) and care should be exercised when determining suitable tyre ratings. Generally speaking a Ford Lincoln or Cadillac would require a tyre rating index of at least 107 T, which gives a load rating of 2,149 lbs (975 kgs) with a maximum speed of 118 miles per hour.

**STRETCHED LIMOUSINES**
More information and guidance can be obtained from:

National Limousine & Chauffeur Association on: [www.nlca.co.uk](http://www.nlca.co.uk)
SECTION 5 – SEAT BELTS & SUPPLEMENTARY RESTRAINT SYSTEMS

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### 6.1 VEHICLE BODY AND CONDITION – (EXTERIOR)

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<td><strong>Body Condition (Exterior)</strong></td>
<td><strong>Body Condition (Exterior)</strong></td>
</tr>
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<td>Examine the body thoroughly for security, corrosion, damage, poor repair/paint match or sharp edges that are likely to cause injury.</td>
<td>a. An insecure or missing body panel, trim, step or accessory.</td>
</tr>
<tr>
<td></td>
<td>b. Any sharp edge whatsoever which may cause injury.</td>
</tr>
<tr>
<td></td>
<td>c. Heavy scuffing, abrasions or deformation to front and rear bumper.</td>
</tr>
<tr>
<td></td>
<td>d. More than 8 stone chips visible on a bonnet/grill that has not penetrated to the metal or more than 4 stone chips that have penetrated to the metal.</td>
</tr>
<tr>
<td></td>
<td>e. More than 8 stone chips on any panel including door edges, provided the base coat has not been penetrated.</td>
</tr>
<tr>
<td></td>
<td>f. More than 4 stone chips on any panel where the base coat has been penetrated to the metal and is untreated.</td>
</tr>
<tr>
<td></td>
<td>g. A single dent of more than 80mm, or more than 3 dents of not more than 20mm in any one panel</td>
</tr>
<tr>
<td></td>
<td>h. More than 4 scratches and or abrasions of more than 50mm in length in any one panel provided that the base coat has not been penetrated.</td>
</tr>
<tr>
<td></td>
<td>i. Dull, faded paintwork which has lost its gloss finish or paint miss match to a panel(s) to such an extent that it detracts from the overall appearance of the vehicle.</td>
</tr>
<tr>
<td></td>
<td>j. Evidence of poor repairs and or paint finish to a repaired panel(s) including runs and overspray to adjoining panels/trim that detracts from the overall appearance of the vehicle.</td>
</tr>
<tr>
<td></td>
<td>k. Obvious signs of rust/corrosion of any size particularly those that are covered by advertising signs.</td>
</tr>
<tr>
<td></td>
<td>l. Lack of clearly displayed or omission of ‘No Smoking’ signs.</td>
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### 6.1 VEHICLE BODY, SECURITY AND CONDITION – (INTERIOR)

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<tbody>
<tr>
<td><strong>Body Condition (Interior)</strong></td>
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</tr>
<tr>
<td>a. Examine thoroughly the interior for damaged, insecure or loose fixtures, fittings or accessories.</td>
<td>a. Insecure and loose fixtures, fittings or accessories.</td>
</tr>
<tr>
<td>b. Dirty, missing and worn trim, carpets, seat belts, mats, headlining, boot area and inclusion of prescribed items. Remove mats to inspect carpets underneath for cleanliness and wear.</td>
<td>b. Missing, dirty, soiled, stained worn or insecure trim, carpets, headlining, and mats in such a condition that they are likely to soil or damage passenger’s clothing or luggage.</td>
</tr>
<tr>
<td>c. Examine interior lights, motion door locks and warning lights.</td>
<td>c. An inoperative interior light (all lights must illuminate if they are part of the manufacturer’s standard equipment). Missing or defective motion switch/lock or warning lamp not illuminated</td>
</tr>
<tr>
<td>d. Examine heating, demisting and air condition systems for correct operation, including passenger compartment controls where fitted (includes electric front and rear screen demisters)</td>
<td>d. A system(s), which does not function correctly, or any part is missing including vents, controls and switches.</td>
</tr>
<tr>
<td>e. Examine all windows ensuring they allow lowering and rising easily.</td>
<td>e. An opening window that is inoperative or difficult to open and or close mechanism broken/missing.</td>
</tr>
<tr>
<td>f. Examine interior door locks, grab handles/rails safety covers</td>
<td>f. Missing, defective or loose door locks, child locks, protective covers grab handles and rails. Grab handles/rails, which are rigid to aid the blind and partially sighted, and are worn to excess.</td>
</tr>
<tr>
<td>g. Examine grills/partitions for security and condition</td>
<td>g. A grill/partition which is insecure or has sharp edge which may cause injury to passengers or driver.</td>
</tr>
<tr>
<td>h. Examine electrical wiring for condition, security, including intercom systems.</td>
<td>h. Frayed, chaffing wiring, non-shielded terminals and cables so routed that they cause a trip hazard, cables that can be easily disconnected. Intercom system defective, warning light inoperative and signs illegible/missing.</td>
</tr>
<tr>
<td>Method of Inspection</td>
<td>Reason for Rejection</td>
</tr>
<tr>
<td>----------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td><strong>Body Condition (Interior) (continued)</strong></td>
<td>i. Unable to open, close and or lock boot lid, failure of boot lid support mechanism, defective seals/evidence of water ingress, dirty boot and or carpets, loose items stored in boot (i.e. spare wheel tools and equipment etc).</td>
</tr>
<tr>
<td>i. Examine the boot for access, contents, cleanliness, and water ingress.</td>
<td>j. Any fixture or fitting, that is loose or insecure or where walkways are blocked that prevents ease of ingress or egress from the passenger compartment.</td>
</tr>
<tr>
<td>Additional items to be inspected in limousines and novelty vehicles:</td>
<td>k. No maximum seating capacity sign or signs displayed. A sign or signs not clearly visible to all passengers</td>
</tr>
<tr>
<td>j. All fixtures and fittings i.e. mirror balls, drinks cabinets, televisions etc must be stored securely and not hinder the ingress or egress from the passenger compartment.</td>
<td>l. No smoking sign missing / not adequately displayed</td>
</tr>
<tr>
<td>k. A notice identifying the maximum seating capacity to be displayed in the passenger compartment and clearly visible to all passengers. It may be necessary to display more than one sign indicating the maximum seating capacity.</td>
<td></td>
</tr>
<tr>
<td>Note: <strong>Any vehicle presented in a dirty, untidy condition will not be tested</strong></td>
<td></td>
</tr>
<tr>
<td>Mandatory ‘no smoking’ sign</td>
<td></td>
</tr>
<tr>
<td>i. Check for presence and display of no smoking sign</td>
<td></td>
</tr>
</tbody>
</table>
### 6.1 BUMPER BARS

<table>
<thead>
<tr>
<th>Method of Inspection</th>
<th>Reason for Rejection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Examine the bumper bars and check:</td>
<td>a. A loose bumper bar or mounting. A weakened bumper bar and/or mounting is insecure because of poor repairs.</td>
</tr>
<tr>
<td>a. They are secure to their mountings.</td>
<td>b. A fractured mounting bracket. Mounting bolts so worn or elongated that the bumper bar is likely to detach partially or completely from the vehicle when in use. A bumper bar secured by wire or other temporary means is regarded as insecure and must be rejected.</td>
</tr>
<tr>
<td>b. The mountings are secure to the vehicle.</td>
<td>c. Bumper bars which have jagged edges, cracks, splits or projections, which may cause injury to persons near the vehicle. Paint miss match or fading which is significantly different to that of the rest of the paintwork.</td>
</tr>
<tr>
<td>c. There is no evidence of damage.</td>
<td></td>
</tr>
</tbody>
</table>


### 6.2 DOORS and SEATS

<table>
<thead>
<tr>
<th>Method of Inspection</th>
<th>Reason for Rejection</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Doors and Emergency Exits</strong></td>
<td><strong>Doors and Emergency Exits</strong></td>
</tr>
<tr>
<td>Examine the condition of all doors and emergency exits. Check door locks, striker plates, handles and hinges for security, wear and missing and damaged trim/cover plates.</td>
<td>a. A door or emergency exit does not latch securely in the closed position.</td>
</tr>
<tr>
<td>Check the presence, condition and correct functioning of all door stay catches and devices (including sliding doors)</td>
<td>b. A door or emergency exit cannot be opened from both the inside and outside the vehicle from the relevant control in each case.</td>
</tr>
<tr>
<td>Check markings describing the presence and method of opening emergency exit(s) are readily visible on or adjacent to the exit and are legible.</td>
<td>c. Missing, loose or worn handles, lock or striker plate.</td>
</tr>
<tr>
<td>Check that seats are secure, clean and not unduly worn.</td>
<td>d. Markings describing the presence and method of opening an emergency exit missing, illegible or incorrect.</td>
</tr>
</tbody>
</table>

**IMPORTANT NOTE:** With the exception of ‘novelty vehicles’ only vehicles with forward and rear facing seats will be accepted.

For more information on seating for novelty vehicles see Section 12.2

<p>| |</p>
<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>e. Missing, loose or damaged trim/cover plate.</td>
</tr>
<tr>
<td>f. Seat cushion(s) stained, torn, holed, worn or insecure. A seat that does not provide adequate support at base or backrest. Torn, slashed or badly stained seats are not acceptable.</td>
</tr>
<tr>
<td>g. A door stay catch or device missing, excessively worn or not fulfilling its function</td>
</tr>
</tbody>
</table>
### 6.2 DOORS and SEATS (continued)

#### Method of Inspection

**Accessibility: Wheelchair Vehicles**

Door Configurations for wheelchair accessible vehicles:

a. Single rear door – must open to a minimum of 90 degrees and be capable of locking in place.

b. Twin rear doors – both must open to a minimum of 180 degrees and be capable of being locked in place. This is to enable an attendant (driver or guide) to assist the wheelchair passenger if required.

#### Reason for Rejection

- a. Door does not open to a full 90 degrees and cannot be secured in the open position
- b. Twin doors do not open to a full 180 degrees and cannot be secured in the open position
SECTION 7 – EXHAUST, FUEL & EMISSIONS

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<td>Fuel System – Pipes &amp; Tanks</td>
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</tbody>
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## 7.1 EXHAUST SYSTEM

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<thead>
<tr>
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<th>Reason for Rejection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where applicable, check for presence, security and adequacy of grease shields to hot exhausts.</td>
<td>A heat shield missing, insecure or inadequate</td>
</tr>
</tbody>
</table>
### 7.2 FUEL SYSTEM - PIPES & TANKS

<table>
<thead>
<tr>
<th>Method of Inspection</th>
<th>Reason for Rejection</th>
</tr>
</thead>
</table>
| a. Check that fuel tank filler caps are:  
  o Present  
  o Of the correct type  
  o Secure and seated properly to ensure correct function of sealing  
| a. A filler cap missing or unsuitable or in such condition that it would not prevent fuel leaking or spilling |
| b. Examine pipes to see they are securely clipped to prevent damage by chafing and cracking, and are not in a position where they will be fouled by moving parts | b. Damaged, chafed, insecure pipes, or pipes so positioned that there is a danger of them fouling moving parts |
| c. Check that no fuel pipe runs immediately adjacent to or in direct contact with electrical wiring or the exhaust system | c. A fuel pipe immediately adjacent to or in direct contact with electrical wiring or exhaust system |
| d. Temporary/emergency fuel cap fitted | d. Temporary/emergency fuel cap fitted |
## SECTION 8 – DRIVERS VIEW OF THE ROAD

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<td>8.3</td>
<td>Windscreen – View to the Front</td>
</tr>
<tr>
<td>8.5</td>
<td>Window Glass or Other Transparent Material</td>
</tr>
</tbody>
</table>
### 8.1 MIRRORS

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<th><strong>Reason for Rejection</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The number and position of all obligatory mirrors must be checked:</td>
<td><strong>Note:</strong> A defective additional external mirror is not a reason for rejection.</td>
</tr>
<tr>
<td>a. Check the condition of each mirror reflecting surface</td>
<td>a. Mirror condition</td>
</tr>
<tr>
<td></td>
<td>• A mirror reflecting surface deteriorated or broken.</td>
</tr>
</tbody>
</table>
### 8.3 WINDSCREEN - VIEW TO THE FRONT

**Method of Inspection**

Sit in the driver’s seat and check that there is reasonable view of the road ahead, bearing in mind the original design of the vehicle.

- For all air operated wipers examine:
  - The condition of any visible piping
  - The function of the operating mechanism, and
  - The function of necessary valves to protect the braking system

**Note:** Equipment or objects not originally fitted to the vehicle as part of the original design must not obstruct the designed forward view of the driver. In particular, objects such as (but not limited to) pennants, cab decorations and external stone guards/visors should not interrupt the view through the swept area by the windscreen wipers.

<table>
<thead>
<tr>
<th>Reason for Rejection</th>
</tr>
</thead>
<tbody>
<tr>
<td>The position or size of any object restricts the driver’s view of the road ahead, bearing in mind the original design of the vehicle.</td>
</tr>
</tbody>
</table>

- Air operated wipers
  - Pipes inadequately clipped or supported
  - Incorrect function of the wipers or leaking components
  - Incorrect operation of protection valves
8.5 WINDOW GLASS OR OTHER TRANSPARENT MATERIAL

<table>
<thead>
<tr>
<th>Method of Inspection</th>
<th>Reason for Rejection</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Visually check the condition of all windscreens, internal screens, partitions, side, rear, roof and door windows for cracks, surface damage and discolouration.</td>
<td>a. A crack, surface damage or discoloration in glass or other transparent material that:</td>
</tr>
<tr>
<td>b. Check presence and security of all windscreens, side, roof, or rear windows, or internal screens or partitions.</td>
<td>o Impairs the driver’s front, side, or rear view of the road, or;</td>
</tr>
<tr>
<td>c. Check for evidence of obvious leaks from all windscreens and side, rear, roof or door windows.</td>
<td>o Presents a danger to any person in the vehicle.</td>
</tr>
<tr>
<td>d. Check for presence, security and condition of guard rails or barriers at windows, internal screens or partitions.</td>
<td>b. A windscreen or any other outside window missing, or any windscreen, window, internal screen or partition insecure.</td>
</tr>
<tr>
<td>e. For all vehicles first used before 1 January 1959. As far as is practicable, check that glass fitted to windscreens and outside windows facing to the front is safety glass, except glass fitted to the upper deck of a double deck bus.</td>
<td>c. Any external window or windscreen is obviously leaking.</td>
</tr>
<tr>
<td>f. For all vehicles used on or after 1 January 1959, as far as is practicable, check that glass used for windscreens and all outside windows is safety glass, or safety glazing.</td>
<td>d. A guard-rail or barrier at a window, internal screen or partition missing, insecure or damaged.</td>
</tr>
<tr>
<td>g. Vehicles first used on or after 1 June 1978, check that windscreens and other windows, wholly or partly, on either side of the drivers’ seat are made from safety glass displaying an acceptable safety mark.</td>
<td>e. The windscreen and/or any outside window facing to the front of a vehicle obviously not safety glass fitted to a vehicle first used before 1 January 1959.</td>
</tr>
</tbody>
</table>

**Note:** Marking is not required for safety glass used on vehicles first used before 1 June 1978.

f. Glass used for a windscreen or an outside window is obviously not safety glass.

g. For vehicles first used on or after 1 June 1978, that windscreens and/or other windows wholly or partly on either side of the drivers seat that are not made from safety glass display an acceptable safety mark.
SECTION 9 – Tricycles & Quadricycles

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<tr>
<td></td>
<td>No additional inspection requirements</td>
</tr>
</tbody>
</table>
**SECTION 10 – ADDITIONAL REQUIREMENTS**

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<td>10.2</td>
<td>Oil &amp; Water Leaks</td>
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<tr>
<td>10.3</td>
<td>Luggage/Load Space</td>
</tr>
<tr>
<td>10.4</td>
<td>Trailers &amp; Towbars</td>
</tr>
</tbody>
</table>
## 10.1 TRANSMISSION

<table>
<thead>
<tr>
<th>Method of Inspection</th>
<th>Reason for Rejection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Examine transmission, check for:</td>
<td></td>
</tr>
<tr>
<td>a. Missing or loose flange bolts</td>
<td>a. A loose or missing flange bolt(s)</td>
</tr>
<tr>
<td>b. Cracked or insecure flanges</td>
<td>b. A flange cracked, or loose on the transmission shaft</td>
</tr>
<tr>
<td>c. Wear in shaft and/or wheel bearings</td>
<td>c. Excessive wear in shaft bearing</td>
</tr>
<tr>
<td>d. Security of bearing housings</td>
<td>d. A bearing housing insecure to its fixing</td>
</tr>
<tr>
<td>e. Cracks or fractures in bearing housings</td>
<td>e. A cracked or fractured bearing housing</td>
</tr>
<tr>
<td>f. Wear in universal joints</td>
<td>f. Excessive wear in a universal joint</td>
</tr>
<tr>
<td>g. Deterioration of flexible couplings</td>
<td>g. Deterioration of a transmission shaft flexible coupling</td>
</tr>
<tr>
<td>h. Distorted, damaged shafts</td>
<td>h. A damaged, cracked or bent shaft</td>
</tr>
<tr>
<td>i. Deterioration of bearing housing flexible mountings</td>
<td>i. Deterioration of a flexible mounting of a bearing housing</td>
</tr>
<tr>
<td>j. Clearance between transmission shafts and adjacent components</td>
<td>j. Evidence of fouling between any transmission shaft and an adjacent component</td>
</tr>
</tbody>
</table>
10.2 OIL AND WATER LEAKS

<table>
<thead>
<tr>
<th>Method of Inspection</th>
<th>Reason for Rejection</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Check vehicle for oil and water leaks from any assembly or component to the ground.</td>
<td>a. An oil or water leak, from any assembly, which deposits fluids underneath the vehicle whilst stationary.</td>
</tr>
<tr>
<td>b. And/or which could be deposited on surrounding bodywork or onto the exhaust system.</td>
<td>b. Leaks which, when the vehicle is moving, could be deposited upon the surrounding bodywork, exhaust and brake system so that it would:</td>
</tr>
<tr>
<td></td>
<td>o Contaminate areas</td>
</tr>
<tr>
<td></td>
<td>o Could potentially cause a health, safety or fire risk</td>
</tr>
</tbody>
</table>

**Note:** If necessary, the engine can be run at idle speed to confirm the existence of an oil leak.
## 10.3 LUGGAGE/LOAD SPACE

<table>
<thead>
<tr>
<th>Method of Inspection</th>
<th>Reason for Rejection</th>
</tr>
</thead>
</table>
| Physical separation is not so much an issue as is the safety of passengers in the event of an accident. The luggage should therefore be secure and prevented from becoming dislodged in an accident in such a manner as may cause injury. Such security can be by means of a sheet or net, which could be anchored to the floor of the luggage area. Clearly if the luggage compartment is not physically separated from the passenger compartment then care will need to be taken so as not to carry any hazardous items such as fuel cans, detergents or other loose items that could leak if they become damaged. | o Load restraint system, if required, not present at time of test.  
o Load restraint system faulty or unserviceable. |
### 10.4 TRAILERS & TOWBARS

<table>
<thead>
<tr>
<th>Method of Inspection</th>
<th>Reason for Rejection</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TRAILERS</strong></td>
<td><strong>a. Rejections as indicated on the trailer inspection sheet shown at Appendix ‘A’</strong></td>
</tr>
<tr>
<td>a. Where a local licensing authority permits the use of trailers for the carriage of luggage, then the trailer needs to be presented for test along with the vehicle that will be authorised to tow it. The trailer will also need to display the appropriate registration plate and a licence plate.</td>
<td></td>
</tr>
<tr>
<td><strong>Note:</strong></td>
<td></td>
</tr>
<tr>
<td>Trailers presented for inspection should be built by an approved or recognised trailer manufacturer.</td>
<td></td>
</tr>
<tr>
<td>An example of a typical trailer inspection sheet can be found at Appendix ‘A’.</td>
<td></td>
</tr>
<tr>
<td><strong>TOW-BARS</strong></td>
<td><strong>b. Rejections as indicated on the trailer inspection sheet shown at Appendix ‘A’</strong></td>
</tr>
<tr>
<td>b. Where tow bars are fitted checks must be made on the condition and security to the towing vehicle.</td>
<td></td>
</tr>
</tbody>
</table>
# SECTION 11 – ANCILLARY EQUIPMENT

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<tr>
<td>11.2</td>
<td>Fire Extinguisher</td>
</tr>
<tr>
<td>11.3</td>
<td>First Aid Kit</td>
</tr>
</tbody>
</table>
### 11.1 WHEELCHAIR RESTRAINT & ACCESS EQUIPMENT

#### Method of Inspection

**WHEELCHAIR RESTRAINT**
- a. Where applicable check condition and operation of wheelchair restraint.
- b. A system for the effective anchoring of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces.

**WHEELCHAIR ACCESS & EQUIPMENT**
A vehicle shall be fitted with either of the following forms of wheelchair access equipment:

**Ramps**
- c. Check that appropriate ramps fitted are securely installed in the designated storage area. Examine for damage, deformity, sharp edges etc. and provision of anti-slip covering.

**Wheelchair lift**
- d. A purpose designed wheelchair lift shall conform to the LOLER 98 Regulations. A report, confirming that the lifting equipment is safe to use, shall be presented at the time of the vehicle inspection. Vehicles presented for inspection with a wheelchair lift will require a LOLER certificate that is valid for a period of six months from the date of issue.

**Note:**
Passenger lifting equipment will need to be thoroughly examined by a competent person, in use, at least once every six months.

#### Reason For Rejection

- a. A wheelchair restraint is defective, worn or missing.
- b. Wheelchair anchorage systems and devices do not conform to European Directive 76/115 EEC (as amended).
- c. Ramps missing, insecurely stored, damaged/deformed, anti-slip covering in poor condition or missing.
- d. Vehicle not presented with a valid or current LOLER certificate.
### Method of Inspection

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>e.</td>
<td>Any purpose designed wheelchair access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to safe working load of 250 kgs and certified to BS 6109.</td>
</tr>
<tr>
<td>f.</td>
<td>Wheelchair access equipment shall be fitted either into the rear or side access door of the vehicle. Where it is fitted to a side door this shall be the door situated on the near side of the vehicle, i.e. kerbside when stopped in a normal road.</td>
</tr>
<tr>
<td>g.</td>
<td>The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 48 inches (1,220mm). The measurement shall be taken from the upper centre of the aperture to a point directly below on either, the upper face of the fully raised lift platform, or the upper face of the ramp fully deployed on level ground.</td>
</tr>
<tr>
<td>h.</td>
<td>A locking mechanism shall be fitted that holds the access door in the open position whilst in use.</td>
</tr>
<tr>
<td>i.</td>
<td>All wheelchair tracking must be fit for purpose and structurally sound.</td>
</tr>
</tbody>
</table>

### Reason for Rejection

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>e.</td>
<td>The installed ramp does not have any visible reference to a maximum safe working load or certification to BS 6109.</td>
</tr>
<tr>
<td>f.</td>
<td>Wheelchair access equipment is fitted to the off-side access door of the vehicle.</td>
</tr>
<tr>
<td>g.</td>
<td>There is not clear headroom in the aperture within the central third of 48 inches (1,220mm).</td>
</tr>
<tr>
<td>h.</td>
<td>No evidence of a suitable locking mechanism to hold the door open.</td>
</tr>
<tr>
<td>i.</td>
<td>Damaged or insecure tracking or detritus deposits within the tracking rails</td>
</tr>
</tbody>
</table>
## 11.2 FIRE EXTINGUISHER

<table>
<thead>
<tr>
<th>Method of Inspection</th>
<th>Reason For Rejection</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Check the fire extinguisher for presence:</td>
<td>a. A fire extinguisher is missing or:</td>
</tr>
<tr>
<td>• the expiry date</td>
<td>• out of date</td>
</tr>
<tr>
<td>• Seal.</td>
<td>• broken or missing seal.</td>
</tr>
<tr>
<td>• Type – water or foam</td>
<td>• No approved marking visible or other non-approved marking shown</td>
</tr>
<tr>
<td>• Approved mark - BS5423 or EN3</td>
<td>• Incorrect type</td>
</tr>
<tr>
<td>b. The fire extinguisher must be kept in an accessible position inside the vehicle. The extinguisher may be carried out of view, i.e. in a fastened glove compartment provided there is a clear sign on the dashboard, stating the location.</td>
<td>b. Not fitted in an accessible position or its position is not clearly marked.</td>
</tr>
</tbody>
</table>
### 11.3 FIRST AID KIT

<table>
<thead>
<tr>
<th>Method of Inspection</th>
<th>Reason For Rejection</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Check the first aid kit for presence, the expiry date and the seal is intact. There is no requirement to inspect the contents of the first aid kit.</td>
<td></td>
</tr>
<tr>
<td>b. The first aid kit must be kept in an accessible position inside the vehicle. The first aid kit may be carried out of view, i.e. in a fastened glove compartment provided there is a clear sign on the dashboard, stating the location.</td>
<td>a. A first aid kit is missing, out of date, in a poor or contaminated condition or the seal has been broken.</td>
</tr>
<tr>
<td></td>
<td>b. The first aid kit is not fitted in an accessible position or its position is not clearly marked.</td>
</tr>
</tbody>
</table>
## SECTION 12 – NOVELTY VEHICLES (STRETCH LIMOUSINES):

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<td>12.2</td>
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<td>12.3</td>
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### 12.1 Seating Capacity

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<tr>
<th>Method of Inspection</th>
<th>Reason For Rejection</th>
</tr>
</thead>
<tbody>
<tr>
<td>It is strongly recommended that prior to the inspection of a novelty vehicle the inspector checks the seating capacity on the V5C to ensure it does not exceed 8 passenger seats.</td>
<td>If the V5C states more than 8 passengers, then this vehicle MUST NOT be tested or licensed as a Private Hire Vehicle. The vehicle should be referred to VOSA for licensing as a passenger carrying vehicle (PCV).</td>
</tr>
</tbody>
</table>
### 12.2 Undue Stresses

<table>
<thead>
<tr>
<th>Method of Inspection</th>
<th>Reason For Rejection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle inspectors should be aware of undue stresses caused to the steering, brakes and tyres due to the additional weight imposed on the vehicle at the modification process.</td>
<td>Tolerances and wear should be as defined in the VOSA MOT Inspection Manual - Private Passenger and Light Commercial Vehicle Testing as follows:</td>
</tr>
<tr>
<td></td>
<td>• Steering - Section 2</td>
</tr>
<tr>
<td></td>
<td>• Brakes - Section 3</td>
</tr>
<tr>
<td></td>
<td>• Tyres - Section 4</td>
</tr>
</tbody>
</table>
12.3 Passenger Notices

Driver Declaration

Local licensing authorities are strongly advised to obtain a declaration, from the operator of a licensed novelty vehicle, that side facing seats will never be used to carry passengers under 16 years of age, regardless of whether the vehicle is fitted with or without seatbelts.

Passenger Notices

i. In addition, notices forbidding children to be carried in side facing seats must be displayed in prominent positions, i.e. on entry to the passenger compartment and on the inside of the vehicle on either side of the passenger compartment. In addition, local licensing authorities may require outward facing signs adjacent to all entrance/exit doors to the passenger compartment.

ii. Further notices should be displayed inside the vehicle, where all passengers can clearly read the notice, advising passengers of the maximum carrying capacity of the vehicle and a warning to passengers that should the capacity be exceeded then the vehicle will not be insured.
HACKNEY CARRIAGE & PRIVATE HIRE

TRAILER INSPECTION SHEET

Plate number of towing vehicle: .................................................................

Registration number of towing vehicle: ..................................................

Registered owner of vehicle: .................................................................

Manufacturers plate showing chassis number: .................................

Manufacturers plate showing maximum weight: .............................

<table>
<thead>
<tr>
<th>Inspection area</th>
<th>Description</th>
<th>Pass (✓)</th>
<th>Fail (✗)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Licence plate</td>
<td>Contains details &amp; complies with local licensing authorities format</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Licence plate</td>
<td>Clearly displayed, legible, and securely fixed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Licence plate</td>
<td>Serviceable – not damaged or defaced</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trailer couplings</td>
<td>Check condition &amp; operation and presence of a safety breakaway cable.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tow bar mounting brackets</td>
<td>Check condition and security</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trailer body</td>
<td>Check condition of side and rear tailboards</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trailer chassis</td>
<td>Check condition</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suspension</td>
<td>Check condition and operation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wheel bearings</td>
<td>Check for excessive free play or roughness in bearings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tonneau cover &amp; fittings</td>
<td>Check for condition</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wheels and tyres</td>
<td>Check security, condition and wear</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Braking system</td>
<td>Operates satisfactorily</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lighting</td>
<td>All obligatory lights work</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indicators</td>
<td>All indicators work</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reflective triangle</td>
<td>Check presence and condition</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number plate</td>
<td>Check condition, security of fitting and displayed clearly</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Speed restriction notice</td>
<td>Check condition and displayed clearly</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

I hereby certify that the above trailer has been inspected and has/has not* been found to be roadworthy and suitable to be used as a hackney carriage/private hire* trailer at the time of inspection.

Examined by (name) ..............................................................................

Signature ........................................... Date............................

* Delete as appropriate
### DEFINITION OF MOTOR VEHICLES

**Appendix ‘B’**

<table>
<thead>
<tr>
<th>Category</th>
<th>Definition</th>
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</thead>
<tbody>
<tr>
<td>M</td>
<td>A motor vehicle with at least four wheels designed and constructed for the carriage of passengers.</td>
</tr>
<tr>
<td>M₁</td>
<td>Vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the drivers seat.</td>
</tr>
<tr>
<td>M₂</td>
<td>Vehicles designed and constructed for the carriage of passengers and comprising more than eight seats in addition to the drivers seat, and having a maximum mass not exceeding five tonnes</td>
</tr>
<tr>
<td>M₃</td>
<td>Vehicles designed and constructed for the carriage of passengers and comprising more than eight seats in addition to the drivers seat, and having a maximum mass exceeding five tonnes</td>
</tr>
</tbody>
</table>
From: Classic Wedding Cars  
Sent: 29 August 2012 12:32  
To: TPH  
Subject: Wedding car regulations  

Dear sir madam  

I am writing to express my concern over your proposals to change regulations on wedding car hire. I feel that if these regulations come in to force I will have no choice but to cease trading, close my business down after 24 years trading and become unemployed, please think carefully about the affects these changes will have on people's lives. Many thanks, Jim

Sent from Jim's iPad
Dear Sir

**TAXI REFORMS**

I am aware that the Law Commission is currently consulting with regard to the proposed changes to legislation governing taxi and private hire services which concludes on the 10th September 2012.

I lead for the Association of Chief Police Officers (ACPO) for the roads policing portfolio and future legislation and enforcement matters also falls to this area of policing. The key issue here is public safety and the dual approach to regulating taxis and drivers should continue.

There are other issues that do concern me from a national perspective and in particular, the lack of control regarding taxi provision that could arise within each local authority area and the inability of authorities to deliver national standards of safety across the industry. Should this happen then the risk and threat to public safety will increase.

The police service is managing its budget restrictions like other public services. However, we could be faced with increased demands caused by the consequences of a "borderless" trade if control measures and quality standards are not maintained. In 1983, prior to the current regulations, the then Chief Constable of Merseyside contributed significantly to the debate in order to influence legislation. At that time Merseyside experienced large scale demonstrations and public safety concerns due to uncontrolled numbers of taxis operating in Liverpool city centre and a repeat of this situation cannot be allowed to occur.

Finally I am concerned that any reduction in local authorities licensing regime will impinge on authorities’ ability to provide adequate enforcement. We cannot have a situation where local police officers are called upon to provide enforcement without the same knowledge and a reducing resource base.
I have attached our more detailed response to the proposals and questions as requested. Should you have any queries please do not hesitate to contact my business manager Dave Jones.

Yours sincerely

Suzette Davenport
Deputy Chief Constable, Northamptonshire Police
ACPO Lead for ROADS POLICING

Northamptonshire Police
Wootton Hall, Northampton
NN4 0JQ

cc: Chief Constable Jon Murphy
Superintendent Doyle
<table>
<thead>
<tr>
<th>CONSULTATION POINT</th>
<th>ACPO RP RESPONSE</th>
<th>ADDITIONAL COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Provisional proposal 1</strong>&lt;br&gt;Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares.&lt;br&gt;(Page 160)</td>
<td>Agreed</td>
<td>*The key issue for taxi licensing relates to the delivery of national minimum standards by local authorities to avoid the outsourcing registration in other areas with may lower existing standards. This should help raise standards and safety but still allow local discretion and flexibility.</td>
</tr>
<tr>
<td><strong>Provisional proposal 2</strong>&lt;br&gt;London should be included, with appropriate modifications, within the scope of reform.</td>
<td>Agreed</td>
<td>For PHV it is about the adoption of a single minimum national standard as the research is more comfortable with how this market works, but with possible exceptions linked to signage and this again appears very necessary and sensible. <em>Single force response</em></td>
</tr>
<tr>
<td><strong>Provisional proposal 3</strong>&lt;br&gt;The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver.&lt;br&gt;(Page 164)</td>
<td>Agreed, as this would then include vehicles such as pedal cabs and limousines.</td>
<td>Agreed: A rise in the number of pedal cabs or rickshaw type cabs under pedal power has been reported. Local authorities are trying to regulate them under the existing taxi by-laws. These modes of transport raise issues both from the aspect of road safety and the operators being unlicensed whilst transporting members of the public about the streets. Many owners / drivers of such vehicles do not seem to hold public liability insurance. Rigorous &quot;fit and proper&quot; criteria must be retained. It is important that clear lines of accountability for licenses remain.</td>
</tr>
<tr>
<td><strong>Question 4</strong>&lt;br&gt;Would there be (and if so what) advantages to</td>
<td>No advantage as the issue is the provision of transport to the public,</td>
<td>This seems to be simple matter of economics and ensuring that the provision of</td>
</tr>
<tr>
<td>Provisional proposal 5</td>
<td>Provisional proposal 6</td>
<td>Provisional proposal 7</td>
</tr>
<tr>
<td>------------------------</td>
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</tr>
<tr>
<td><strong>Restricting licensing to motor vehicles that require a driving licence?</strong> <em>(Page 164)</em></td>
<td><strong>The current legislation allows the area of PSV to overlap with Taxi and PHV. Finding a place where the two areas of transport are complimentary but distinctly different would make it easier to understand and control.</strong></td>
<td><strong>The legislation covering passengers paying separate fares is unclear. In addition to amending the taxi and PHV legislation the PSV Act 1981 would also need to be amended.</strong></td>
</tr>
<tr>
<td>who look to the Government and local authorities to regulate at a level that maintains passenger safety.</td>
<td>Agreed</td>
<td>Agreed. There is a real need for a consistent and controlled environment to ensure that these types of vehicle are safe and regulated and controlled so as to provide members of the public with confidence that they are safe and meet the necessary rules and conditions (including simplification of the complicated legislation covering small vehicles operating as PSV’s)</td>
</tr>
<tr>
<td>Agreed: Legislation should reflect up to 8 passenger seats will be dealt with as Taxi / PHV and above should come under PSV Regulation. Any discrepancies and overlaps between PSV, taxi and PHV licensing regimes should be removed, to eliminate as far as possible any doubt and ambiguity.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Provisional proposal 8</strong></td>
<td><strong>Provisional proposal 7</strong></td>
<td><strong>Provisional proposal 6</strong></td>
</tr>
<tr>
<td><strong>Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers.</strong> <em>(Page 165)</em></td>
<td><strong>References to stage coaches charging separate fares should no longer feature as an exclusion from the definition of taxis</strong> <em>(page 166)</em></td>
<td><strong>The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency.</strong> <em>(Page 167)</em></td>
</tr>
<tr>
<td>CONSULTATION POINT</td>
<td>ACPO RP RESPONSE</td>
<td>ADDITIONAL COMMENTS</td>
</tr>
<tr>
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</tr>
<tr>
<td>Question 9</td>
<td>Carpooling and certain membership clubs where they are not in a business of providing transport services for hire and reward should be excluded from this regulation.</td>
<td>Agreed providing there is no financial or commercial gain. “Grey areas” exist between what is private hire and what is a genuine permit operation (S.19). Clarification would be helpful.</td>
</tr>
<tr>
<td>Provisional proposal 10</td>
<td>Agreed this will bring more consistency to what is currently a complicated area of regulation</td>
<td>Agreed: This again seems sensible with emphasis less about the type of vehicle and more on the road transport services provided for hire and services of the driver. References to hackney carriages do seem rather absurd and anachronistic and transport technology and methods of plying and booking by a driver and consumer will keep rapidly evolving hence the need for Secretary of State to deal rather than statute.</td>
</tr>
<tr>
<td>Provisional proposal 11</td>
<td>Agreed</td>
<td>1) Agreed A recent example is a stretch Ferrari at a wedding which was dangerous and prohibited by VOSA. 2) This does seem arbitrary and should be subject to the same rules as any other private hire, but does leave discretion for Sec or State to exclude if needs be, along with many other arrangements.</td>
</tr>
<tr>
<td>Question 12</td>
<td>We agree with this in principle but it is not an area we can specifically comment on</td>
<td>*We don’t feel that there should be contract exemptions and they should come under either Taxi licencing or PSV regulations (VOSA) this would stop companies exploiting loopholes in the current legislation.</td>
</tr>
<tr>
<td>CONSULTATION POINT</td>
<td>ACPO RP RESPONSE</td>
<td>ADDITIONAL COMMENTS</td>
</tr>
<tr>
<td>-------------------</td>
<td>------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Question 14</td>
<td>Yes</td>
<td>*This response from one force only</td>
</tr>
<tr>
<td>Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? (Page 177)</td>
<td></td>
<td>*No, it is felt that Shuttle buses and Taxi’s should be covered under the relevant legislation regarding PSV or Taxi regulations.</td>
</tr>
<tr>
<td>Provisional proposal 15</td>
<td>Agreed</td>
<td>*This response from one force only</td>
</tr>
<tr>
<td>The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include: (a) references to ranking and hailing; (b) a non-exhaustive list of factors indicating plying for hire; and (c) appropriate accommodation of the legitimate activities of private hire vehicles. (Page 181)</td>
<td></td>
<td>*Clearly this needs tidying up by statute, and is currently a minefield for enforcement and distinguishing when a taxi is plying for hire and a private hire vehicle isn't.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Provisional proposal 20</th>
<th>Agreed</th>
<th>Disagree: Once it is a taxi it should remain a taxi and be treated as such. There are instances where taxi drivers have tried to avoid the legislation by claiming that they are not working. This would prevent that happening. Agree: this will allow consistency with London and appears sensible providing there is a clear burden of proof on the user to show when the vehicle is not being used in service.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved. (Page 184)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Provisional proposal 22</th>
<th>Agreed</th>
<th>Clarifies what is a &quot;taxi&quot; and what is a &quot;private hire vehicle&quot;. Does it go far enough? Could be a public education issue.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to &quot;hackney carriages&quot; should be abandoned. (Page 185)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Question 28</th>
<th>This is best answered by the local authorities</th>
<th>Vehicle signage should be a national standard across the board. This would stop any confusion across authorities.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? (Page 190)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Question 37</th>
<th>This would make the ‘borderless’ situation less important if areas collaborated and licenses tended to cover all of the area a taxi or PHV would want to operate within.</th>
<th>Licensing Authorities should be able to work and enforce in all areas without boundary restrictions.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? (Page 195)</td>
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<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>CONSULTATION POINT</th>
<th>ACPO RP RESPONSE</th>
<th>ADDITIONAL COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Question 40</strong></td>
<td><strong>Agreed</strong></td>
<td><strong>We cannot see how this would work in reality and be enforced.</strong></td>
</tr>
<tr>
<td>----------------</td>
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<td>---------------------------------------------------------------</td>
</tr>
<tr>
<td>Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority?</td>
<td></td>
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<tr>
<td><strong>Provisional proposal 41</strong></td>
<td><strong>Agreed however there has to be suitable enforcement levels in every area so wherever the PHV decides to set-up office there is suitable enforcement regime as this tends to be financed by the licence renewal etc.</strong></td>
<td><strong>Disagree as it would be difficult to enforce and get relevant checks completed and it would stop areas that are quieter coming into busier areas to poach work</strong></td>
</tr>
<tr>
<td>Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority.</td>
<td></td>
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<tr>
<td><strong>Provisional proposal 42</strong></td>
<td><strong>This is okay if there is some control on where the vehicle is normally otherwise this would simply allow a taxi to licence away from where he or she will work and that would make enforcement more challenging and worsen the funding issues for enforcement officers.</strong></td>
<td><strong>This would encourage PHV's to &quot;ply for hire &quot;out of their area and enforcement would be very difficult</strong></td>
</tr>
<tr>
<td>We do not propose to introduce a &quot;return to area&quot; requirement in respect of out of-area drop offs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Provisional proposal 43</strong></td>
<td><strong>Agreed</strong></td>
<td><strong>Both should be regulated by the licensing Authority</strong></td>
</tr>
<tr>
<td>Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>CONSULTATION POINT</strong></td>
<td><strong>ACPO RP RESPONSE</strong></td>
<td><strong>ADDITIONAL COMMENTS</strong></td>
</tr>
<tr>
<td>Question 44</td>
<td><strong>Agreed</strong></td>
<td><strong>Agreed only if pre-booked</strong></td>
</tr>
<tr>
<td>Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? (Page 200)</td>
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<tr>
<td><strong>Question 45</strong>&lt;br&gt;Should national driver safety standards such as the requirement to be a “fit and proper person” be either:&lt;br&gt;<strong>(a)</strong> set out in primary legislation; or&lt;br&gt;<strong>(b)</strong> included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 203)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes providing they are there and there are adequate powers and controls in place.</td>
<td>Should be primary legislation</td>
<td></td>
</tr>
<tr>
<td><strong>Provisional proposal 46</strong>&lt;br&gt;Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. (Page 204)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agreed in so far as public safety is concerned. Not convinced there isn’t a need for “fit and proper” criteria in so far as the ability to set up a legitimate business and run this kind of service is concerned.</td>
<td>Disagree It is felt that they all should be operated by “fit and proper persons” this would discourage disreputable operators using the business as a front for criminal activity</td>
<td></td>
</tr>
<tr>
<td><strong>Question 56</strong>&lt;br&gt;Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period of time, if quantity restrictions are removed? (Page 215)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>This should be trialled in an area first to see how it works and better still show the industry that it does work.</td>
<td>Quantity restrictions should not be removed</td>
<td></td>
</tr>
<tr>
<td>CONSULTATION POINT</td>
<td>ACPO RP RESPONSE</td>
<td>ADDITIONAL COMMENTS</td>
</tr>
<tr>
<td>Question 57</td>
<td>There should not be any difference the customer should request the relevant vehicle</td>
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</tr>
</tbody>
</table>
| **Question 66**  
Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? (Page 223) | Powers should be considered but under the same guidelines as the ones used by VOSA  
In certain circumstances where repeated infringements have been breached it may be desirable. It would be more effective to be able to remove the badge and plate from the vehicle as part of the statute and should be extended to Police officers |
| **Question 69**  
Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? (Page 226) | This should be answered by local authority enforcers  
Yes they should be able to enforce fully in any area and they should drop off suspension notices/plates at the local authority as soon as practicable and the taxi should attend there to be reinstated. The relevant Authority needs to be informed ASAP |
APPENDIX A
LIST OF PROVISIONAL PROPOSALS AND QUESTIONS

CHAPTER 13 - OVERVIEW OF PROVISIONAL REFORM PROPOSALS
Provisional proposal 1

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. (Page 160)

BDC Response – Broadland Council sees some merit in replacing the two-tier system with one category of vehicle. In general, the public are not fully aware of the distinguishing characteristics of the two types of vehicle and on the whole this appears to lead to unnecessary confusion. A more simplified system of one vehicle which can ply for hire, be hailed and take pre-booked fares would appear to be an appropriate solution.

In our experience, the ultimate concern for the public is that of safety. This includes both the safety and the appropriateness of the driver and the safety of the vehicle. It seems likely that removing the two tier system would be of benefit to the public as a more straightforward system allows for less of a potential for the public to be misled or taken advantage of.

We appreciate there are concerns that introducing a single category of vehicle may reduce the element of competition in relation to fares, etc. However, if Local Authorities were able to set maximum fares for all vehicles it seems likely that there would still be an element of competition below this maximum and it would also ensure the public were protected from excessive fares.

CHAPTER 14 – REFORM OF DEFINITIONS AND SCOPE
Provisional proposal 2

London should be included, with appropriate modifications, within the scope of reform. (Page 162)

BDC Response – It would seem appropriate that vehicles in London are regulated in the same way as the rest of the country. Whilst it is appreciated that there are certain factors for the industry in London which may differ from elsewhere in the country, ultimately, the same service is being provided. Again, a more simplified service would hopefully better serve the travelling public.

Provisional proposal 3

The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. (Page 164)
**BDC Response** – It seems sensible to define licensable vehicles by the service they provide rather than necessarily the type of vehicle. The number of variations in the types of vehicle looking to provide a service for a fare appears to be increasing. It is anticipated that this trend might continue over time. Therefore, defining specific vehicles may prove restrictive in the future and exclude vehicles from the licensing regime which it may actually be appropriate to licence and regulate.

**Question 4**

Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? *(Page 164)*

**BDC Response** – Broadland Council has recently received informal enquiries about licensing pedicabs and tuk tuks. Whilst the Authority does not object to licensing these in principle, there are significant safety concerns in respect of these vehicles, particularly in relation to their use on busy roads. If such vehicles are to be licensed, it would be necessary to ensure that there were adequate safety measures in place to ensure the vehicles were roadworthy and safe for use by the travelling public.

In this respect, there may be some benefits to restricting licensing to motor vehicles. However, in this instance it would be important to ensure that other vehicles were not excluded from the licensing regime so as to allow them to legally operate unregulated as a taxi/PHV.

**Provisional proposal 5**

Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. *(Page 165)*

**BDC Response** – It seems sensible that this definition is retained and taxis and PHVs are specifically distinguished from PSVs.

**Provisional proposal 6**

References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. *(Page 166)*

**BDC Response** – We would agree with this proposal.

**Provisional proposal 7**

The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. *(Page 167)*
BDC Response – It would be helpful to have further legislation and guidance on the licensing of such vehicles. However, the principle concern should be whether the vehicle is safe and suitable for use as a taxi/PHV. Just because a vehicle exists and could potentially be used for taxi/PHV work, it does not necessarily mean it should be licensed. The primary concern should be safety. At present, one of our conditions requires that for safety reasons the vehicle should be right-hand drive. Many limousines have been imported into this country and cannot comply with this condition. The owners of vehicles of this size which are left-hand drive and available for hire, would need to demonstrate that they were safe and suitable for this task in spite of the fact that the driver would be positioned on the nearside of the road.

It is understood that the DfT currently requires a Certificate of Initial Fitness for vehicles with more than 8 passenger seats. Similar requirements (i.e. the Individual Vehicle Approval) should apply to limousines with 8 passengers seats or less.

Provisional proposal 8

The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. (Page 168)

BDC Response – Where someone is a genuine volunteer and is not providing the service with a view to a profit, it seems reasonable that they should be excluded from the licensing regime. It would seem unreasonable to require them to go through the expense of the licensing regime when they would not be recovering this cost through the work they are subsequently carrying out. However, the definition would need to be very specific to ensure that a loophole did not allow those profiting from carrying out such work to also be exempted from the licensing regime.

In addition, it should be borne in mind that some volunteer drivers are transporting vulnerable people and it may still be appropriate (and in some cases particularly important) to ensure that the driver is fit and proper and that the vehicle is safe.

It would be helpful if there could be a specific definition of “in the course of a business” so that it is made very clear as to what activities are included within this.

Question 9

How, if at all, should the regulation of taxis and private hire deal with:

(a) carpooling; and

(b) members clubs? (Page 170)
**BDC Response** – We do not consider it necessary to regulate carpooling groups where they do not operate for commercial gain. However, it seems appropriate that where a members’ club is offering Private Hire services, albeit to a restricted group (e.g. females only), they ought to be licensable under the regime.

Provisional proposal 10

The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. *(Page 171)*

**BDC Response** – It is possible that some exclusions may be appropriate and it seems sensible to allow for this option should there be further developments in the taxi/PHV industry.

Provisional proposal 11

Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. *(Page 172)*

**BDC Response** – Wedding and funeral vehicles do not tend to cause many issues in respect of the licensing regime for Broadland. Funeral vehicles in particular are very specialist in their field and they do not generally cross-over into general licensing work. Wedding vehicles tend to be less specialist and it is our experience that in some cases these vehicles are also used for proms, anniversaries, birthday outings, etc so it may be more appropriate that these are licensed. However, it is appreciated that a wedding vehicle may be used in slightly different circumstances to standard PHVs and therefore account should be taken of this when considering their place in the licensing regime.

Question 12

Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse? *(Page 174)*

**BDC Response** – The contract exemption previously allowed for many individuals and vehicles to be exempted from the licensing regime when they were in fact carrying out private hire work. Some individuals/companies took advantage of this and pushed the definition to its limits. It would seem sensible that where a vehicle and a driver are made available for hire for a fare, they should generally be licensed. Issues which have arisen as a result of the repeal of the contract exemption would be better dealt with by means other than re-instating the exemption.

Provisional proposal 13

Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”. *(Page 175)*
BDC Response – This definition should be extended to widen the remit for regulation.

Question 14

Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? (Page 177)

BDC Response – No further comments to make.

Provisional proposal 15

The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:

(a) references to ranking and hailing;

(b) a non-exhaustive list of factors indicating plying for hire; and

(c) appropriate accommodation of the legitimate activities of private hire vehicles. (Page 181)

BDC Response – It seems sensible to include a statutory definition of plying for hire for the avoidance of doubt and to assist enforcement activities.

Provisional proposal 16

The concepts of hailing and ranking should not cover technological means of engaging taxi services. (Page 181)

BDC Response – We would agree with this proposal.

Question 17

Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”? (Page 182)

BDC Response – We do not envisage any particular advantages to this proposal. The definition is still relatively out-dated and does not take account of modern technological advances.

Provisional proposal 18

The concept of compellability, which applies exclusively to taxis, should be retained. (Page 182)

BDC Response – We agree with this approach and believe that as far as possible it should also be extended to Private Hire Vehicles to limit discrimination.

Provisional proposal 19
Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked. (Page 183)

**BDC Response** – Please see response to Proposal 1 which supports a change to a one-tier system where every vehicle could rank, hail and be pre-booked. Perhaps this could include some limitations on which vehicles could make use of ranks (possibly by paying an additional rank fee) to avoid ranks becoming overloaded.

Where the two-tier system is retained we would agree with this proposal.

Provisional proposal 20

Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved. (Page 184)

**BDC Response** – For enforcement purposes, it would appear appropriate to ensure that only taxi/PHV Drivers are able to drive taxis/PHVs. This removes any potential for doubt or uncertainty when determining whether a licensed vehicle is being used appropriately. If vehicles are able to be used by non-licensed drivers, this could take up additional enforcement resources in determining whether a vehicle is being used in the correct manner or not. These resources could probably be better directed elsewhere.

Provisional proposal 21

The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements. (Page 185)

**BDC Response** – In order to streamline the taxi/PHV licensing system, it would seem appropriate to have national guidance which assists in the enforcing of the legislation. Whilst there will always be local interpretation of guidance, a centralised document would hopefully keep any significant localised divergences from the legislation to a minimum.

Provisional proposal 22

Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned. (Page 185)

**BDC Response** – If a one-tier system is pursued we would support all vehicles being referred to as taxis. As far as the general public is concerned, this is the generic term that is used to describe all licensed vehicles and they are generally not aware of the distinguishing features of hackney carriages and private hire vehicles. If the two-tier system is retained, we would support the above proposal.

Question 23
Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion? *(Page 186)*

**BDC Response** – The primary concern here is avoiding confusion for the public, which in turn will hopefully avoid public safety issues. If the two-tier system is retained it would be necessary to distinguish between the two types of vehicle. However, this could incorporate the abovementioned terms, providing other measures were in place to ensure confusion was avoided.

**CHAPTER 15 – A REFORMED REGULATORY FRAMEWORK**

**Provisional proposal 24**

Taxi and private hire services should each be subject to national safety requirements. *(Page 188)*

**BDC Response** – A standardised approach to the safety of vehicles would assist both Licensing Authorities and applicants/drivers in being aware of what was required of them and their vehicles, regardless of where they were in the country.

**Provisional proposal 25**

National safety standards, as applied to taxi services, should only be minimum standards. *(Page 189)*

**BDC Response** – It would be helpful to allow Licensing Authorities to set their own conditions to incorporate local issues or concerns. However, in order to avoid significant discrepancies across Local Authority areas, it may be helpful to restrict the types of conditions that may be attached locally, e.g. limited to those necessary for public safety.

**Provisional proposal 26**

National safety standards, as applied to private hire services, should be mandatory standards. *(Page 189)*

**BDC Response** – In the case where the system was one-tier, we would support minimum standards for all vehicles, as per our response to proposal 25.

Where a two-tier system is retained it would be preferable to also allow for additional conditions to be attached to PHV licences where local requirements or experience deem them necessary. Again they could perhaps be limited to conditions necessary for public safety.

**Provisional proposal 27**

Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers. *(Page 190)*
BDC Response – In Broadland we do not have a topographical knowledge test and to date there has not been an obvious need to introduce one. With the wide use of satellite navigation systems, it seems likely that previous knowledge of the area would become less and less of a necessity.

We would however suggest that tests of an applicant’s competence at driving should be retained as a means of protecting the safety of the travelling public. In our experience this has proved an important addition to the application process.

Question 28

Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? (Page 190)

BDC Response – It would depend on the standard set but generally we do not see why the use of vehicle signage could not be set nationally. Perhaps the standard set could be a minimum and Licensing Authorities could add to this as they saw appropriate.

Question 29

What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? (Page 191)

BDC Response – A potential obstacle may be that the requirements for vehicles in rural areas are different to those required in urban areas. For example, the installation of CCTV in vehicles may be seen as a necessity in urban areas for both the protection of the driver and any passengers. However, in rural areas this may be seen as an unnecessary and particularly burdensome requirement. The benefits of CCTV in more rural areas may be significantly outweighed by the costs of installing and maintaining such a system.

Question 30

Should national conditions in respect of driver safety be different for taxi services compared with private hire services? (Page 192)

BDC Response – If the two-tier system is retained, we would support similar conditions being in place to protect the safety of both taxi and private hire drivers. They are both exposed to similar risks and it is therefore relevant that comparable safety conditions should apply.

Provisional proposal 31

The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety. (Page 192)
BDC Response – Safety is the primary concern when considering licensing operators, vehicles and drivers. Therefore, nationally set conditions relating to safety would be appropriate. It is recognised that the heading of safety could be quite wide-ranging and numerous conditions could potentially be incorporated based on this. There may therefore need to be additional safeguards in place to prevent against superfluous conditions being attached to licences which do not adequately address a public safety objective.

Provisional proposal 32

The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (Page 193)

BDC Response – This would seem sensible in order to allow Licensing Authorities to respond in terms of appropriate conditions/standards and hopefully develop a set of standards which would be suitable to be used across the country.

Question 33

What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? (Page 193)

BDC Response – A consultation process would seem a sensible way to determine national standards. This would include requesting views from a wide range of stakeholders on what should be included, considering the current content of Licensing Authority conditions across the country, taking account of the key best practice elements, and could also include consultation with a specialist technical advisory panel.

Provisional proposal 34

Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. (Page 193)

BDC Response – Please see response to proposal 25.

Question 35

Should there be statutory limits to licensing authorities’ ability to set local taxi standards? (Page 194)

BDC Response – It would seem appropriate to set a remit within which Licensing Authorities could set local standards. This would avoid a similar situation arising to that at present which sees differing standards across Licensing Authority boundaries.

Question 36

Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? (Page 194)
**BDC Response** – We would support this to allow for local requirements or local experience. However, this would be within a set remit of conditions which could be imposed. There is potentially scope for a pool of model conditions which could be drawn from by Licensing Authorities.

Question 37

Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? *(Page 195)*

**BDC Response** – In some cases it would be preferable to be able to work across district boundaries. As a more rural authority, based on the edge of a larger city, many of our PHVs frequently work within the City Council’s boundaries. It would be helpful for Officers to be able to work across the boundary, with the prior knowledge of the Licensing Officers in the relevant area, to deal with issues in respect of our PHVs and Drivers. If these provisions were set down in legislation it would avoid confusion and/or inconsistencies and provide clarity for enforcement action taken by Officers.

Provisional proposal 38

Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. *(Page 196)*

**BDC Response** – This may be appropriate for some Authorities where partnership working is carried out. This therefore seems a sensible option.

Provisional proposal 39

Licensing authorities should have the option to create, or remove, taxi zones within their area. *(Page 196)*

**BDC Response** – No further comments to make. At present, there are not any zones in the Broadland District.

Question 40

Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? *(Page 197)*

**BDC Response** – This is not an issue in Broadland, however we can see the merits of this for other areas of the country. If such licences were issued, the relevant vehicles (and possibly drivers) would need to be very clearly identifiable.

There is the potential for added enforcement issues in terms of ensuring these vehicles were not on the road outside of the specified times.

Dependant upon whether licensed vehicles were permitted to be used for “leisure” purposes, this would also need to be considered in terms of whether “peak time” licensed vehicles should be permitted on the road outside of the specified times and whether they could still be used for “leisure” purposes. Once again, this could require additional enforcement work.
We would question whether this proposal could prove workable.

Provisional proposal 41

Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. *(Page 198)*

**BDC Response** – We would support this proposal, providing that other safeguards were in place to ensure that the activities of licensed operators, drivers and vehicles were adequately monitored to ensure that there was compliance with the relevant legislation. Consideration would also need to be given as to how “cross border” working would be enforced.

In this case, there would be an advantage to having a nationally set licence fee. Otherwise, where drivers and vehicles would no longer have to be licensed in the area where their PHV Operator was based, applicants may be inclined to apply to the “cheapest” authority. This could lead to some authorities being over loaded with applicants where others have very few applications.

Provisional proposal 42

We do not propose to introduce a “return to area” requirement in respect of out-of-area drop offs. *(Page 199)*

**BDC Response** – We would agree with this proposal. A return to area requirement could result in a significant amount of wasted miles for drivers and consequently excessive fuel costs and the potential for increased fares for passengers.

Provisional proposal 43

Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares. *(Page 200)*

**BDC Response** – We would agree with this proposal if the two-tier system is retained. However, if a one-tier system were pursued, we would support the setting of a maximum fare, still at a local level to take account of differing local conditions, for all vehicles. Drivers could then choose to charge below that maximum to allow for an element of competition. The consumer would be protected as they would know that they would not be charged above a certain maximum for the journey.

It could also enable Local Authorities to set maximum fares to take into account local transport need and the integration of transport services.

Question 44

Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? *(Page 200)*
BDC Response – If charges above the metered fare were permitted it would require a very transparent agreement between the customer and the driver/operator that this was the case. This may be relevant where a vehicle of a higher specification than usual is provided for a wedding/special event, for example. It is our experience that pre-booked journeys are generally charged at a lower fare than immediate hirings at present.

CHAPTER 16 – REFORM OF DRIVER, VEHICLE AND OPERATOR LICENSING

Question 45

Should national driver safety standards such as the requirement to be a “fit and proper person” be either:

(a) set out in primary legislation; or

(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 203)

BDC Response – It would seem appropriate to include basic “fit and proper person” requirements in primary legislation which would then be further added to by more specific requirements within secondary legislation.

Provisional proposal 46

Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. (Page 204)

BDC Response – We would agree with this proposal.

Question 47

Should national vehicle safety standards be either:

(a) set out in primary legislation; or

(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 205)

BDC Response – We would support general requirements within primary legislation which could then be added to by more specific requirements within secondary legislation.

Provisional proposal 48

Operator licensing should be retained as mandatory in respect of private hire vehicles. (Page 207)

BDC Response – In the case of a two-tier system we would agree with this proposal.

Question 49
Should operator licensing be extended to cover taxi radio circuits and if so on what basis? (Page 208)

**BDC Response** – We would support the keeping of records by all drivers/operators of vehicles to ensure transparency and increased accountability for both drivers and passengers. In the case of private hire the operator would be responsible for holding the records. In the case of a taxi where it is not linked to an operator, the driver should be responsible for retaining such records.

Provisional proposal 50

The definition of operators should not be extended in order to include intermediaries. (Page 209)

**BDC Response** – We would support this proposal.

**Question 51**

Should “fit and proper” criteria in respect of operators be retained? (Page 210)

**BDC Response** – Operators are in a position whereby they have access to reasonably personal information, i.e. they hold comprehensive contact details for numerous individuals and also have information about when a household might be away on holiday and their property therefore empty. This information in the wrong hands could lead to the property being targeted by criminals. We would therefore support a “fit and proper” criteria which Operators would have to meet in order to be licensed.

Provisional proposal 52

Operators should be expressly permitted to sub-contract services. (Page 210)

**BDC Response** – This would allow for greater flexibility for Operators. Should new legislation no longer require all three licences to be issued by the same Authority this would seem a sensible approach. There would still need to be accountability, however, in terms of who took responsibility for the job.

**Question 53**

Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? (Page 210)

**BDC Response** – We would support record-keeping by all drivers and operators – see response to question 49.

**CHAPTER 17 – REFORMING QUANTITY CONTROLS**

Provisional proposal 54

Licensing authorities should no longer have the power to restrict taxi numbers. (Page 213)
**BDC Response** – Broadland does not currently have any hackney carriages licensed. This is mainly due to the fact that we are a reasonably rural district on the edge of a large city with just three small market towns. We have therefore not had the need to restrict numbers.

**Question 55**

What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? *(Page 213)*

**BDC Response** – We do not foresee any particular problems for the Broadland Council area.

**Question 56**

Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period of time, if quantity restrictions are removed? *(Page 215)*

**BDC Response** – No further comments.

**CHAPTER 18 – TAXI AND PRIVATE HIRE REFORM AND EQUALITY**

**Question 57**

Should there be a separate licence category for wheelchair accessible vehicles? This could involve:

(1) a duty on the licensee to give priority to disabled passengers; and

(2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles. *(Page 217)*

**BDC Response** – It may be appropriate that where there is a one tier system, there could be incentives in place for vehicles that wish to be able to use taxi ranks. One of these could be that where a vehicle is wheelchair accessible it has an automatic entitlement to make use of ranks.

There may not necessarily be a need for a separate category of licence for WAVs. However, we would support the requirement for WAVs to pick up passengers wherever it is reasonable to do so. In this case it would seem sensible that where ranks are provided, there is adequate provision for WAVs.

**Question 58**

Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards? *(Page 217)*
BDC Response – There would need to be a means of encouraging drivers/operators to licence WAVs. There is already a potential incentive whereby owners/drivers of such vehicles are able to fulfil contracts/bookings which are otherwise inappropriate for non-WAVs. There is therefore the potential in some circumstances for them to be more lucrative. However, a lower licence fee may further encourage the provision of such vehicles. This would also need to be considered in light of the fact that at present, application fees should be set on a cost recovery basis. This currently allows for little flexibility in terms of the setting of fees.

Question 59

Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? (Page 217)

BDC Response – Nothing further to add.

Provisional proposal 60

We do not propose to introduce national quotas of wheelchair accessible vehicles. (Page 218)

BDC Response – We would agree with this proposal, providing that the availability of such vehicles did not suffer as a result. There would need to be adequate provision of suitable vehicles for those requiring a WAV.

Provisional proposal 61

National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. (Page 219)

BDC Response – Mandatory training in this area would be welcomed. Drivers would then be better prepared should they carry out a booking for a person with a disability.

Provisional proposal 62

In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. (Page 219)

BDC Response – We would welcome this proposal. All proprietors of vehicles in Broadland are currently required to display a front windscreen mini plate in the vehicle. The reverse of this, which can be seen by the passenger, includes details of how to complain to the licensing authority.

Question 63

What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help? (Page 220)
BDC Response – Such an obligation would more than likely assist the situation. However, this would need to be carefully worded for the purposes of enforcement as it could potentially be relatively easy for a driver to argue that in many different scenarios it was not reasonable or safe for them to stop.

CHAPTER 19 – REFORMING ENFORCEMENT

Question 64

Should authorised licensing officers have the power to stop licensed vehicles?  

(Page 222)

BDC Response – This power would assist licensing officers considerably. At present, we are required to request assistance from the Police in order to stop vehicles. This is very limiting. A power to stop licensed vehicles would allow us to carry out our own more effective enforcement without having to rely so heavily on the Police.

It would also be helpful for licensing officers to have access to DVLA records and insurance details, particularly if vehicles could work anywhere in the country. This would assist officers in enforcing against and tracing vehicles which may be of concern.

Question 65

What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”.  

(Page 223)

BDC Response – No further comments.

Question 66

Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules?  

(Page 223)

BDC Response – As a relatively small rural local authority it seems unlikely that we would use such a power on a regular basis. On a practical level, it would need to be determined whether local authorities would need to provide their own storage facilities for such vehicles as this could prove costly.

Question 67

Should licensing authorities make greater use of fixed penalty schemes and if so how?  

(Page 225)

BDC Response – Fixed Penalty Notices may well assist licensing officers in terms of enforcement. A relatively immediate financial penalty may be sufficient encouragement for drivers/operators to comply with the legislation and/or licence conditions. At present taking a driver to Committee or Court for a breach is time-consuming and expensive. Fixed Penalty Notices for relatively minor breaches could be an effective additional tool. It would be particularly beneficial if these Notices could be issued by licensing officers rather than having to refer matters to the Police.
Provisional proposal 68

Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. (Page 225)

**BDC Response** – If licensed drivers and vehicles will be permitted to work for operators licensed by other local authorities, it could be beneficial for licensing authorities to be able to enforce against offences which take place in their area, regardless of where the driver or vehicle is licensed. This would enable licensing authorities to take direct action.

Question 69

Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? (Page 226)

**BDC Response** – Where the operation of licensed vehicles and drivers becomes less localised, it would seem to make sense that authorities could take action in respect of drivers and vehicles that were operating in their area. Suspensions and revocations are severe sanctions but it may be appropriate that these options are open to the relevant enforcing authority. In this situation, liaison with the issuing authority could take place to ensure the enforcing authority had all the necessary background information that they need. The issuing authority could then also be a respondent to any enforcement action to ensure that any information and advice that they had on file were taken into account. Alternatively, the originating (issuing) authority and the enforcing authority could both be empowered to take enforcement action, as appropriate. It is understood that this approach is already utilised under Food Safety legislation.

However, an additional consideration is the funding of such enforcement action. It could be that the licence holders in one local authority area foot the bill for enforcement action taken in their area but against vehicles and drivers licensed elsewhere. Some areas may find that they take a disproportionate amount of enforcement action compared to other authorities. This could simply be because they are a city centre which generally attracts more trade than a more rural area. Consideration would need to be given to how this would work in practice to ensure that some licence holders were not disproportionately penalised.

Of the three options suggested we would support the proposal for formal procedures for cross-border cooperation. This allows the authority in whose area the offence took place to have an involvement in the enforcement action without there being a significant strain on their resources. The responsibility for enforcement could then lie with the issuing authority.

**CHAPTER 20 – REFORM OF HEARINGS AND APPEALS**

Provisional proposal 70

The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. (Page 230)

**BDC Response** – We would agree with this proposal.
Provisional proposal 71

The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. (Page 231)

**BDC Response** – This may be a beneficial approach in some respects as it would allow applicants, etc an inexpensive route to appeal a decision of the Council. However, it does have the potential to considerably increase the workload for local authorities. Where an appeal is offered as a “free” option drivers/applicants may be more inclined to submit an appeal than they might do at present with the associated costs of appealing to the magistrates’ court. There could also be added implications whereby a Committee makes a decision to suspend or revoke a licence and the driver then appeals the decision in order to delay it taking effect. It may be in their interests to delay a suspension period, for example, to allow for it to coincide with a pre-planned period of leave. We have had experience of similar actions in the past. This could potentially be an unnecessary drain on resources.

From experience in respect of our Committee, in the case of a suspension or revocation, the decision is only taken following very careful consideration of the evidence, following advice from legal officers, and it seems unlikely that the Committee would come to a different decision on appeal, regardless of the matter being considered by another set of Councillors. The three Councillors present at a hearing are ultimately making a decision which is representative of the Committee as a whole. Decisions of the Committee are not taken lightly.

Provisional proposal 72

Appeals should continue to be heard in the magistrates’ court. (Page 232)

**BDC Response** – We would agree with this proposal.

Question 73

Should there be an onward right of appeal to the Crown Court? (Page 233)

**BDC Response** – We would agree that there should be onward right of appeal to the Crown Court to ensure that any appeals were given a full and fair hearing.
From: ALAN GIBSON
Sent: 29 August 2012 19:25
To: TPH
Subject: Vintage Wedding hire cars

To who it may concern

NO to regulations that will end an industry.

Regulations where regulation is required, but not at the expense of an industry. Many vintage wedding car hire firms will cease to exist if these plans go ahead. CRB checks for the drivers but nothing else.
Alan Gibson
part time driver

This email was received from the INTERNET and scanned by the Government Secure Intranet anti-virus service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisation’s IT Helpdesk. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.
From: Derek Harland
Sent: 29 August 2012 19:40
To: TPH
Subject: wedding car legislation

If this legislation is passed it will mean the lost of a lot of jobs as we run 10 cars the cost alone would put us out of business

D.Harland

Elegant car hire

This email was received from the INTERNET and scanned by the Government Secure Intranet anti-virus service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisation’s IT Helpdesk. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.
The following items require national government decision:

1.2.3.5.6.7.8.10.11.13.15.16.17.18.19.20.21.22.23.24.26.27.31.32.39.46.48.50.52.54 .60.61.62.68.72.

**Question 4:** Would there be (and if so, what) advantages to restricting licensing to motor vehicles that require a licence?

Presently the law allows for Pedi cabs (pedal powered vehicles as taxis), and horse drawn taxis. Not a problem here as we don’t register any but changes in technology may affect us in future.

**Question 9:** How, if at all, should the regulation of taxis and private hire deal with?

(a) carpooling; and
(b) members clubs?

Various schemes for carpooling allowing spare seats to be advertised for particular journeys to save commuters money. Members clubs are similar for women only or disabled groups to share transport and costs however some have run at a profit, bringing them in-line with private hire law. In this area is not a major problem at present as it is mostly large urban conurbations that use such schemes.

**Question 12:** Would there be merits in reintroducing the contract exemption by means of the Secretary of State and Welsh ministers’ exercise of power to set national standards. If so what modifications could be made to help avoid abuse?

Complex piece of legislation but basically allowed private ambulances or charity groups to operate what was tantamount to Private Hire operations at a profit, but paying much less insurance and requiring no legislation. It has put off some public minded people owing to the high cost of registration but brings into line unscrupulous operators. At present keeping the new legislation seems advisable. We do have a couple of operators in this area who presently come under this legislation.

**Question 14:** Relates to Airports and shuttle services. As we have no airport on this area, it does not affect us.

**Proposal 25:** Deals with restricting knowledge test to Hackney Carriages only. Presently the test covers two areas, as it checks minimum standards of English language and local knowledge. Satellite Navigation technology removes the need for some of this but is no substitute for a driver knowing the area. It would reduce standards if this were removed. Presently we issue a joint licence for both types of vehicle and this would mean we have to split licences adding to workload.

**Question 28:** Should local standard setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable?
This primarily deals with identification of private hire vehicles and unlicensed vehicles. Not normally a problem in this area but local standards would be an advantage to identify our own operators.

**Question 29:** What practical obstacles might there be to setting national safety standards for both taxi and private hire vehicles?

Motor vehicle construction and use regulations currently set standards for all vehicles on the road with annual MOT tests and safety requirements. Setting minimum standards for different types of vehicles used by the trade would bring a host of problems in regulation. This would be a national decision but could impact on the types of vehicles we currently allow.

**Question 30:** Should national conditions in respect of driver safety be different for taxi services compared with private hire services?

Private hire vehicles being booked have some sort of identification process for the booking. Hackney carriages can be hailed by anyone and recent attacks on drivers have increased. London cabs have a screen between driver and passenger and some have CCTV. Presently this is down to local authorities to decide upon and there is a cost implication. It usually takes an attack before any LA will consider any changes. At present we have only had one attack in recent years on a driver locally and changes would probably not affect driver safety here.

**Question 33:** Relates to national safety standards for drivers such as use of driver shields, CCTV, tracking systems. The setting of standards is deemed by the Law Commission to be an inappropriate forum to discuss these matters and should be an open discussion. They propose, “appropriate safety standards” to be decided elsewhere.

**Proposal 34:** Licensing Authorities should retain the power to set standards locally for taxis provided above the minimum national standards. This relates to matters such as minimum turning circle as used in London. Not a question but some matters should be decided locally rather than nationally.

**Question 35:** Should there be statutory limits to licensing authorities ability to set local taxi standards?

Conditions such as taxi colours for identity, and signage are decided locally at present. National limits would severely restrict local autonomy.

**Question 36:** Should licensing authorities retain the power to impose individual conditions on drivers or operators?

Presently we can impose conditions to keep some element of control and allow certain flexibility. National standards would restrict this. (See introduction).

**Question 37:** Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements?
An open discussion question dealing with aspects such as provision of taxi ranks where county council overrides decisions. This has happened across the country and the question just explores ways of facilitating arrangements where they make sense locally.

**Proposal 38:** Neighbouring authorities should have the option of combining areas for the purposes of taxi standard setting. This is a topic for discussion under the Localism Act 2011 and Economic Development and Construction Act 2009, allowing integrated transport and better cohesion with other Local Authorities.

**Question 40.** Would it be useful for licensing authorities to have the power to issue peak time licences which may be only used at certain times of the day as prescribed by the licensing authority?

Quite simply, in this area, no. Part-time drivers who work only at weekends still have the same badge and it would create elitism with many drivers only wishing to work at the best hours for earnings.

**Proposal 41:** Deals with private hire operators accepting bookings outside the area. National policy but with local implications as enforcement would become impossible.

**Proposal 42:** As Proposal 41

**Proposal 43:** As Proposal 41

**Question 44:** Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys?

Currently journeys inside an area have to be at or below the metered fare for pre-booked journeys. Charging for airport journeys or longer runs are often pre-booked but if a hackney carriage charged more than on the meter, presently they commit an offence. Not normally a problem in this area but could become one if legislation changed allowing this.

**Question 45:** Should national driver safety standards such as the requirement to be a “fit and proper person” be either:

A. Set out in primary legislation; or
B. included in the powers of the Secretary of State’s general powers to set national safety conditions?

There is no definition as to what a “fit and proper person” is, in legislation so some statutory guidelines would be appreciated. The power in primary legislation would be advantageous rather than in the Secretary of States decision-making. At present Convictions, or Police intelligence can affect such a matter but only in London is a person’s financial situation considered the “fit and proper person” test.

**Question 47:** As question 45 but in relation to vehicle safety.
This would require the intervention of a technical panel to advise on matters. Any decision on this would take time. Not answerable at this stage.

**Question 49:** Should operator licensing be extended to cover taxi radio circuits and if so, on what basis?

Technology is changing and few operators use radios now, especially in this area. It would mean some training and extra kit if this was adopted. Presently dealt with by BT.

**Question 51:** Should “fit and proper” criteria in respect of operators be retained?

Yes, on the basis it keeps out organised crime and keeps out rogue elements. Ensures passenger safety is foremost.

**Question 53:** Where a taxi driver takes a pre-booking directly, should record keeping requirements apply?

Yes.

**Question 55:** What problems might arise if licensing authorities lost the ability to restrict numbers?

Not a problem in this area as we de-regulated.

**Question 56:** Does not apply as we have de-regulated taxi numbers.

**Question 57:** Should there be a separate licence category for wheelchair accessible vehicles?

There is a suggestion to offer lower licence fees for such a licence along with special ranks for wheelchair users. Getting more ranks is a problem anyway. Mostly wheelchair users will book a vehicle before a journey rather than use a rank, which is rare.

**Question 58:** Should licensing authorities offer lower licence fees for vehicles that meet certain accessibility standards?

This would encourage more users to purchase wheelchair accessible vehicles. Open consultation question. At present we have a mixed fleet meeting the needs of the community.

**Question 59:** Do you have any other suggestions for increasing the availability of accessible vehicles and catering for the needs of disabled passengers?

Open consultation question: Answer as above. (Q 58)

**Question 63:** Concerns taxis being hailed by wheelchair users. Not such a problem in this area, but more a bigger city concern. As previously stated.

**Question 64:** Should licensing officers have the power to stop licensed vehicles?
Not practicable. It would require uniform or lights fitting to a private car.

**Question 65:** *What could be done to address touting?*

Current legislation is weak but more a problem for larger cities or at main airports. Not a problem in this area.

**Question 66:** *Would it be desirable and practicable to introduce powers to impound vehicles?*

Not practicable, who would move the car and who would pay? Who would cover insurance for removal and storage? Where would it be stored and who would pay? How would it be released out of hours?

**Question 67:** *Should licensing authorities make greater use of fixed penalty schemes and if so how?*

Could be used for simple offences but not for major matters. Not really practicable here.

**Question 69:** *Should cross-border enforcement powers extend to suspensions and revocations of licenses?*

If so what would be the best way of achieving this? Comes with more problems than it answers and perhaps best to stay as we are.

**Proposal 70:** Involves statutory rights and challenges council decisions. Only where courts overrule council decisions. Not really a problem here.

**Proposal 71:** As 70 but requires challenges to be referred to councils to reconsider decisions before challenge in court.

**Question 73:** *Should there be an onward right of appeal to the Crown Court?*

Suggested that this is brought in, to allow better safeguards.
Dear Sirs,

Please note my objection to the proposal concerning 'bringing wedding cars within the private hire vehicle licensing regime'.

Shirley Parker
Bath Classic Cars
Dear Phil - Law Commission

I write indicating my opposition to a proposal by the Law Commission (paper 203) that Wedding and Funeral cars should be required to be classed as private hire vehicles - "Taxis".

Most cars provided for Weddings are owner operated Vintage/Classics and cover less than 3,000 miles per year. I take great pride in the quality of my 2 cars (as per the photo above) and the personal service offered to Brides and Grooms in my local area. We are far from a Taxi service and I resent being classed as such let alone the prohibitive costs incurred by the local authority licensing procedures.

An approx inspection regime for Taxis is every 10 weeks. All drivers will require medical and criminal checks plus the need to take additional driving assessments. The cost for a single driver/car would be approx £700 with additional cars £250 and £300 per addtional driver. These costs alone would cause many to cease offering a service. Income is often just enough to pay for the upkeep of fine vehicles.
I have built my cars for the pleasure of driving and to subsidise a pension. Currently they are worth around £20,000 each. It has been my intention to sell them when my age dictates, to provide a reasonable lump sum. The devaluation if they were no longer useful as "Wedding Cars" would be substantial.

I have learnt that some authorities will not licence vehicles over 5 years old. This would mean that most current cars used for weddings would no longer be legal. Just imagine those wonderful sights of summer weddings highlighted by a beautiful car at the Church and around our local roads being no more. I feel very sad at seeing the demise of a "hobby/business" that I love so much and have taken years to perfect in retirement.

I trust actions will to help save rather than ruin a well loved "British" tradition.

Yours sincerley

John Binns
I object to a change in law as a classic car owner, as providing the car for an occasional function a change in law would mean this would cease increasing the further cost of showing the car at shows etc.

Car shows and car meetings show a part of transport history that would otherwise not be seen. Regards J Harding
I urge the Minister to implement Section 165 of the Equality Act 2010, concerning payment by Disabled people when hiring Taxis cabs/Private hire vehicles. They should not be disadvantaged because they are in a wheelchair.

Please let me know the outcome of the Law Commissions review concerning this area.

Thank you

Patricia Bell (Trisha)
CHAPTER 13 - OVERVIEW OF PROVISIONAL REFORM PROPOSALS

Provisional proposal 1

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares.

Reply: “Yes regulation should continue to distinguish between Taxis and Private Hire, no need for any changes”.

CHAPTER 14 – REFORM OF DEFINITIONS AND SCOPE

Provisional proposal 2

London should be included, with appropriate modifications, within the scope of reform.

Reply: “Yes, London should be included if we are to reform legislation then it should be the same Country wide”

Provisional proposal 3

The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver.

Reply: “This would be a major change for all Local Authorities; it would mean the licensing of Wedding and Funeral vehicles and other such vehicles that carry 8 or less passengers for reward. Wedding & Funeral vehicles are currently exempt from the licensing regime and should remain so.”

Question 4

Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence?

Reply: “The simple answer to this question is NO, if we adopted such a procedure this would mean that horse drawn carriages and rickshaw type carriages would remain outside Licensing. These types of vehicles are becoming very popular in tourist locations around the Country and should be within the licensing regime in order to enforce and regulate them.”
Provisional proposal 5

Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers.

Reply: “Yes, public service vehicles have their own regulations and conditions and should remain outside Local Authority licensing. Local Authority should continue to licence vehicles adapted for eight or fewer passengers for hire or reward”

Provisional proposal 6

References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis.

Reply: “In theory this is a good idea and there is already some “Taxi Buses”, charging fares at separate rates. In practise, the customer does hire the whole of his taxi for his sole use and therefore taxi separate fares should be excluded from the definition of taxis, as we do not see taxis running around as buses. The tariff rate for journeys is set by Local Authorities.

Provisional proposal 7

The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency.

Reply: “The current legislation is more than adequate, Local Authorities do licence these types of vehicles for up to 8 passengers. Vehicles carrying over 8 passengers need to remain with the traffic Commissioners who should review their guidance on the licensing of such vehicles to make them keep within the regulations”

Provisional proposal 8

The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service.

Reply: “Yes, genuine volunteers should be excluded unless it is in the course of a business of carrying passengers for hire or reward. However, use of the wording “in the course of a business of carrying passengers” would seem to exclude transport services such as courtesy cars/minibuses provided by pubs, clubs etc. which must be included in the Private Hire licensing regime”

Question 9

How, if at all, should the regulation of taxis and private hire deal with:

(a) carpooling; and

(b) members clubs?
Reply: “car pooling and “genuine” members clubs that aid communities without a view to profit should remain exempt from regulation of taxis and private hire”.

Provisional proposal 10

The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes.

Reply: “This would be welcomed by Local Authorities ONLY if the S.O.S. set minimum standards which would then allow Local Authorities to enhance any standards as appropriate”.

Provisional proposal 11

Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation.

Reply: “No weddings and funeral vehicles should remain exempt from Private Hire legislation. However, it is suggested that the exclusion of “wedding cars” should only apply to transport to the wedding service and then forward transport to reception, not post reception to airport etc. Funeral vehicle exclusions should be caveated with a requirement that the vehicle is black or grey only”.

Question 12

Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse?

Reply: “No there is no merit in the reintroduction of contract exemption. The contract exemption was always a loop hole within the legislation and was always open to abuse and difficult to enforce and led to various problems in proving offences. If you intend to offer a service of a car and driver you should be licensed, end of story”

Provisional proposal 13

Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”.

Reply: “We fully agree with this proposal which would mean that for example that any person offering a service on “private land” such as shopping centres come under the plying for hire regime and would make it easier for Local Authorities to take action. Careful consideration should be given to any wording used to ensure that it applies to any area to which the public have access, not merely “right of access”. “
Question 14

Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank?

Reply: “No, airports should provide adequate provisions for stands for both Taxis, Private Hire vehicles and Buses to provide a service for the public, including those who have pre-booked journeys with local to the PHV Operators” (Proposal 13 above also would cover this).

Provisional proposal 15

The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:

(a) references to ranking and hailing;
(b) a non-exhaustive list of factors indicating plying for hire; and
(c) appropriate accommodation of the legitimate activities of private hire vehicles.

Reply: “The current licensing regime covers plying for hire in a street adequately for taxis and Private hire , whom must be pre booked. We see no advantage in any changes to legislation “

Provisional proposal 16

The concepts of hailing and ranking should not cover technological means of engaging taxi services.

Reply: “We have to move with new technology such as internet and mobile phones and this should be covered in the concepts of hailing and ranking”

Question 17

Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”?

Reply: “We see no reason or advantage to adopt the Scottish version of “plying for hire”

Provisional proposal 18

The concept of compellability, which applies exclusively to taxis, should be retained.

Reply: “Yes, we would also suggest that the wording “cannot reasonably refuse to accept a fare” needs defining with list of reasons of for refusing fare”
Provisional proposal 19

Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked.

Reply: “yes, and perhaps consideration should be given to a requirement for Hackney Carriage drivers to keep written records of pre-bookings to an acceptable format. This would make it easier for officers to check records and the need for taxi proprietors to in fact keep records”.

Provisional proposal 20

Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved.

Reply: “This would cause many problems for Licensing Officers. There is need to keep the legislation that once a taxi/private hire vehicle it remains so and can only be driven by a licensed driver. The only practical solution envisaged would be a requirement that the vehicles plates are “temporarily surrendered” to the Licensing Authority during any leisure and/or non-professional use.”

Provisional proposal 21

The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements.

Reply: “Guidance is just that, guidance as to best practise, the same as with “best practice guidance”, now from D.O.T in relation to Taxis and Private hire”

Provisional proposal 22

Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned.

Reply: Yes this does make sense as most people refer to Taxis and not Hackney carriage

Question 23

Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion?

Reply: “If we are to keep the 2 tier system, then we need to keep the distinction between taxis and private hire. Therefore Private Hire vehicles should not be able to use the term taxi or cab”
CHAPTER 15 – A REFORMED REGULATORY FRAMEWORK

Provisional proposal 24

Taxi and private hire services should each be subject to national safety requirements.

Reply: “yes, but only a minimum national standard for both types of vehicles. Local Authorities would therefore be able to add their own additional standards to suit their need, from a pool of National “standard conditions””

Provisional proposal 25

National safety standards, as applied to taxi services, should only be minimum standards.

Reply: “Yes as answered in proposal 24”

Provisional proposal 26

National safety standards, as applied to private hire services, should be mandatory standards.

Reply: “No, national safety standards should be minimum for both Taxis and Private Hire vehicles as answered in proposal 24”

Provisional proposal 27

Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers.

Reply: “Private Hire drivers do need to know what is required of them and the difference between taxi and Private Hire. Topographical knowledge should be required for Private Hire drivers who drive vehicles fitted with a “taximeter”.”

Question 28

Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable?

Reply: “Yes local standards should be retained to identify such vehicles; this is very important where Authorities have mandatory colour schemes”

Question 29

What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles?

Reply: “None if the national safety standards are of a minimum requirement and take into account the variety of vehicles that may require licensing”
Question 30

Should national conditions in respect of driver safety be different for taxi services compared with private hire services?

Reply: “No, both are offering the same service to the public and national conditions should apply for both”

Provisional proposal 31

The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety.

Reply: “We would agree, safety is paramount to licensing”

Provisional proposal 32

The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement.

Reply: “Yes”

Question 33

What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel?

Reply: “A technical advisory panel on national safety standards would be advisable, to include Local Authority Licensing Officers and “members of the trade””.

Provisional proposal 34

Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards.

Reply: “Yes, the retention of a local policy on standards is essential to Local Authority licensing. If not then there is no need for local authority officers and the national standards could be administered by regional/national officers for example”

Question 35

Should there be statutory limits to licensing authorities’ ability to set local taxi standards?

Reply: “No, this should be up to the Licensing Authority to set their own local standards as required”

Question 36

Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operator?
Reply: “Yes, otherwise Local Authorities would not have any control of driver or operator.”

Question 37

Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements?

Reply: “To have statutory powers and duties is an excellent idea, the powers could be of similar standing to Police powers who operate nationwide. This would also enable licensing officers to assist and operate with other licensing officers outside their district and take action as appropriate. This would be especially important if national minimum standards are brought in”

Provisional proposal 38

Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting.

Reply: “We believe that this type option exists as we do take into consideration neighbouring Policies and Tariff’s for example. A lot Councils do “share” services and licensing is included within such shared service, but each area does in fact retain their own identity within taxi licensing and standards appropriate for their area”

Provisional proposal 39

Licensing authorities should have the option to create, or remove, taxi zones within their area.

Reply: “Yes, it should remain open for Licensing Authorities to decide the best transport needs for their area”

Question 40

Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority?

Reply: “NO, this would be an enforcement nightmare, and we can not see what benefit this would achieve. Licenses should continue to be issued as they are now which enables the applicant to operate at any time”

Provisional proposal 41

Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority.
Reply: “Private Hire Operators should be allowed to accept bookings from outside their area. (This in practise occurs now). Drivers and vehicles however should all remain licensed in the same area as the Operator, otherwise this would be extremely difficult to enforce and would be open to abuse by unlicensed drivers or suspended drivers from other areas for example. All 3 licenses Operator, Vehicle and Driver need to remain licensed by the same authority as is required now.”

Provisional proposal 42

We do not propose to introduce a “return to area” requirement in respect of out-of-area drop offs.

Reply: “We do not see any problem with this proposal, obviously taxis can only ply for hire in the area they are licensed”

Provisional proposal 43

Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares.

Reply: “The simply answer to this question with regard to taxi fares is YES, otherwise the public would charged whatever fare the driver thinks fit when they get into a taxi. However if the member asks the driver of a taxi or private hire vehicle how much to take them to a destination then, they are entering into a contract with the driver and can either accept the “contract fare “or not, as the regulations are at present “

Question 44

Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys?

Reply: This question has been answered in 43, the driver on a pre booked journey is entering into a contract with the passenger into how much the journey will costs, this is in practise is normally for journeys outside the licensing authority area for tariff settings”

CHAPTER 16 – REFORM OF DRIVER, VEHICLE AND OPERATOR LICENSING

Question 45

Should national driver safety standards such as the requirement to be a “fit and proper person” be either:

(a) set out in primary legislation; or

(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions?

Reply: “Yes, if there is going to national standards, and then the standard of fit and proper should included in the legislation and should be of a very high standard.”
Provisional proposal 46

Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself"

Reply: “Vehicle owners are not subject to fit and proper tests now and this should continue to do so. Operators and drivers are subject to the fit and proper test”

Question 47

Should national vehicle safety standards be either:

(a) set out in primary legislation; or

(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions?

Reply: “If national minimum vehicle safety standards are approved, then this should be included the Secretary of State general powers”.

Provisional proposal 48

Operator licensing should be retained as mandatory in respect of private hire vehicles.

Reply: Yes"

Question 49

Should operator licensing be extended to cover taxi radio circuits and if so on what basis?

Reply: “The answer to this question is an overwhelming YES, this would be covered if taxis were to require an operators licence once again”

Provisional proposal 50

The definition of operators should not be extended in order to include intermediaries.

Reply:” We agree, the use of technology should be encouraged and such internet call centres which can be anywhere in Country should not be required to have an operators licence for all the operators they taking calls/bookings for. Touting is a separate issue “.

Question 51

Should “fit and proper” criteria in respect of operators be retained?

Reply:”Yes, this is very important and needs to be retained. Without the fit and proper criteria there would be no control of operators, this could lead to such unscrupulous operators being involved in the Private Hire trade as a front for organised crime for example"
Provisional proposal 52

Operators should be expressly permitted to sub-contract services.

Reply: “Yes, providing that records are kept of the operator to whom it has been sub contracted to, the sub-contracting operator keeping driver & vehicle records of the referral and the customer also should required to be informed”

Question 53

Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply?

Reply: “Yes”

CHAPTER 17 – REFORMING QUANTITY CONTROLS

Provisional proposal 54

Licensing authorities should no longer have the power to restrict taxi numbers.

Reply: “The general consensus of opinion on this proposal is yes. The reasons for this is that where quantity restrictions apply there is an overwhelming increase in private hire vehicles being used as mini cabs, which increases enforcement and other problems for officers. Market forces will dictate numbers of taxis”

Question 55

What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers?

Reply: “Possible increase in provision of more taxi ranks, which in turn may cause a loss of parking revenue for local authorities. Also unless different standards are set for Taxis and Private Hire vehicles the there is potential for all vehicles to be licensed as taxis as there may be no requirement for an operators license”

Question 56

Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period of time, if quantity restrictions are removed?

Reply: “No, we do not see this as a problem, applicants do have to go through a” selection” into the trade with, medicals, crbs, knowledge tests etc.”

CHAPTER 18 – TAXI AND PRIVATE HIRE REFORM AND EQUALITY

Question 57

Should there be a separate licence category for wheelchair accessible vehicles? This could involve:

(1) a duty on the licensee to give priority to disabled passengers; and
(2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles.

Reply: “There is a need for all Local Authorities to ensure that all licensed drivers are made aware of the carriage of passengers with disabilities and the type of service they should be providing for such passengers. Some authorities already have this as a condition on the licensed driver’s licence. The lowering of kerbs at taxi ranks may be beneficial for wheelchair users as would the use of tactile surfaces for the visually impaired”

Question 58

Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards?

Reply: “There is a number of Local Authorities who do not have conditions that all taxis must be WAV, who already offer a reduction in the licensing fee in attempt to attract more applicants to have WAV vehicles. We recommend that this type reduction in the licence for WAV vehicles be continued rather than a condition that all taxis must be WAV vehicles”

Question 59

Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers?

Reply: “Another way to increase the WAV vehicles into the trade, would be a proposal that for example Licensing Authorities imposing a condition that all new taxi vehicle licenses will only be issued for WAV’s for a set period of time in order to increase the numbers”

Provisional proposal 60

We do not propose to introduce national quotas of wheelchair accessible vehicles.

Reply: “Agreed, the numbers can be addressed as mentioned in 58 and 59 above”

Provisional proposal 61

National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training.

Reply: “This very necessary and appropriate as part of national standards of training “

Provisional proposal 62

In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority.
Reply: “An overwhelming Yes. The vast majority of Authorities do as part of their conditions ensure that such information is displayed within taxis. This should form part of the national minimum standards for taxis”

Question 63

What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help?

Reply: “This should form part again of the national minimum standards for drivers; together with the appropriate legislation to take action against those who fail to comply together with clear guidance as to what would be valid reasons for refusing/ignoring disabled persons seeking to hail them”

CHAPTER 19 – REFORMING ENFORCEMENT

Question 64

Should authorised licensing officers have the power to stop licensed vehicles?

Reply: “Yes providing this is written clearly in the legislation and those who fail to stop commit an offence. Officer safety is the paramount and we would only envisage using such powers with the appropriate road stop signs such as a school crossing patrols for example. It should also be an offence to pull away when directed not to do so by an authorised officer.”

Question 65

What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”.

Reply: “Touting is an offence in the legislation; the Police do have powers of arrest for this offence. We feel there is very little else that can be done to address this problem, apart from giving Licensing Officers the power to demand name and addresses together with the power to issue fixed penalty notices for example”

Question 66

Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules?

Reply: “Yes this would be desirable to give officer the power to impound vehicles for road safety and breaches licensing rules. There would have to be national guidelines of reasons to impound vehicles, together with what costs can be charged for the removal of impounded vehicles. This would also require legislation to dispose of the vehicle if not claimed etc.”

Question 67

Should licensing authorities make greater use of fixed penalty schemes and if so how?
Reply: “At present there does not appear to be any schemes available for officers in licensing to issue fixed penalty notices. Such an introduction would be very welcomed. This would enable officers to take more action against offenders and would keep the costs down in trying to prosecute some the misdemeanours committed by drivers and operators. Some Authorities have introduced a penalty point scheme to address minor misdemeanours which is one way of addressing problems, but the power to issue fixed penalty notices would be more effective and could make offenders more compliant with the legislation”

Provisional proposal 68

Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas.

Reply: Yes such powers should written into the legislation. This would enable officers enforce national standards across local authority boundaries “

Question 69

Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this?

Reply: “Yes this is necessary if we are to set national minimum standards for drivers and vehicles. The power should however be limited to suspension only, it should be left up the Local Authority who issued the licence on whether they revoke the licence or not”

CHAPTER 20 – REFORM OF HEARINGS AND APPEALS

Provisional proposal 70

The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence.

Reply:” Yes this should be limited as proposed”

Provisional proposal 71

The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision.

Reply: “NO, this would make a mockery of Licensing Authority decision makers, whether it is an officer decision using their delegated powers or Licensing Committee. Once a decision has been made that is transparent and recorded in detail giving reason for decision, and then if the appellant is aggrieved then they can take to the next stage of the appeal to the Magistrates Court as is the procedure now”

Provisional proposal 72

Appeals should continue to be heard in the magistrates’ court.
Reply: “Yes, this is the correct stage for appeals against decisions made by Licensing Authorities. The magistrates are independent. Consideration should be given to a “fast-track” appeals process as currently if a decision to suspend/revoke a license is appealed, the license will continue to be in force. There have been instances of it taking over 12 months for an appeal to be heard which makes a mockery of the original decision as by the time the appeal is heard, there could be a defence that there have been no further issues regarding that license.

Question 73

Should there be an onward right of appeal to the Crown Court?

Reply: " All appeals and this includes appeals against decision not to issue a vehicle licence which currently must go direct to Crown Court, should in the first instance be dealt with at Magistrates Court. If the appellant and this includes Local Authorities feels aggrieved by the decision of the Magistrates Court decision or on a point of law, then they should have the right to appeal to Crown Court."

Clive Tizard
Licensing Officer
Gosport Borough Council
APPENDIX A
LIST OF PROVISIONAL PROPOSALS AND QUESTIONS

CHAPTER 13 - OVERVIEW OF PROVISIONAL REFORM PROPOSALS

Provisional proposal 1

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. (Page 160)

AGREED

CHAPTER 14 – REFORM OF DEFINITIONS AND SCOPE

Provisional proposal 2

London should be included, with appropriate modifications, within the scope of reform. (Page 162)

AGREED

Provisional proposal 3

The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. (Page 164)

AGREED

Question 4

Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? (Page 164)

NO OPINION ON THIS

Provisional proposal 5

Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. (Page 165)

AGREED

Provisional proposal 6

References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. (Page 166)

AGREED
Provisional proposal 7

The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. *(Page 167)*

*AGREED*

Provisional proposal 8

The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. *(Page 168)*

*AGREED*

Question 9

How, if at all, should the regulation of taxis and private hire deal with:

(a) carpooling; and  

(b) members clubs? *(Page 170)*

*NO OPINION ON THIS*

Provisional proposal 10

The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. *(Page 171)*

*AGREED*

Provisional proposal 11

Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. *(Page 172)*

*NO OPINION ON THIS*

Question 12

Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse? *(Page 174)*

*YES. Unsure.*
Provisional proposal 13

Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”. (Page 175)

AGREED

Question 14

Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? (Page 177)

There is a hackney carriage concession at Luton Airport. They pay the Airport a concession fee enabling them to rank as close to the Arrivals Hall as possible. Arriving passengers are directed – by way of signage and general travel experience of knowing that the taxis are usually just outside the terminal building at Airports - towards this rank to book their taxi.

My experience of foreign travel at Airports is similar to the one at Luton Airport. Passengers with no knowledge of the area or its various taxi/private hire companies feel they have no choice but to venture outside and put themselves at the mercy of the hackney drivers and their extortionate fares.

If other private hire companies were given the option of being able to make passengers aware of their services, with specific information such as fixed fares and the estimated pick up time eg 5 minutes, then the customer would feel they have the option to make an informed decision as to which service they choose use.

Many would not want the hassle of having to think and make a decision and just head outside to the rank. Others would prefer to choose.

Of course any loss of fares experienced by the hackneys would affect the figure they are willing to pay as a concession fee. The Airport could charge the private hire companies a fee to allow them the benefit of these strategically placed information boards to redress this.

Whether this is a suitable solution or not the fact remains that many Airport passengers feel they are victims of a cartel when requiring taxis at an Airport. Any ideas to address this would be a step in the right direction for consumers.

Provisional proposal 15

The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:

(a) references to ranking and hailing;

(b) a non-exhaustive list of factors indicating plying for hire; and

(c) appropriate accommodation of the legitimate activities of private hire vehicles. (Page 181)
Provisional proposal 16

The concepts of hailing and ranking should not cover technological means of engaging taxi services. (Page 181)

Provisional proposal 17

Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”? (Page 182)

YES

Provisional proposal 18

The concept of compellability, which applies exclusively to taxis, should be retained. (Page 182)

Provisional proposal 19

Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked. (Page 183)

Provisional proposal 20

Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved. (Page 184)

Provisional proposal 21

The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements. (Page 185)
Provisional proposal 22

Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned.  

AGREED

Question 23

Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion?  

YES YES YES. The present position is absolutely ludicrous. Everyone knows private hire vehicles as taxis. I completely agree that the ‘pre-booking’ is the difference that needs highlighting. If it was up to me I would call private hire cars ‘pre-booked taxis’ and hackneys ‘street taxis’. I would go further and say that hackneys should not be allowed to do any pre-booked work unless they work for a private hire operator.

CHAPTER 15 – A REFORMED REGULATORY FRAMEWORK

Provisional proposal 24

Taxi and private hire services should each be subject to national safety requirements.  

AGREED

Provisional proposal 25

National safety standards, as applied to taxi services, should only be minimum standards.  

AGREED

Provisional proposal 26

National safety standards, as applied to private hire services, should be mandatory standards.  

AGREED

Provisional proposal 27

Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers.  

VERY MUCH AGREED

Question 28
Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? (Page 190)

I think private hire vehicles should be allowed more options with regards to vehicle signage. Advertising our services to attract more customers is a crucial part of growing a private hire business. It is one of the only ways we can distinguish ourselves from our opposition, giving the customer a clear choice. At present we all look pretty much exactly the same, due to the restricted size of our door stickers. If we were able to re-spray our cars certain colour or have large stickers all over our cars our Company would be clearly recognisable to our customers. This is advantageous in terms of customer safety as having more signage will show a clear difference between legal private hire cars and illegal ones.

Question 29

What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? (Page 191)

We have a national standard for private cars (M.O.T.) Cannot see a huge problem with having a stricter national M.O.T. for taxis and private hire cars. More frequent testing of the more common safety faults such as tyres and brakes could be an idea.

Question 30

Should national conditions in respect of driver safety be different for taxi services compared with private hire services? (Page 192)

NO

Provisional proposal 31

The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety. (Page 192)

NO OPINION ON THIS

Provisional proposal 32

The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (Page 193)

NO OPINION ON THIS

Question 33

What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? (Page 193)
NO OPINION ON THIS

Provisional proposal 34

Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. (Page 193)

AGREED

Question 35

Should there be statutory limits to licensing authorities’ ability to set local taxi standards? (Page 194)

NO OPINION ON THIS

Question 36

Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? (Page 194)

YES

Question 37

Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? (Page 195)

STATUTORY

Provisional proposal 38

Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. (Page 196)

AGREED

Provisional proposal 39

Licensing authorities should have the option to create, or remove, taxi zones within their area. (Page 196)

AGREED

Question 40

Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? (Page 197)

Very useful. This would address one of the main arguments against de-regulation of hackney licence limits.

Provisional proposal 41
Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. (Page 198)

**ABSOLUTELY AGREED**

**Provisional proposal 42**

We do not propose to introduce a “return to area” requirement in respect of out-of-area drop offs. (Page 199)

**AGREED**

**Provisional proposal 43**

Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares. (Page 200)

**AGREED**

**Question 44**

Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? (Page 200)

**YES**

**CHAPTER 16 – REFORM OF DRIVER, VEHICLE AND OPERATOR LICENSING**

**Question 45**

Should national driver safety standards such as the requirement to be a “fit and proper person” be either:

- (a) set out in primary legislation; or
- (b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 203)

**NO OPINION ON THIS**

**Provisional proposal 46**

Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. (Page 204)

*Would this allow the more criminal elements of society into our trade via the back door?*

**Question 47**
Should national vehicle safety standards be either:

(a) set out in primary legislation; or

(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 205)

NO OPINION ON THIS

Provisional proposal 48

Operator licensing should be retained as mandatory in respect of private hire vehicles. (Page 207)

VERY MUCH AGREED

Question 49

Should operator licensing be extended to cover taxi radio circuits and if so on what basis? (Page 208)

YES. It is very unsafe for hackney carriage passengers to have no way of pursuing complaints about particular drivers. All hackney drivers should be required to keep records of all fares - pre-booked and rank – to ensure the safety of the public and accountability of those drivers.

Provisional proposal 50

The definition of operators should not be extended in order to include intermediaries. (Page 209)

If the intermediary is generally in the business of the private hire/hackney carriage trade then they should require an operator’s licence.

Question 51

Should “fit and proper” criteria in respect of operators be retained? (Page 210)

YES

Provisional proposal 52

Operators should be expressly permitted to sub-contract services. (Page 210)

AGREEED

Question 53

Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? (Page 210)

Definitely. For customer safety and accountability purposes.
CHAPTER 17 – REFORMING QUANTITY CONTROLS
Provisional proposal 54

Licensing authorities should no longer have the power to restrict taxi numbers. (Page 213)

**VERY MUCH AGREED!**

**Question 55**

What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? (Page 213)

*Whatever problems arise will be outweighed by the benefits.*

**Question 56**

Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period of time, if quantity restrictions are removed? (Page 215)

If the period is no more than 12 months.

CHAPTER 18 – TAXI AND PRIVATE HIRE REFORM AND EQUALITY

**Question 57**

Should there be a separate licence category for wheelchair accessible vehicles? This could involve:

1. a duty on the licensee to give priority to disabled passengers; and
2. a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles. (Page 217)

**YES**

**Question 58**

Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards? (Page 217)

**YES**

**Question 59**

Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? (Page 217)

**NO**

**Provisional proposal 60**

We do not propose to introduce national quotas of wheelchair accessible vehicles. (Page 218)
AGREED

Provisional proposal 61

National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. (Page 219)

AGREED

Provisional proposal 62

In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. (Page 219)

AGREED

Question 63

What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help? (Page 220)

POSSIBLY

CHAPTER 19 – REFORMING ENFORCEMENT

Question 64

Should authorised licensing officers have the power to stop licensed vehicles? (Page 222)

YES

Question 65

What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”. (Page 223)

Tougher custodial sentencing for drivers who commit this crime.

Question 66

Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? (Page 223)

YES

Question 67

Should licensing authorities make greater use of fixed penalty schemes and if so how? (Page 225)

YES. Regular enforcement operations.
Provisional proposal 68

Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. (Page 225)

AGREED

Question 69

Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? (Page 226)

YES.

If an offence is committed in an out of area borough it should be the duty of the Council where the offence is committed to pursue prosecution. All licensing details of the driver in question should be forwarded to that Borough. The Council should not have to go out of its way to prosecute the driver. The driver should have to report to the Council where the offence was committed, however inconvenient this is for him/her. Once a driver chooses to commit an offence he should have the full weight of the law thrown at him to deter others.

CHAPTER 20 – REFORM OF HEARINGS AND APPEALS

Provisional proposal 70

The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. (Page 230)

AGREED

Provisional proposal 71

The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. (Page 231)

AGREED

Provisional proposal 72

Appeals should continue to be heard in the magistrates’ court. (Page 232)

AGREED

Question 73

Should there be an onward right of appeal to the Crown Court? (Page 233)

NO
Dear Sirs, further to your recent decision to change Wedding Cars to the same legislation rules as TAXIS I wish to strongly object to your proposed changes as it would be the cause of me and my wife & family having to close our small family-run business as the Cost of your proposals would be Horrendus. Trusting you will take note of our disagreement?

Yours sincerely
Jim & Angela Farrell

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From: derek.king
Sent: 30 August 2012 12:35
To: TPH
Subject: Vintage wedding car legislation.

Dear sir/ madam,

I feel that I must correspond to strongly object in support of my son about the proposed legislation regarding the licensing of vintage wedding cars. My son runs a small business which includes three such cars. This legislation will definitely be the death knoll for him (and many other businesses like his) if it ever comes to fruition. None of the cars would stand a chance of passing a local authority test that is designed for cars up to five years old. The cars in question are all well maintained as good as they were fifty years ago but would fail on emissions alone apart from anything else that present day testing requirements necessitate, also bearing in mind that the present MOT test is to be made obsolete for pre 1960 cars.

Wedding car usage is seasonal with most cars not even covering 1000 miles per annum unlike private hire which run 24/7 when necessary covering tens of thousands of miles per year.

At present day rates the cost of maintaining a vintage car far outstrips that of maintaining a present day car. Together with all the other proposed changes regarding drivers etc will not only deny future brides the use of a traditional vintage classic but will also throw many businesses and jobs alike on to the scrap heap.

Many thanks for your time, hoping my concerns are heard.

Kind regards
Derek King

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From: Simon Booth
Sent: 30 August 2012 13:57
To: TPH
Subject: Feedback to change in taxi law

Mr Simon Booth
Brockenhurst Taxis

How interesting that the laws governing taxi and PH are being inspected with a view to review. I am a small taxi company owner in The New Forest and in the last year have seen a steep decline in the quality of drivers acquiring badges. An industry that I have a passion for is being ruined by these idiots who quite literally do not have a clue. They cannot speak fluent English, overcharge and rely heavily on sat nav to get themselves from A-B. I am in disgust at our local licensing body for allowing what once was a vibrant and pleasant industry to be spoilt by completely unsuitable drivers who have frightened away some customers. It may not be so bad if the council actually listened to us and acted upon complaints.

Anyway I will list in the form of bullet points the changes that I think need to be made and will await with eagerness any response or feedback if you feel it necessary. When I say 'taxi drivers I include PH too.

- Scrap taxi and private hire as separate entities and combine the two into one. We do the same job as each other after all.
- Have one official body issuing licenses and plates instead of local councils to ensure that the industry becomes uniform with no regional variations implemented by local council licensing depts.
- All prospective drivers should obtain the NVQ or equivalent qualification before being granted licenses/badges etc. I think this is essential as I gained so much important knowledge upon completion of the course.
- Any taxi who uses a railway station taxi rank should be paid by the rail company for providing a service to its customers. At present we pay them ridiculous prices for the convenience of providing them a service. I feel that this is the wrong way around.
- Any prospective driver should undertake a driving assessment prior to obtaining a badge. At present there is no law governing this and from NFDC point of view, anyone who produces a full uk license and a fee can have a badge without demonstrating to an official that they are a competent driver. This is ludicrous as we are carrying the public. Bus and Coach drivers have to do another test and so should taxi drivers.
- The number of hours that a taxi driver can work needs to be limited. I know drivers who work in excess of 100 hours per week. One of them is like a zombie and has written off three vehicles. He is a very greedy selfish idiot who will end up hurting someone or worse one day. When I see children getting in his car I shudder at the thought of what will happen should he nod off at the wheel. So some kind of tacho maybe would be in order to prevent this from happening.

Anyway im sure i could think of more ideas however these are the ones that concern me primarily. Thank you for your time and the opportunity to voice my thoughts.

Simon Booth
Brockenhurst Taxis
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Response to Law Commissions Questions

Q 4 – Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence.

No, would now allow things like pedicabs, rickshaws who would licence them?

Q 12 – Would there be any merits in reintroducing the contract exemption

No, just provided loop holes before, not easy to enforce.

Q 14 – Is there a case for making special provisions at air ports?

Possibly, but no real argument for/against it. It could complicate matter airports being involved, vehicles being properly booked.

Q 17 - Would there be any advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”

No means the same, do not see any ways in which it could be beneficial

Q 23 – Should PH Vehicles be able to use to word “Taxi” when advertising in terms like “pre booked taxi”

Do not see why this should not be allowed, as long as Private Hire vehicles do not look like Taxis i.e. have roof signs etc. The public refer to Private Hire Vehicles as taxis anyway. It is up to the Local Authority to enforce issues and make sure Private Hire vehicles are not acting as Hackney Carriage Vehicles.

Q 28 – Should LA standard setting be retained for vehicle signage.

Yes – LA display council logo on plates etc, all council’s have different signs, plates etc. Drastic changes could confuse members of the public.

Q 30 – Should national conditions in respect of driver safety be different for PH drivers compared to HC drivers.

No, both face the same risks. Private hire know where they are being sent to, but it is not always an address, or even an address where they drop off could be collected from pub A to be dropped off at pub B.

Q 33 – Should statutory requirement to consult with a technical advisory panel in relation to determining national safety standards.

Yes
Q 35 – Should there be a limit on licensing authorities ability to set local standards.

No things change over periods of time.

Q 36 - Should LA retain to power to impose conditions on PH Operators and driver.

Yes as each LA area is different, with its own issues. Things change therefore from time to time conditions need to be amended.

Q 37 – Should the powers and duties of authorities to cooperate be on a statutory footing or is it best left to local arrangements.

Left to LA as different conditions etc.

Q 40 – Would it be useful for authorities to be able to issue peak time licences.

Not in smaller authorities, could maybe be beneficial in larger areas, could cause difficulties in enforcement. Customers set the markets.

Q 44 – Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys.

No it would be abused if allowed to deviate from metered fares.

Q 49 – Should operator licensing be extended to cover taxi radio circuits

Do not see the need as a third party could take a booking for HCV’s. May provide more information when investigating complaints.

Q 51 - Should fit and proper in respect of PH Operators be retained.

Yes as they are still required to be trusted people. They have high responsibilities ensuring vehicles and drivers working from their offices are licensed.

Q 53 – When a taxi driver takes a pre-booking, should record keeping apply?

Do not see any harm in booking records being kept. Helps officers when dealing with complaints on occasions.

Q 55 – What problems might there be if could not restrict the numbers.

Problems with over ranking, not enough rank spaces available in LA Area, Parking issues, congestion especially in town centres, but could be beneficial to the public more taxis = more competition.
Q 56 – Should transitional measures be put in place such as staggered entry to the taxi trade over a scheduled period of time.

Yes as some councils have had huge problems in the drastic increase of HCVL numbers.

Q 57 – Should there be a separate licence for wheelchair, could involve a duty to give priority to disabled customers

Defining disabled, would it be physically disabled not all disabilities can be seen. Could this cause problems for both the public and drivers.

Q 59 – Suggestions for increasing the availability of accessible vehicles.

Allowing all vehicles and not specifying a type as long as they can provide a vca or certificate of conformity

Q 64 - Should Licensing officers be able to stop vehicles.

How would we actually stop them, safety issues, do not feel the offences we enforce warrant the powers to stop vehicles. Joint enforcement with Police is the best way of doing this.

Q 65 – What more could be done to address touting.

Public awareness, education and enforcement

Q66 – Powers to impound vehicles.

Practicalities on where to store vehicles, who would drive them away, think this should be dealt with by the police.

Q 67 – Should fixed penalty notices be used more.

Yes for smoking offences, leaving HC Vehicles unattended at ranks etc

Q 69 – Should other authorities have the powers to suspend or revoke licences.

No intelligence should be shared. Could cause problems in information be passed from one LA to another, all would have to have a shared database with access to information, could be sometime before its updated etc.
From: Neil & Rosemary Marshall
Sent: 30 August 2012 14:56
To: TPH
Cc: 
Subject: Taxi and Private Hire Consultation

Dear Sir/Madam,

“Weddings and funeral cars would no longer be exempted under primary legislation”

I have been driving wedding cars on an occasional basis for some time, mostly for the pleasure of it. However, when I retire next year I anticipate driving wedding cars on a more frequent basis to supplement my pension.

The really difficult part of the proposed new regulations would relate to the drivers, myself included, who would normally be driving for weddings on just a small number of weekends in a year. They would have to be licenced which involves having to take the DSA (Driving Standards Agency) private hire/taxi driving tests, have a CRB report (Criminal Records Bureau), as well as a group 2 medical examination and probably take the “knowledge” test.

Most of the other drivers working for the same wedding car company as myself are already retired and also drive to supplement their pension. The pay can vary between £40 and £55 for the days work. If these regulations included wedding cars then at least the first 4 days work each year would be to pay for all the licencing fees as the company would not pay for them. It then becomes debatable as to whether it is worth driving the cars at all.

<table>
<thead>
<tr>
<th>Private hire licence</th>
<th>£100</th>
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<tbody>
<tr>
<td>DSA test</td>
<td>£96</td>
</tr>
<tr>
<td>CRB report</td>
<td>£44</td>
</tr>
<tr>
<td>Medical</td>
<td>£90   (Fees are set by the medical centre used and will vary)</td>
</tr>
</tbody>
</table>

Have there been any problems relating to wedding cars in the past? If not why the need for change?

The government will simply be denying some people, mostly elderly, of the opportunity to supplement their pensions. Yet again this government hits the pensioners!

I would estimate that well over fifty percent of wedding cars are supplied by small companies or individuals with just a few cars to whom the cost of licencing would be prohibitive. Each individual car would need to pass a local authority test. The vehicle owners/companies who operate the business would need a private hire operator’s licence. If we don’t object to wedding cars becoming private hire cars we may well find in a few years time there are virtually no classic or vintage cars to choose from and any left will be very expensive indeed.

Yours faithfully

Neil Marshall (Mr.)
Dear Law Commission,

I represent TAXI(hackney carriage) proprietors and drivers who are licensed under the Town and Police Clauses Act 1847, to ply their trade within the boundaries of North Tyneside Council licensing authority.

The members of our Association cannot understand why the LAW, they and their predecessors have operated under for over 150 years without any problem requires to be changed at the whim of certain private hire operators, claiming an Act of Parliament that has nothing to do with their license is restricting their trade.

The solution to what is not a problem to the TAXI(hackney carriage) trade but is a one to the private hire trade created by the greed of themselves along with the assistance of certain persons is remove all references to TAXIS from the 1976 Misceallaneous Act and make it totally a PRIVATE HIRE legislative document. A private hire operator is licensed to take bookings for a private hire vehicle only and must supply a private hire vehicle and driver licensed by the same Authority as himself, to use a TAXI(hackney carriage) he has sub contracted the booking to the TAXI driver thus he has not fulfilled the booking obligation to supply a private hire vehicle.

We the TAXIS are licensed to ply for hire on the highways, TAXI ranks or be hailed on the streets within the boundaries of the licensing district of North Tyneside Council, members of the public have no difficulty in obtaining the services of our TAXIS, a person may book our TAXIS to be at a place at a certain time by any means they wish through the driver or proprietor whom are mostly in the main SELF EMPLOYED persons who treat this industry as a vocation and not a stop gap between employment like the private hire. As TAXIS licensed by North Tyneside Council we are able to take a fare outside the Borough boundaries if we so wish also whilst standing or plying for hire within the licensing district we can take a booking or accept a hiring which begins outside our licensing district, we do not nor have we ever believed that we can accept a hiring whilst in another licensing district by what evermeans availble, this is plying for hire outside your licensing authority distrist.
The Local Authority must retain the ability to limit numbers of TAXI (hackney carriage) licenses it issues as it is best aware of local circumstances and needs for the licensing district, the licensing Authority is aware of the needs to provide TAXI ranks in well lit, easy accessible places on the highway frequented by the public at large and as parking space on the highway is of a premium, TAXI ranks are very sparse in numbers and it is not economically viable to constantly drive around looking for a fare therefor the right to limit Taxi licenses must remain with the Council.

A separate licensing regime for private hire must be retained and all vehicles used for transporting the public who have made a booking except with a TAXI proprietor/driver should be licensed and controlled by the said regime.

The following are sections of the 1847 Act where it is obvious the Road Traffic Acts of today have been based upon,

Section 37. Vehicle must be licensed.
Section 38. Vehicle has to display registration plate
Section 39. License fee to be paid.
Section 40. Keeper must be registered.
Section 41. Details of what to be included on a license.
Section 42. Licenses to be registered.
Section 43. License to be in force for one year only.
Section 44. Must notify change of abode.
Section 45. Offence for using unlicensed vehicle.
Section 46. Driving license required to be a driver.
Section 47. Offence committed for acting without driving license.
Section 50. Driver license revoked, suspended (banned)
Section 60. Allowing someone to drive without consent of proprietor (TWOC offence)
Section 61. Drink driving, speeding, dangerous driving, driving without due care and attention ect.
Section 62. Parking offence.
Section 63. Insurance.

The so called problems have been manufactured by certain persons who do not want to abide by the rules but want to dictate and control without accepting responsibility for their actions.

Two prominent LAW LORDS made the following statements which neither
some enforcement Officers or private hire operators follow,

  London & Clydesdale Estates v Aberdeen District Council
1980 [WLR182]

Lord Hailsham stated"When Parliament lays down a statutory requirement for the exercise of legal authority, it expects it to be obeyed down to the minutest detail."

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  Birkdale District Electric Supply Company Ltd. v Southport
Corporation(1926)[AC355]

Lord Birkenhead stated"A well established principle of law that if a person or public body is entrusted by the legislature with certain and duties expressly or impliedly for public purposes, these persons or bodies cannot divest themselves of these powers or duties, they cannot enter into any contract or take any action incompatible with the due exercise of their powers or the discharge of their duties."

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If persons had followed the advice contained in these two statements from the LAW LORDS the scenario that some persons see as a major problem would never have arisen, unlike the majority of TAXI proprietors/drivers those persons will always flout the law claiming it is not fit for purpose.

Members of our Association are of the view that the best way forward is to retain the 1847 Act in its entirety allowing Councils to limit numbers and have a separate act licensing private hire operations.

We believe what the Law Commission has proposed will hasten the demise of the TAXI as it becomes an uneconomical way of operation, the result would be that the public has a very poor service if any at all and TAXI proprietors in reality would have an additional expense of £5000 per year or more if they wished to stay in business.
Fixing of fares would virtually be taken out of COUNCIL control and be put into operators hands, investigations are ongoing into North Tyneside Council licensed private hire operators who have TAXI(hackney carriage)licenses over charging when using them to fulfil a private hire booking.
The ultimate aim of Taxi licensing is PUBLIC PROTECTION not economics.

Unlicensed activity of private hire was brought under control in 1976 because the economic argument failed in respect it came before PUBLIC SAFETY, vehicles were unfit for purpose, adequate insurance was not in force, fit and proper person criteria non existant amongst others. The private hire operators of today are no different to those of pre 1976 and want to collect the greatest amount of money with the least outlay on their behalf, not bothered about the income of the person who provides the vehicle for them to operate and does not accept the responsibilities attached to the title private hire operator.

If required to give further explanation or definition of the views contained I am available to attend any meeting so convened.

Yours faithfully

Bob Snedden(secretary N.T.H.C.A.)
Yours faithfully
Response to the Law Commission Consultation on:
REFORMING THE LAW OF TAXI AND PRIVATE HIRE SERVICES

Introduction

Disabled Motoring UK welcomes the opportunity to comment on the Law Commission Consultation on reforming the law of taxi and private hire services. This document is our formal response to that consultation. We would be pleased to expand our comments if required. This document provides additional background and information.

It is important to make clear that, because of its remit, this response from Disabled Motoring UK confines itself mainly to the accessibility of taxis and private hire vehicles.

Background

Disabled Motoring UK is a national charity that works to improve access and mobility for all disabled drivers, passengers, Blue Badge holders, scooter and wheelchair users. We currently serve around 14,000 members and we work with businesses and government to improve the transport issues faced by people with disabilities.

Disabled Motoring UK was formed at the end of 2005 by the merger of the Disabled Drivers’ Motor Club (DDMC) and the Disabled Drivers’ Association (DDA). The Disabled Drivers’ Motor Club (DDMC) was founded in 1922, the world’s first motoring organisation for disabled people. The Disabled Drivers’ Association was established in 1948 as The Invalid Tricycle Association, changing its name later to reflect changes in the vehicles members used.

Disabled Motoring UK publishes a monthly magazine that goes out to all of its members and is also distributed through various other voluntary organisations and healthcare providers. The magazine aims to empower its disabled readers and foster a sense of community as well as keeping people informed. We run regular features on road safety and updated legislation as well as more light-hearted features from our members on accessible holidays, disability sport and reviews of adapted vehicles.

A large number of our members use taxis and private hire vehicles and we sought their views on this consultation via our monthly magazine and website.
For further information, please contact:

Helen Dolphin
Director of Policy and Campaigns
Disabled Motoring UK, National Headquarters,

General Remarks on the consultation

It is clear from our members that taxi services are a particularly important element of the public transport network for disabled people. Disabled people – especially those with mobility impairments – are more reliant on public transport than non-disabled people. Within this, taxis are of particular importance because of their flexibility, availability at all times and the ability to access a cab on demand at a taxi rank, without necessarily having to pre-plan journeys and journey times. Taxis are also crucial as part of combined journeys – accessible trains, buses, planes, stations and terminals are all hugely important but often a cab is the only way to get to or from longer distance modes of transport.

The greatest wish for our members is the opportunity, in so far as is physically possible, to be able to work, socialise and participate in all forms of daily living in a manner which is as similar as possible to that of the non-disabled population. In order to achieve this, disabled people need to be able to travel where and when they need to and there are many examples of how this can be achieved. Being able to have your own car, adapted with driving aids or as a wheelchair accessible conversion, makes a massive difference to the mobility and independence of thousands of disabled people around the UK and of course the Motability Scheme has been a key force in making this possible. Provision for low-floor access and secure wheelchair positions on trains and buses has seen further important advances, although there remains more to be done, particularly with regard to enabling disabled passengers to travel together and improving accessibility at transport termini.

Significant advances have also been realised over recent years in terms of taxi suitability for disabled people. However progress in this field has been markedly patchy, especially in geographic terms, which is deeply disappointing. The basic mobility needs of a disabled person are the same, whether you live in Llandudno or Leicester or London, yet provision for access to taxis differs widely from one local authority area to the next. This is a crucial area in which improvements to the law are required, in order to better meet the needs of disabled people throughout the UK.

Key concerns for disabled people in making use of vital taxi services include:

(i) **The general lack of provision for disability needs, including both ambulant and wheelchair users, across private hire vehicle services** - With some notable exceptions, provision here is very poor and it is clear that market forces alone aren’t achieving a
decent quality and availability of wheelchair accessible vehicles. Improvements to the law should be made to address disability needs in private hire vehicles.

(ii) Inequality of provision for disability needs across the public hire taxi sector – The ability to find a suitable taxi is of the utmost importance to a disabled person, because many people cannot plan their life so they know exactly what time they will need to travel. However, it is clear that the provision of wheelchair accessible vehicles in hackney carriage fleets is driven by local licensing specifications which range – apparently arbitrarily – from requiring all vehicles to have wheelchair access to making no requirements at all around accessibility. It would hardly be reasonable to require equal employment rights for disabled people in Manchester but not in Middlesbrough; why should it be different for mobility rights? Changes to the law should be made to ensure accessibility needs are effectively addressed across the whole country.

(iii) Failure to address the diversity of accessibility needs among the disabled population – Across the UK there are, for example, positive examples of the use of hearing loops to assist deaf people and high-visibility edging to assist blind and partially sighted people, yet what is available in one area is absent in the next. In terms of physical accessibility, much is made of the quest for a universal specification for wheelchair accessible taxis whereas it is clear that, in practice, there is no single ‘perfect’ solution. Even if there were, vehicle manufacturers would not be able or interested to build this affordably. This approach is in any event wrong, since the diversity of individual needs will best be met by a diversity of solutions. Yet in some cities we still have archaic licensing rules which actually prevent some of the most wheelchair accessible cabs now on the market from being available to wheelchair users. Here licensing laws are actually getting in the way of wider accessibility. Changes to the law are needed to prevent local authorities from setting conditions that result in a narrower range of vehicles and which therefore restrict the range of cabs available on the ranks to meet diverse passenger needs.

(iv) Affordability of taxi usage for disabled people – Disability impacts on everyday life in many ways, including substantial additional costs relating to many common daily activities. Use of public transport is a major contributor to this situation - if you can’t walk to the shops or drive to the doctor’s office, you’re much more likely to need to take a cab, which in turn means additional cost. Some local authorities operate ‘taxi card’ schemes which have proved a significant assistance to disabled people’s ability to live independent lives and to participate in public life. The law should be changed to make such assistance available across the UK.

(v) Vehicle accessibility – When accessibility is talked about with regards to taxis, it is often presumed that all disabled people want a Wheelchair Accessible Vehicle. This is just one of the requirements for some disabled people and in some areas there are virtually no wheelchair accessible cabs. However, in London it is the other
extreme where all cabs are supposedly wheelchair accessible, although some wheelchairs do struggle to fit, but this can make getting a cab very difficult for some ambulant disabled people. These London style cabs require a big step up and the seat is quite far back making it hard for a lot of ambulant disabled people to use. The use of a private hire vehicle is not an alternative as they have to be pre-booked and this is not always possible.

This consultation response will now address specific sections within the recommendations.

CHAPTER 8

Sections 8.19 and 8.20 raise the issue of safety for disabled passengers. This is a key area in which application of the law, as it stands, by local licensing authorities has failed disabled people. The consultation mentions that “disabled persons can be at increased risk of injury through their wheelchairs not being properly secured”. In our experience, this practice is widespread and commonplace, especially in London style cabs.

The consultation relates this issue to driver training. However, while we strongly support requirement of accessibility training for all taxi drivers, it is misleading and unfair on drivers to say that not securing wheelchairs is purely down to driver attitude or skills. Drivers of traditional London cabs, for example, are no more or less positive (or negative) towards disabled passengers than other taxi drivers – it’s simply that there is so little room in the back of a London style cab. This means the driver typically has little choice but to push a wheelchair passenger in and leave them sitting sideways, which is uncomfortable and potentially dangerous. Traditional London cabs have some positive aspects that suit some disabled passengers but can be difficult to access for wheelchair users especially powered wheelchair users as the taxi’s are too small. Obviously this is most problematic for members in areas like London itself, where most of the fleet is made up of this type of vehicle. This fundamental safety concern could be dealt with simply by allowing a wider range of vehicles in these areas.

Section 8.37 mentions developments in technology, including phone “apps”, which enable passengers to hail a nearby cab without actually waving at them on the edge of the street. This offers important new benefits for people with both physical and sensory disabilities. In practice a disabled person will not have to be tied down with pre-booking but will easily be able to book a cab travelling a couple of blocks away. This should be very much encouraged as part of modern taxi regulations.

Using technology like this will also help discourage those drivers who are currently tempted to duck their head and pretend they didn’t see the person in the wheelchair that just tried to hail them. Of course this in turn depends on the driver having a cab that is suitable for the wheelchair user in question and again that is something that these modern phone apps can deal with by
making it possible to hail a particular type of taxi, instead of whichever old cab is next along the street.

Sections 8.43 to 8.47 talk about the importance of having enough taxis available at different times of day and 8.47 mentions disabled people. However, we do not agree with the statement that “market forces generally bring about positive results in the private hire sector”. As mentioned above, accessibility provision is generally non-existent among private hire operators. Therefore Disabled Motoring UK believes that regulation is key and much more needs to be done to make wheelchair accessible vehicles practically available in both types of taxi fleet.

CHAPTER 9

Section 9.13 speaks about encouraging local authorities to allow additional vehicles as taxis if they are wheelchair accessible. This is a good idea but the other side of the case is the fact that many authorities seem to allow people already in the business to carry on forever, with whatever vehicle they like. In the current economic climate there may well be more people leaving the taxi trade than starting up in it. This means it could take forever to get a good range of wheelchair accessible vehicles onto these fleets. Surely something needs to be done, especially given the aims of the Equality Act in terms of giving disabled people the same opportunities as non-disabled people?

A maximum age could be introduced for vehicles and it could be a requirement that existing vehicles are replaced by WAVs when their life expires, with perhaps a short transition time to allow those who have already made arrangements for another vehicle not to be penalised.

CHAPTER 11

Section 11.2 – We agree with the statement that taxis are especially important to disabled people (and for many the “most flexible form of transport there is”). Many of our members, particularly those who are no longer able to drive regularly use taxis in order to get to locations and to join up with other forms of transport.

Section 11.3 – We agree with both statements, i.e. that access for wheelchair users is important and that access for people with other mobility impairments is important also.

Sections 11.4 – It is good that this consultation recognises that there are many different types of wheelchair and that a taxi that may suit one wheelchair user may not suit another. Sections 11.5 to 6 highlight other forms of disability, which may be better suited by other types of vehicle and there are other types of adaptation that can and should be fitted, at relatively low cost, to any type of taxi for example a swivel seat.
These are key points, which make it clear that the very worst thing (other than no wheelchair requirements) is to attempt a "one-size fits all" answer. People’s needs are diverse so a diverse range of vehicles must be offered.

Sections 11.7 and 8 relate to discrimination where taxi drivers refuse to take a disabled passenger or overcharge them. We know that this happens and members have experienced particular issues with drivers refusing to carry assistance dogs, for example. There have also been several prosecutions where some Muslim drivers refused to carry guide dogs as they consider them unclean. Again training is important but there should also be much stronger enforcement. It is also important to recognise that drivers are much more likely to provide a good service to wheelchair passengers if they have a cab which makes it easier for both driver and passenger. There is actually a double danger at present in some areas because the local authority insists that wheelchair users are properly secured yet drivers with London style cabs know that with some wheelchair designs they probably can’t do this, because of the lack of space. As a result these drivers are increasingly reluctant to accept wheelchair fares because they know that they could end up in trouble for not securing it properly. No amount of training will overcome this issue.

Section 11.13 Disabled Motoring UK fully supports the statement “It is generally recognised that it would be impossible to design a vehicle suited to the needs of all disabled people given the wide and disparate variety of needs present within the disabled community. It is perhaps more important to consider the range of vehicles available in an area, in order that disabled passengers can exercise choice over how they travel.” The only change we would make to this statement is to take out the word “perhaps”.

Sections 11.14 to 11.16 suggest using additional licences as a way to encourage more wheelchair accessible vehicles. This may help but could also be misleading, since it lets the local authority look as if they are doing something when in fact the existing fleet is stuck at the status quo indefinitely. Also, if quantity restrictions are removed, this incentive will presumably no longer apply.

Sections 11.17 to 19 go on to financial incentives. Again this could help, although also this might not always be necessary since we understand that some of the cabs favoured by wheelchair users are actually cheaper than the traditional London taxis. These are increasingly popular with taxi drivers anyway so all that is necessary is to license them and let the market do the job.

Sections 11.20 – 21 highlight the wide variation in availability of accessible cabs around the country. It is not necessary or desirable to have 100% wheelchair accessible vehicles but there should be a similar number of wheelchair accessible taxis everywhere across the country. The consultation says “depending on the needs of the local population” but surely disabled people, on the whole, in Bradford have the same needs as disabled people, on the whole, in Birmingham. Local preferences and prejudices should not be allowed to get in the way of legitimate rights for disabled people. Sections
11.22 and 11.23 seem to dismiss the idea of quotas for wheelchair accessible vehicles. Our opinion is that these would be a good way of ensuring reasonable provision of good quality accessible vehicles. This should be done nationally and apply to both private hire and public rank taxis.

11.27 – Mentions the requirement not to discriminate against a disabled person in providing goods and services. We believe this applies to the people who make the licensing rules as well as to the people who provide the service. If the rules fail to encourage / require a good range of accessible vehicles in a given taxi fleet, then disabled people are not able to use that fleet in the same way as non-disabled people. Quite simply, this discriminates against those disabled people. A key role – perhaps THE key role – for this Review should be to make better law so as to prevent unnecessary discrimination by making sure disabled people, with different needs, everywhere in the UK, have fair access to vital taxi services.

Sections 11.30 to 34 relate to the powers granted to the Secretary of State, which have remained unused. It is clear that a key reason for obstructing the setting up of specific regulations by the Government is precisely as discussed above – that it is impractical to devise one vehicle specification which is on the one time practical in operator terms and which, on the other, will meet the diverse needs of a range of disabled people (including wheelchair users).

Instead, we know that the most useful solution is to encourage a diversity of vehicles to allow choice for both operators and users. The Law Commission and Parliament should be responsible for creating a legal framework which ensures that this is the case, throughout the country. There is no reason why this should not apply to private hire vehicles as well as hackney cabs.

Section 11.35 illustrates where the law, as it stands, is contradictory. The Equality Act provisions - to carry wheelchair passengers, in or out of their wheelchair, to secure passengers safely and comfortably and to offer mobility assistance - state clearly what should already be recognised as fundamental rights for all disabled people. However similar legal reinforcement should be given to addressing other disability needs, such as sensory impairments.

In addition, these legal requirements for drivers strangely ignore the fundamental problems with many existing vehicles. How can a cab driver “take such steps as are necessary to enable a person to travel in safety and reasonable comfort” if the confines of his cab make it virtually impossible to position the wheelchair user properly? Or if the only way to get the wheelchair user turned round inside the cab is to force their chair round at an angle with one or more wheels in the air – hardly a “comfortable” experience! Failing to address suitability of vehicles to meet different needs ducks the key issue and lets down disabled people. At the same time, leaving things as they are places taxi drivers in an impossible position which probably makes them even less willing to take wheelchair passengers, for fear of being unable to do it correctly.
Sections 11.40 to 11.44 highlights a legal case in Liverpool where it seems the local council sought to turn a blind eye to the benefits for disabled people of allowing a more accessible vehicle to be licensed there. This appears to be another example of where licensing law is in a muddle, since the licensing authority was effectively using its powers in a way which was illegal under discrimination law. This review should tackle this so that wheelchair users in other cities do not have to wrestle with the courts just to get a choice of suitable taxis in their area.

Section 11.63 very briefly gets on to taxi card schemes / vouchers. This aspect should be given greater prominence. From figures provided by the Law Commission we know that disabled peoples use taxis 67% more often. This is because disabled people can find it difficult to get to the bus stop or take lifts from others in non-accessible vehicles and need door-to-door transport. Legislation could be made which links taxi licensing powers with schemes to facilitate lower cost travel for disabled people. Obviously each local authority would have to decide on affordability but putting a mechanism in place would act as a positive encouragement to making use of this important, very practical way of helping disabled people get out and about in their local communities.

CHAPTER 12

This part speaks at some length about new technology. As mentioned above, mobile apps have great potential to assist disabled people in making more use of public hire taxis for non-planned journeys - choose the type of cab that suits you best from the list on your app and wait a few minutes in the reception area for the nearest available to come round the corner and meet you. It will also mean less scope for the driver to pretend he did not see the disabled person or say that he’s allergic to animals so cannot take an assistance dog – it’s all on the app, including stating exactly which driver was involved.

Disabled people want to be able to go places without always having to pre-book exactly when to go and when to leave. Being able to “hail” a nearby cab without actually seeing it in front of you and you seeing it will make a massive difference to people with sensory and physical difficulties. It will also help people feel safer about who it is that they are getting into a vehicle with.

CHAPTER 14

Section 14.75 says that technology shouldn’t be included in taxis plying for hire. Disabled Motoring UK does not understand why not. Disabled people’s quest for more independence includes being able to summon a nearby cab without having to pre-book. If we have technology now in mobile apps, why shouldn’t a disabled person (or anyone else for that matter) use this to make it easier for them to attract a suitable cab that’s already passing near them?

Section 14.80 uses a term new to us – “compellability” - but we support this and agree that cab drivers should be required to accept all reasonable fare
requests, provided this incorporates requests from disabled people, including those with guide dogs, assistance dogs, wheelchairs, etc.

**CHAPTER 15**

**Sections 15.10 to 15.25** put forward a list of ideas about vehicle safety standards and who should set them. This all seems terribly complicated. Surely if members of the public are being told these are licensed vehicles then all vehicles should meet the same safety standards. Whether they are “hackney taxis” or “private hire vehicles” is neither here nor there when it comes to safety - they should still be safe for all of us to travel in, by which we mean all of us, everywhere in the country and all of us, whatever our abilities / disabilities.

It really seems ridiculous to ask Parliament to make new laws that say people in one area might have different safety standards than people in another part of Britain, based on whatever some local councillors might think or whichever might be their personal favourite type of vehicles. Local opinion is useful for knowing whether or not to build houses on a given piece of land but how to build houses safely is something that should be the same everywhere in the country. It is particularly important to us that safety has to include safety for disabled people. We are well aware that most wheelchair users, for example, usually travel sideways and unsecured so the law must demand that vehicles are available that make it possible for disabled passengers to travel and travel safely. If this is not made clear in your proposals, then we believe the Law Commission is failing to act to ensure safety for disabled people and passing this off to various local authorities, who – on past history – may or may not decide to do anything about it. The same should apply to requiring other basic disability aids which should be available in taxis everywhere in the country.

**Section 15.26** seems to say that the London Conditions of Fitness are a great example of quality and fares. Disabled Motoring UK is surprised by this as although drivers in London are usually knowledgeable about streets etc, many of the vehicles are amazingly old and most of them are unsuitable for most wheelchair users and many ambulant disabled people. We really don’t see how this equates to “quality”.

**Sections 15.27 to 15.29** go on to propose powers for local authorities to make additional licensing requirements. We are not convinced that this is a good idea. As explained above, if it’s to do with safety (including / especially safety for disabled passengers) then it should be a national standard that everyone can be sure of. In addition we’ve already seen that “localised” licensing rules have been used as an excuse to freeze things the way they are and keep out new vehicle types which would be of benefit to many disabled people.

Here the law is interfering with the market in a way that makes things worse for drivers and worse for disabled people. Therefore, we believe that local powers definitely should be limited and should not be allowed to interfere with
important issues like safety or accessibility, which should be rights that are shared UK-wide and of course these should apply to all ‘taxis’, whether these be hackney or private hire.

**Section 16.7** is about training for drivers about disability needs. We fully support the need for all taxi drivers (not just new people coming in to the trade) to go through disability awareness training. In fact our understanding is that most local authorities already have this in place. As stated above, training is only as good, however, as the tools provided – for example you need a hearing loop to help someone who is hard of hearing and you need space to move a wheelchair user smoothly into a safe position.

**Sections 16.10 to 16.12** appear to go back to some of the licensing standards / power issues spoken about previously. In fact it also praises the “London Conditions of Fitness” again which we find surprising because the monopoly of TX style cabs present problems for thousands of disabled people, both ambulant and wheelchair users. **Section 16.19** goes on to vehicle testing. Here something should be included to ensure that disability features of cabs are included in periodic checks – there’s not much use in requiring high visibility seat edging if it’s covered over with an old rug or an access step if it’s jammed in.

**Section 16.21** goes back again to additional local standards. Topographical knowledge or training on nearby tourist attractions may indeed be local issues but we underline again that safety features, including safety for disabled passengers, certainly are not and should be laid down nationally, for everyone.

**CHAPTER 18**

This sums up our confusion with the Law Commission consultation. In that, it says (18.2) how important taxis are to disabled people and that “ensuring proper accessibility is a priority for this review”. Yet nowhere in the report do we see any concrete proposal for ensuring that the law better protects the rights of disabled taxi users. It’s almost as if the Law Commission can see there are problems but can’t think of how to make things better (other than more training, which is fine but in the main we already have this in most areas so it won’t in itself change the current position).

**Section 18.5** asks about issuing special wheelchair licences which if implemented should lead to special taxi ranks and a special duty on these drivers to give priority to disabled passengers. We think this misses the point in several ways.

(i) Without quotas, what is to say that local authorities will introduce any or enough such taxis?
(ii) Asking local authorities to create new taxi ranks is inevitably expensive, likely to be very problematic in terms of available city centre space and is unnecessary anyway, since disabled people can use the vast majority of existing ranks.
Requiring certain taxi drivers to prioritise disabled passengers is misleading and potentially harmful – we are not asking for special treatment from a few drivers, we are asking for fair and equal treatment from all taxi drivers.

Most importantly, our members have special needs but their goal is not to be limited special taxi ranks / licences / drivers, any more than it is to be limited to once every Tuesday morning “special needs transport”. Specialised community transport services can be vital for some disabled people but with taxis we want to be able to travel in a similar way to non-disabled, i.e. as part of the mainstream taxi fleet.

Section 18.6 asks about offering lower licence fees to encourage drivers to buy wheelchair accessible vehicles. This might be helpful in some areas but isn’t likely to make enough of a difference to make drivers change the type of vehicle they buy. In terms of bigger cities this doesn’t seem helpful at all, since all cabs are already supposed to be “wheelchair accessible” – the problem being that most of the existing “wheelchair accessible” cabs are in fact not very wheelchair accessible! The irony is that cabs which are better for many wheelchair users are in fact cheaper, not more expensive – the problem is just that licensing restrictions prevent market take-up of these kinds of cabs. What’s more, none of this addresses the needs of other disabilities, including other mobility conditions, sensory impairments, etc.

The answer to question 59 is fairly straightforward – national accessibility standards should be laid down in law and should include adequate provision to help people with sight impairments, hearing impairments and general mobility limitations, as well as wheelchair users. The best way to achieve this is to specify relevant adaptations (e.g. hearing loops) (relatively low-cost solutions) and to make sure that a wide variety of vehicles are available, to meet the wide-ranging needs of disabled people (a nil-cost solution which only requires old-fashioned licensing restrictions to be removed).

In Sections 18.9 – 18.11 the idea of quotas for wheelchair accessible vehicles is dismissed but we don’t agree. There are many areas where the provision of accessible taxis is lamentably low and others where it could be better to have more of a mix of saloons as well as wheelchair accessible vehicles. Injury, MS or deafness affect people in the same ways wherever they live in the country, so it is nonsensical to think that 10% accessible vehicles is fine in one city and 100% okay in another. Also this should apply to private hire (which hardly seems to bother with disability needs) as well as “hackneys”. National quotas would help make travel better for disabled people throughout the UK. Surely this is a key goal that should be aimed for. So we disagree with Proposal 60.

Sections 18.12 – 18.15 are about disability awareness training for taxi drivers. Of course this is important but we believe that some of the bigger issues have been missed, e.g.
(i) Most areas – certainly main cities – already have training in place so training alone isn’t the answer to the problems you have detailed or even going to change what we already experience.

(ii) Where drivers refuse / ignore disabled people, for whatever reason, it isn’t just because they “didn’t know any better”! They do it because they are prejudiced or lazy. So we need enforcement action to ensure that drivers cannot behave like this and we need to make it easier for disabled people to complain (and remain anonymous).

(iii) Training still doesn’t answer the fundamental facts about the vehicles used – if it doesn’t have grab handles or enough wheelchair space, it still isn’t going to help people with those needs and in these cases it would be wrong to blame the drivers.

Section 18.16 says that “more needs to be done to enforce the spirit of the Equality Act 2010” and point to the EHRC. We believe that the Law Commission must also recommend that this Act be enforced. In addition we don’t put much faith in the EHRC taking action – how many injunctions or judicial reviews have they made to help disabled access to taxis in the past year, for example? In any case, surely there is something wrong with the law if providing decent access to key transport for disabled people comes down to having to fight umpteen local authorities through the courts, one after the other?

We agree with 18.17 / proposal 62 that it should be made clear in taxis how to complain to the licensing office – but what if the complaint lies with the rules set by the licensing office?

Section 18.18 – 18.20 talks about taxi drivers ignoring people in wheelchairs, refusing assistance dogs, etc. These are serious issues and certainly do occur in various parts of the country. Some disabled people may be strong-willed enough to challenge a driver who refuses a dog but others may not – drivers should simply not be allowed to be taxi drivers if they don’t follow these requirements. We actually thought that taxi drivers with their “for hire” light on were already obliged to stop when hailed by any passenger but if this is not the case (surprising) then we agree with your question 63 that this should be the case.

Section 18.2 says “Ensuring proper accessibility is a priority of this review.” At 18.21 you say “We noted that the divergence of disability needs means that it is difficult to conceive of a truly universal accessible vehicle. Local licensing requirements whose effect is to stop willing participants from providing vehicles catering for disabilities require careful scrutiny”.

We completely agree with this statement but are unclear as to what “require careful scrutiny” mean? Surely the Law Commission should be proposing to make the law better. We believe that this point should be used to make proposals for dealing with the problems stated in section 18.21.
What is missing is better law to require taxi fleets (public and private hire) everywhere in the UK (the Equality Act is UK-wide) to offer more facilities for various types of disability and getting rid of bad law that actually stands in the way of accessible vehicles that could help many of our members and other disabled people live more independent lives.

CHAPTER 19

Chapter 19 seems mainly about enforcement mattes with the taxi trade. Our main comments are that testing of vehicles must ensure that aids for disabled people (steps, ramps, restraints, hearing loops, etc) are in good working order and that all drivers should be required to accept and assist disabled passengers (provided their vehicle is adequate for this). Doing this effectively will need licensing teams to get out more and actually check what is happening at the ranks.
Merseytravel is a public body comprising the Merseyside Integrated Transport Authority (ITA) and the Merseyside Passenger Transport Executive (PTE), acting together with the overall aim of providing an integrated transport network for Merseyside which is accessible to all. Integrated Transport Authorities including Merseytravel have a statutory requirement to produce Local Transport Plans as a result of the Local Transport Act 2008. Via the Local Transport Plan (LTP), the ITA is responsible for multimodal transport policy including freight. However the Passenger Transport Executive (PTE) remains responsible only for delivery of passenger transport, concessionary travel, ticketing, etc and as a result we continue to work in partnership with the local authorities and other partners to deliver the LTP. The new Local Transport Plan 3 and its associated documents came into force on the 1 April 2011 and now form the transport policy framework for Merseyside.

We are currently working with the taxi trade and local authorities to develop a Merseyside Taxi & Private Hire Quality Partnership.

Our comments on the above consultation are as follows and focus on our two perspectives including a strategic policy perspective and an operational perspective.

**Overview of Provisional Reform Proposals**

**Provisional proposal 1**

*Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares.* (Page 160)

Yes, we agree with this proposal. Under the present model this generally works fine. However with the proposal to deregulate the trade this may be more difficult to maintain a distinction in a deregulated environment.

**Reform of Definitions and Scope**

**Provisional proposal 2**

*London should be included, with appropriate modifications, within the scope of reform.* (Page 162)

N/A

**Provisional proposal 3**

*The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver.* (Page 164)

Yes, but with provision for local agreements. Classing all the vehicles as PHV’s is
too blunt an instrument so a separate class or classes for eg party buses, limousines etc may be required to avoid any confusion.

**Question 4**
Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? (Page 164)

Yes, but with distinction between various types of PHV eg pedicabs, rickshaws etc.

**Provisional proposal 5**
Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. (Page 165)

Yes, we agree with this proposal.

**Provisional proposal 6**
References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. (Page 166)

Yes, we agree with this proposal.

**Provisional proposal 7**
The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. (Page 167)

Yes, but this should include guidance on the provision of appropriate driver training. Drivers of such novelty vehicles, such as limousines and party buses, need to have a robust awareness of health and safety, customer service (to World Host standard or equivalent), equality and diversity as well as driving skills.

**Provisional proposal 8**
The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service (Page 168)

Yes, we agree with this proposal.
Question 9
How, if at all, should the regulation of taxis and private hire deal with:
(a) carpooling; and
(b) Members clubs? (Page 170)

No, we do not feel that the regulation needs to deal with these issues.

Provisional proposal 10
The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. (Page 171)

Yes, we agree with this proposal.

Provisional proposal 11
Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. (Page 172)

Yes, we agree with this proposal. But it should include the provision of appropriate driver training. Drivers of such vehicles need to have a robust awareness of health and safety, customer service (to World Host standard or equivalent), equality and diversity as well as driving skills.

Question 12
Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse? (Page 174)

N/A

Provisional proposal 13
Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”. (Page 175)

Yes, we agree with this proposal. The definition should be widened out to public spaces so as to include non-adopted highways such as privately owned shopping centres, private roads, airports etc. There has to be a recognition that widening the scope of the regulations there has to be an enforcement regime in place. Taxi
licencing authorities should satisfy themselves that they have sufficient resources to carry out any enforcement.

**Question 14**
Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? (Page 177)

No, we disagree with this proposal. Airport Surface Access Strategies should be the mechanism for setting how relationship with taxis and PHV’s work.

**Provisional proposal 15**
The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:
(a) references to ranking and hailing;
(b) a non-exhaustive list of factors indicating plying for hire; and
(c) appropriate accommodation of the legitimate activities of private hire vehicles. (Page 181)

Yes, we agree with this proposal.

**Provisional proposal 16**
The concepts of hailing and ranking should not cover technological means of engaging taxi services. (Page 181)

Yes, we agree with this proposal.

**Question 17**
Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”? (Page 182)

N/A

**Provisional proposal 18**
The concept of compellability, which applies exclusively to taxis, should be retained. (Page 182)
Yes, we agree with this proposal.

**Provisional proposal 19**  
*Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked.* (Page 183)

Yes, we agree with this proposal. But we note that the arrangements need to be future proofed and anticipate electronic booking systems and mobile apps.

**Provisional proposal 20**  
*Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved.* (Page 184)

Yes, we agree with this proposal but subject to appropriate insurance and proper enforcement.

**Provisional proposal 21**  
*The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements.* (Page 185)

Yes, we agree with this proposal. Currently there is a broad range of different licensing requirements and very different standards which is unhelpful to the trade and confusing for authorities, drivers and the public. We suggest that there should be a core national standard which includes a nationally accredited sector qualification, with some local autonomy to include issues specific to that area such as tourism.

**Provisional proposal 22**  
*Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned.* (Page 185).

Yes, we agree with this proposal. Taxis will still inevitably be popularly referred to as “Hackneys” or “Black Cabs” probably. But legally, yes “taxis” and “private hire vehicles” should be the official terms used.

**Question 23**  
*Should private hire vehicles be able to use terms such as “taxi” or “cab” in*
advertising provided they are only used in combination with terms like “prebooked” and did not otherwise lead to customer confusion? (Page 186)

No, we disagree with this proposal and feel that it would be better to leave things as they currently are.

A Reformed Regulatory Framework

**Provisional proposal 24**

*Taxi and private hire services should each be subject to national safety requirements.* (Page 188)

Yes, we agree with this proposal. We suggest this should be embedded in a robust and consistent national driver training requirement, such as the Sector Skills Council qualifications for new and existing drivers. This also supports an understanding of equality and diversity, legal issues, customer service (to World Host standard or equivalent), conflict resolution, and more as well as improving literacy and numeracy amongst drivers.

**Provisional proposal 25**

*National safety standards, as applied to taxi services, should only be minimum standards.* (Page 189)

Yes, we agree with this proposal.

**Provisional proposal 26**

*National safety standards, as applied to private hire services, should be mandatory standards.* (Page 189)

Yes, we agree with this proposal.

**Provisional proposal 27**

*Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers.* (Page 190)

No, we disagree with this proposal.

We suggest that the “knowledge” is an essential element of the job, but it needs to be made consistent across the country and also account for new technology in the use of satellite navigation systems. But technology doesn’t replace knowledge and should not be at the expense of knowledge. Drivers may have support in choosing their route but need to know a landmark, area or building which may not be found on
the device. For example new developments may not immediately be updated onto the satnav.

We therefore suggest that a national review of the knowledge test be done and a standardised approach developed which retains the standards of customer service but reduces the inconsistencies in approach. We see no case for private hire drivers having a lesser standard of topographical knowledge than hackney drivers and both should be able to provide a high standard of service to the public.

What are the aims and objectives of a knowledge test and what are the implications for PHV’s if they operate on a national basis?

**Question 28**
*Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? (Page 190)*

Yes, we agree with this proposal.

**Question 29**
*What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? (Page 191)*

Inconsistencies in driver training across the country will be a practical obstacle here, which a national approach would remedy.

**Question 30**
*Should national conditions in respect of driver safety be different for taxi services compared with private hire services? (Page 192)*

No, we disagree with this proposal. Although we recognise that there are practical differences between these roles, we suggest that both driver and passenger safety should be maximised through training and supporting systems.

**Provisional proposal 31**
*The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety. (Page 192)*

No, we disagree with this proposal. In contemporary society we suggest that issues such as a knowledge of the legal frameworks involved in taxi services, equality and diversity, conflict management, tourism, topographical knowledge and other areas all contribute to the safety of the trade and satisfaction of the passengers. Therefore
we consider it unhelpful to only cover conditions relating to safety in standards. Should also include issues relating to emission and engine standards. Also provision of smart card readers. If the taxi and private hire sector are to realise their potential as part of the public transport network and an integrated transport system then this is critical.

**Provisional proposal 32**
The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (Page 193)

| Yes, we agree with this proposal. We suggest this would be supported if built into nationally accredited qualifications which have already been through national consultation processes. |

**Question 33**
What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? (Page 193)

| Yes, we agree that the content of national safety standards should be agreed in consultation with an appropriate technical advisory panel of some kind. |

**Provisional proposal 34**
Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. (Page 193)

| Yes, we agree with this proposal. The plethora of different local licensing conditions is confusing and detrimental to attracting new drivers into the trade. We suggest that core standards for CRB, medical, driver training and a topographical knowledge test at the national level would provide a consistent base which would make recruitment and administration easier, and which individual licensing authorities could supplement if appropriate with local considerations such as tourism, security, or other elements. |

**Question 35**
Should there be statutory limits to licensing authorities’ ability to set local taxi standards? (Page 194)

| Yes, we agree with this proposal. The extensive set of different local standards may exist due to a lack of a consistent national framework, if this were addressed the differences between local standards may be significantly reduced. |
**Question 36**  
Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? (Page 194)

Yes, we agree with this proposal.

**Question 37**  
Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? (Page 195)

Yes, we agree with this proposal. Powers should be on a statutory footing and should encourage co-operation. In metropolitan areas where there is an Integrated Transport Authority or equivalent there should be scope to explore the licensing authorities pooling taxi licensing to the ITA. Thereby following the model in London where Transport for London is the licensing authority for the whole city region of Greater London. If the taxi and private hire sector are to realise their potential as part of the public transport network and an integrated transport system then this is critical.

**Provisional proposal 38**  
Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. (Page 196)

Yes, we agree with this proposal. In metropolitan areas where there is an Integrated Transport Authority or equivalent there should be scope to explore the licensing authorities pooling taxi licensing to the ITA. Thereby following the model in London where Transport for London is the licensing authority for the whole city region of Greater London. If the taxi and private hire sector are to realise their potential as part of the public transport network and an integrated transport system then this is critical.

**Provisional proposal 39**  
Licensing authorities should have the option to create, or remove, taxi zones within their area. (Page 196)

Yes, we agree with this proposal.

**Question 40**  
Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the
<table>
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<th><strong>licensing authority?</strong> (Page 197)</th>
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<td>No, we disagree with this proposal.</td>
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<th><strong>Provisional proposal 41</strong></th>
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<tr>
<td><em>Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority.</em> (Page 198)</td>
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<td>Yes, we agree with this proposal. Indeed this is already happening. We need the reforms to provide some clarity.</td>
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<th><strong>Provisional proposal 42</strong></th>
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<tr>
<td><em>We do not propose to introduce a “return to area” requirement in respect of out of-area drop offs.</em> (Page 199)</td>
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<td>No, we disagree with the proposal. In light of the current licensing regime and ability of local authorities to exercise control over licenses and operations, we feel that this proposal will undermine local authorities’ control of the taxi and private hire fleet, which will not be in the public interest.</td>
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<th><strong>Provisional proposal 43</strong></th>
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<tr>
<td><em>Licensing authorities should retain the ability to regulate maximum taxi fares.</em></td>
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<td>Licensing authorities should not have the power to regulate private hire fares. (Page 200)</td>
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<td>Yes, we agree with this proposal.</td>
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<th><strong>Question 44</strong></th>
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<tr>
<td><em>Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys?</em> (Page 200)</td>
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<tr>
<td>Yes, we agree with this proposal in principle but it needs to also cover issues such as smart card payments. If the taxi and private hire sector are to realise their potential as part of the public transport network and an integrated transport system then this is critical.</td>
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Reform of Driver, Vehicle and Operator Licensing

**Question 45**  
Should national driver safety standards such as the requirement to be a “fit and proper person” be either:  
(a) set out in primary legislation; or  
(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 203)

Neutral. Either of the two options would be acceptable so long as it is consistent nationally.

**Provisional proposal 46**  
Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. (Page 204)

No, we disagree with this proposal.

**Question 47**  
Should national vehicle safety standards be either:  
(a) set out in primary legislation; or  
(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 205)

Neutral. Either option would be acceptable as long as it is consistent nationally.

**Provisional proposal 48**  
Operator licensing should be retained as mandatory in respect of private hire vehicles. (Page 206)

Yes, we agree with this proposal. But we would ask that consideration be made of a consistent training programme for operators to disseminate best practice and improve awareness of safety, equality and diversity and customer service standards (to World Host standard or equivalent).

**Question 49**  
Should operator licensing be extended to cover taxi radio circuits and if so on what basis? (Page 208)

Yes, we agree with this proposal as by definition these are private hire services.
Provisional proposal 50
The definition of operators should not be extended in order to include intermediaries. (Page 209)

No, we disagree with this proposal.

Question 51
Should “fit and proper” criteria in respect of operators be retained? (Page 209)

Yes, we agree with this proposal.

Provisional proposal 52
Operators should be expressly permitted to sub-contract services. (Page 210)

Yes, we agree with this proposal subject to adequate safeguards being in place.

Question 53
Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? (Page 210)

Yes, we agree with this proposal.

Reforming Quantity Controls

Provisional proposal 54
Licensing authorities should no longer have the power to restrict taxi numbers. (Page 213)

No, we disagree with this proposal. Working in this area we are aware that increasing the numbers of those working in the trade on a self-employed basis are working against a background of reducing business that can create hardship which is poorly addressed through financial social support from the government. We ask that this be considered.

We also have concerns about the impact on existing road network, over ranking, congestion, air quality, conflict with bus services, pedestrian safety etc.

Question 55
What problems (temporary or permanent) might arise if licensing authorities lost the
ability to restrict numbers? (Page 213)

Working in this area we are aware that increasing the numbers of those working in the trade on a self-employed basis are working against a background of reducing business that can create hardship which is poorly addressed through financial social support from the government. We ask that this be considered. There may also be impacts on the provision of taxi ranks as such provision would somehow need to keep pace with taxi numbers. But with the space available physically constrained by the street environment this could be difficult in some cases.

Question 56
Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period of time, if quantity restrictions are removed? (Page 215)

Yes, we agree with this proposal. We suggest that drivers in the trade should be able to make a reasonable living and if barriers are removed without careful considerations this may be threatened and have a negative impact on individuals and families.

Taxi and Private Hire Reform and Equality

Question 57
Should there be a separate licence category for wheelchair accessible vehicles? This could involve:
(1) a duty on the licensee to give priority to disabled passengers; and (2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles. (Page 217)

No, we disagree with this proposal. All vehicles should be fully accessible. If the taxi and private hire sector are to realise their potential as part of the public transport network and an integrated transport system then this is critical. A good mechanism to achieve this would be by Incentivising the trade through licencing fees to encourage the purchase of accessible vehicles.

We would wish to see a requirement for improved management of taxi ranks by local authorities including measures such as raised access kerbs or bays to allow safe loading of the less mobile into taxis becoming standard practice. This will help ensure a high quality customer experience for all those using taxis.

Notwithstanding the results of this consultation, drivers need to have the skills to be able to safely load passengers with disabilities, as per the NVQ and VRQ qualifications available.
**Question 58**
Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards? (Page 217)

Yes, we agree with this proposal.

**Question 59**
Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? (Page 217)

Incentives linked to training.

**Provisional proposal 60**
We do not propose to introduce national quotas of wheelchair accessible vehicles. (Page 218)

Yes, we agree with this proposal.

**Provisional proposal 61**
National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. (Page 219)

Yes, we agree with this proposal.

We strongly agree that recognised disability training should be in place for drivers but suggest that if this training, and safety training as proposed elsewhere, is delivered in isolation it may be less effective than if delivered as part of nationally recognised and approved taxi qualifications. It may also be worth considering that these qualifications, because they are a full level 2, will attract funding for many drivers but separate training would have to be funded by drivers or operators.

Additionally, if bespoke quality and diversity training is set up for drivers there will need to be a delivery programme for this, whereas many colleges and other training providers are already set up to deliver the national qualifications. If the taxi and private hire sector are to realise their potential as part of the public transport network and an integrated transport system then this is critical.

**Provisional proposal 62**
In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. (Page 219)
Yes, we agree with this proposal. But we suggest that if the drivers are to have a robust understanding in the first place they need to have access to comprehensive training covering not only equality and diversity but all the other important factors which impact the customer journey.

**Question 63**
What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help? (Page 220)

No, we disagree with this proposal. It is already an offence under equality legislation. We feel that this issue is best addressed through education and training. If the drivers are to have a robust understanding in the first place they need to have access to comprehensive training covering not only equality and diversity but all the other important factors which impact the customer journey.

Reforming Enforcement

**Question 64**
Should authorised licensing officers have the power to stop licensed vehicles? (Page 222)

Yes, we agree with this proposal.

**Question 65**
What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”. (Page 223)

Again, this issue is addressed in the nationally accredited taxi qualifications and so would improve driver compliance and awareness of the potential consequences.

**Question 66**
Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? (Page 223)

No, we disagree with this proposal. We feel that the current system is adequate but a penalty point system may be worth considering as a fairer process.
**Question 67**
Should licensing authorities make greater use of fixed penalty schemes and if so how? (Page 225)

See above response to Q66.

**Provisional proposal 68**
Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. (Page 225)

Yes, we agree with this proposal. This is already happening in Merseyside.

**Question 69**
Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? (Page 226)

Yes, we agree with this proposal.

Reform of Hearings and Appeals

**Provisional proposal 70**
The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. (Page 230)

N/A

**Provisional proposal 71**
The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. (Page 231)

N/A

**Provisional proposal 72**
Appeals should continue to be heard in the magistrates’ court. (Page 232)

N/A
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<td><em>Should there be an onward right of appeal to the Crown Court? (Page 233)</em></td>
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Re: Proposal to License Wedding Car Companies

We strongly object to the above proposal, we have been established since 1995 and own a total of seven cars at the present time. We made a conscious decision to give up our well paid jobs to spend quality time bringing up our new baby daughter, with the plan to continue running a wedding car hire business well into our retirement and to use the value of the cars as our pension. This well considered plan will be thrown out of the window should the above proposal go ahead as the costs will be in the main prohibitive, secondly, due to the age of our vehicles be impossible to fulfill and thirdly the residual value of the vehicles will be zero should this law come into effect as the market will be flooded with classic and vintage cars for sale.

Our cars travel no more than 2000 miles per year, unlike taxis and PSV's. They work mainly during the summer wedding season, not 365 days per year (24/7 in many cases) as the others do and are limited to wedding hire only.

The cars are well maintained inside and out and to a high standard mechanically because our customers are very discerning and need to be able to rely on their wedding transport getting them to the church on time. Without these high standards we would not have a wedding car business especially as many of our bookings are from recommendations.

Our chauffeurs are from our friends and family network and mostly older gentlemen that love to drive the old cars. We value our reputation and this is only as good as the quality of car together with the professionalism of our chauffeurs.
We hold Public Liability and Employer Liability Insurance and our cars are insured for Wedding Hire Only, not Hire & Reward and thereby we limit our hire to weddings only, NOT Proms, Race Days, trips to the Theatre etc etc.

With seven cars we need a minimum of seven (licensed) chauffeurs, plus one, two or three extras to cover for the busy August holiday period, when one or two of our chauffeurs tend to take their annual holidays. These chauffeurs are only employed by us on an ad-hoc Saturday basis and therefore are not contracted to work the days we please. As for CRB checks, we cannot understand the need for this; the chauffeurs are never in a vehicle alone with one vulnerable person, it just does not happen, always is the bride & father, bride & groom, bridesmaids and mother of the bride.

To summarize

- The cost will be prohibitive to us and other smaller companies running wedding car hire and will probably put us out of business
- Our service is for around 60-70 days per year, not 365 as taxis and other private hire operators
- Our cars only travel around 2000 miles per year
- Our cars are well maintained
- The cost of a minimum of seven chauffeurs to be licensed, including a driving test, CRB checked etc. for an average 10 weddings per year is prohibitive
- We may not be able to license our cars as many local authorities only license cars up to 5 years old, three of our cars are 77, 78 and 79 years old
- Brides will no longer have any choice for their wedding transport

Please reconsider the proposal for the inclusion of Classic and Vintage Weddings Cars in the Private Hiring Legislation Provisional Proposal No. 11 Law Commission Consultation Paper No.203 (Reforming the law of Taxi and Private Hire Services). Please consider removing Wedding cars from the legislation before it is put to the House.

Yours Faithfully

D Emerson & K Emerson
Partners
D&K wedding Cars

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To whom it may concern,

I am a licenced London taxi driver green badge number 67469. I have looked through some of the proposals for the review and changes that have been listed. In summary my concerns are around:

- The safety of vulnerable passengers.
- The safety of cyclists and other road users.
- The effect on tourism in London - the attraction and tradition to tourist of riding in a London Red Bus or a London Black Cab.
- The disregard for the amount of serious time and effort of a London Black Cab Driver to become qualified.
- The ability the Knowledge breeds into a professional driver of instinctively knowing places, streets, avoiding hot spots, taking short cuts along little known back street, avoiding places of high congestion, with the unnecessary delay of setting up a sat nav and relying on something other than training, experience and instinct.
- How the meter fares work.
- The Governance of a trade that works in a unique city like London.

The best way I can respond to these is to give my account as to why London taxi drivers are viewed to be the best in the world, how a lot of these proposals could destroy that and the lively hood of thousands of licenced professional taxi drivers in our capital. and why it would cause mayhem in the streets of London.

London is unique. It’s like no other city in the world. The road systems are complex and dense, over an extremely large and difficult area to navigate, one ways, restricted turns, routes that if one small turning is missed a long time can be added to any journey, with more expense to the passenger and some awkward situations and complaints. Londoners and tourist have come to expect London taxi drivers to take them in the most direct and quickest route. Our reputation is built on this and is an added attraction to bring tourists to our Capital. Sat navs etc. are not this reliable they need to be programmed by someone to do this. I have at times used them out of curiosity at work to see how they fair in our job and find they miss turnings, calculate longer routes and take you into places that will leave you stranded in traffic, places that a London taxi driver knows through years of training and working to avoid and get out of quickly. We have learnt routes to avoid traffic lights, speed humps (generally if someone wants to avoid which you are asked) and also to use the many rat runs through London’s streets which make massive differences to journey times. Sat navigation systems lose signal and generally take time to load and calculate routes. In London’s busy congested streets I believe it would cause absolute chaos if mini cab drivers were given the right to pick up off the streets because if the masses of private hire drivers were to be pulling over to pick up fares and then sitting there waiting to programme a route into a sat navigation system, selecting what street and postcode etc. it would bring London to a standstill as well as increasing angers of other road users including cyclists. If these drivers are pulled over on a busy road for a long time this forces more and more cyclists out into the main stream of the traffic for longer periods than need be and also adding to a whole lot more pollution from stacked up traffic trying to get by. You need to be able to know where you are going as soon as you are told and to do that very quickly.

Londoners and tourists often do not know postcodes or streets names, they may only know the name of the restaurant, hotel, bar, memorial, church, museum, gallery, embassy or the name of the show and theatre they are going to. This information is hard wired into a qualified London cab driver from the Knowledge and is recalled as soon as we are asked to take someone there. We can head off without delay. We continue to keep and update our knowledge during our working lives. Modern technology cannot replace a trained driver, the only way a private hire driver could do this in London
without a bit of luck would be to use some form of internet search etc. to find the location of the place, that’s if they can actually find it at all. Once they have done this they would then need to programme a route into a sat navigation system with the possibility of the same problems again, loss of signal, wrong routes, routes that will put you in traffic, routes that will start by telling you to head the other direction even though there is a central reservation or no u turns and cannot turn your vehicle around. A London taxi driver knows this instinctively and this is where the knowledge takes over and quick turns into back streets can counter act long journey times and congestion. 50,000 private hire drivers I believe, plus the 23,000 licensed taxi drivers doing this it would be mayhem.

No disrespect I’m sure some private hire drivers have a decent general knowledge of London, SOME of them may have been doing the job for some time and I appreciate from my own previous experience as a courier that you can generally navigate your way from some areas to another.

If the driver were given a place of interest to go and did not know it but the customer generally knew what area it was in and they could pull away in the general direction of the place they needed to be without too much hesitation they would then need to find a way of finding the location of the point of interest, don’t get me wrong from time to time this does happen to a me and I’m sure other taxi drivers but the difference between the two would be a massively higher percentage. It really is hard enough with the very high levels of traffic, pedestrians, cyclists etc. to focus and concentrate on what and where you are heading without the stress of passengers putting pressure on you whilst sitting there typing in details of a bar, theatre show etc to get the information you need and hoping that you will get that information, I can only imagine the pressure this would be on a untrained person in a taxi.

People in London really do expect a London taxis to just go without too many problems and are generally get quite irritated when you can’t, I think some people take this service for granted when we pick them up and just head off to a random street or bar they have asked for without question or hesitation but I also know that a lot of Londoners really appreciate us and are proud of what we do for London image and history, as well as tourists who are always saying how great the service in London is compared to where they are from.

I worked for years as a courier in London as well as delivering for a massive building company that had sites located all around the city, at the time I believed that I knew a lot about how to navigate London until I undertook my studies of the knowledge to become a licensed taxi driver. Little did I know that if you had stuck me in a London taxi at that time I would have been gobbled up in a few jobs, while to some outsiders who try to convince others that the knowledge is over the top and modern technology could take its place I strongly disagree, To pick up of the streets it requires you to have all this information stored and to think very quickly and to know within seconds the direction that you need to go. At this present time only the knowledge can programme a human to do this I believe that its worth every one of the thousands of hours I put into it, it prepared me totally to do the job in hand and makes me very proud of the effort and time and commitment it took for years of my life and the person it changed me into more mature and with more self belief in myself than ever before. I’m very proud of the job I do which makes me professional and respect what I do and how I behave and interact with members of the public.

Some Members of the public are at times demanding, challenging, abusive, angry that’s to name a few, working as a self employed driver and not being responsible to a company or boss requires a certain temperament, to be able to deal with this and not to act in retaliation or anger is something that needs to be controlled. I believe the system that you are put through on the Knowledge helps a person in this respect. You need a very large amount of patience to get you through the process and a will to do it, it’s a system that teaches you through your exams and studies to control your
emotions it’s a very very nerve racking experience, you need to be patient and also learn that even if you believed you done better than a examiner thought you did or you thought the questions were unfair, you have to control your emotions and cannot lose your temper or be angry about what’s happened. I’ve heard of people who have lost their tempers in exams because of this, it shows the examiner something about that person and highlights a question mark. Someone who cannot control their emotions would not be a very good taxi driver it can be very stressful at times. Only the people that really really want it make it through and will do this, you never fail the knowledge you only give up or convince the public carriage office you are not fit to be let loose with members of the public.

It’s something to be very proud in what you have achieved and not to put all that at risk because you decide to lose your temper with someone. You need to appreciate what you have spent years of your life working towards and how easy that can be lost. Being a self employed taxi driver and not working for a company gives you a certain control over your own actions, I think that if people were not under taking the process of the knowledge and just allowed to apply for a licence to pick up off the streets it would be a recipe for disaster in the respect that nearly any one could do it, maybe someone who was just passing some time for a while to get some money, someone who didn’t really respect the job or want to do it. I don’t believe that drivers like this would be as professional and safe as someone who has been through this process and could be dangerous. Also if everyone was allowed to pick up off the streets in any vehicle with a taxi light on this would massively increase the amount of very dangerous illegal touts. It would mask them, they would be hidden so much more than they are at present and there are at present quite a few of them operating in London, there are many cases of rapes violence ect committed by these people as well as unsafe vehicles a very high risk to the public which worries me, I see firsthand how vulnerable people can be. London is a party city, people drink a lot and they get themselves in a state where they are really in no state to take care of themselves if they needed to, especially some of the young women travelling alone. 99.9 percent of London taxis are safe and most taxi user’s parents and family’s know, rely and realise this.

60,000 private hire vehicles or more so the companies they work for would like to use the bus lanes I think this would bring the bus lanes to a standstill and would be no need for them as all lanes would be the same in regards to congestion people would be travelling and waiting for buse with some serious delays. They do not need to pick the passengers up randomly from the road side they are pre booked and have time to plan their meet location with customers in a place safe and suitable for them as well as having lots of time to plan their intended routes ect before they get to their place of collection.

With regards to taxis using bus lanes we need to have use of them, there are a lot of bus lanes and a lot of our work comes from people standing at the side of them hailing us down. The bus lanes also stretch for long distances too. If we were not permitted in them we would not be able to get our work through fear of getting fined or holding up traffic to get into the bus lane, or worse the passenger walking out into a bus lane to get into the taxi I believe this would be very dangerous, there are a few in London that cause some of these problems the ones that we are not permitted in for example Bishopsgate near Liverpool street station heading north bound. We are permitted to pick up a job but the amount of near on accidents and accidents that I have witnessed here is just unnecessary we have to pull across the lane as I mentioned in the above section with risk to cyclist pedestrians and other drivers.

Taxis do have to pull over pretty quickly once hailed, in the current climate where work for us is not so readily available and is also being taken by the massive amounts of private hire companies and drivers at present in comparison to us, makes it harder to find work. I think if we were not permitted to use these this could also cause problems of drivers pulling over quickly into bus lanes to get this
work and causing a higher risk of accidents with the buses and more importantly the cyclists who use the bus lanes at present. Us being in the lanes allows us to pull over easily to the pavement side with clear indication to the buses and cyclist and pedestrians, we can then pick them up and continue safely onwards in the bus lanes not causing too much delay and danger to all parties involved. We work on a meter system and taxis not using bus lanes would cause exaggerated fairs which taxi drivers and customers don’t want.

The majority of our work is done in the busy city and west end centre, working on a mileage pricing system would not work very well for us the majority of work taken especially in the day can be for very short durations and distances, sometimes a few hundred yards to get someone out of the rain and back to the office. For example a friend of mine was recently flagged down and hired for a while to assist in making a movie that was being filmed he didn’t drive any where hardly but this gives us a good way of structuring our prices and a fair one too, our jobs are random some times to say the least. The meter gives us a fair way to price our jobs.

With regards to the running off our trade I don’t believe it would be right to outsource it to a organisation who doesn’t understand how London and our taxi trade is very different to any other in the world.

Kind regards

Barry Smith
67469
Borough Council of King’s Lynn & West Norfolk Response to the Law Commission consultation document - Reforming the law of taxi and private hire services

Date: 28th August 2012

Contact: Mr John Gilbraith
Licensing Manager
Borough Council of King’s Lynn & West Norfolk

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<th>Provisional Proposal / Question</th>
<th>Comments</th>
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<tr>
<td>1. Do not agree. This is an opportunity to reduce unnecessary bureaucracy. Given the use of modern technology, private hire vehicles can almost be booked instantly the same as hackney carriage vehicles. Equally, the general public are, in the main, not aware of the differences and see a private hire or hackney carriage vehicle as a ‘taxi’.</td>
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<td>2. No comment.</td>
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<td>3. Agree but should remain as 8 passengers or less.</td>
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<td>4. No advantages seen in our area, however, seaside resorts, for example, use horse and carts to take people from one place to another for hire and reward.</td>
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<td>5. Agree there is a distinction between PSV etc. and the taxi licensing regime and this works well currently.</td>
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<td>6. Agree but this is not something that has been used our area.</td>
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<td>7. Agreed. These are specialist vehicles, generally to carry more than 8 passengers that require different testing.</td>
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<td>8. Agreed. Definitely require a better definition of ‘genuine volunteer’. There are several schemes running solely to carry passengers for hire and reward using ‘volunteer’ workers which, in our opinion are not properly regulated.</td>
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<td>9. (a) Carpooling schemes should be exempt as these are not, in our opinion hire and reward. (b) If being used for hire and reward they should be licensed.</td>
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<td>10. No comment</td>
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<td>11. A better definition of weddings and funerals would be required within primary legislation. For example, a vehicle could be currently used for an airport run for the honeymoon; is this still in connection with the</td>
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wedding? Funeral cars in this area appear to be predominantly ‘stretched’ vehicles and cost a small fortune to hire. This is hire and reward.

12. There would be no merits in reintroducing the contract hire exemption. The old system was unclear, difficult to enforce and open to abuse.

13. Agree but would need to consider enforceability with access to private land, for example to investigate/enforce.

14. We have no comment to make on this topic as there are no airports within this Borough.

15. If there was a one-tier system none of this would matter. However, if the two-tier system is to be retained then all three points should be included. Any clarification within an Act is a bonus.

16. Under a one-tier system this would not be an issue. People will use technological means where possible.

17. No comment

18. This is difficult to enforce. Notwithstanding, we believe that all vehicles should be compelled to take passengers unless public safety prevents – needs definition.

19. Again, if one-tier system would not be an issue. Should be a single engagement policy, every vehicle should record all jobs somewhere/somehow – for increased public safety and assist in investigations.

20. Agree. Very difficult to enforce but should not allow unlicensed drivers to drive a licensed vehicle – potential major enforcement issue. We do recognise that drivers do use their vehicles in a private capacity and we currently permit temporary suspension of vehicle licence – we hold their licence plate until they are back working.

21. Agree - minimum standards are required.

22. In a one-tier system all taxis could be called taxis. The majority of the general public are not aware of the differences between a private hire vehicle and a hackney carriage vehicle.

23. Agree but again in a one-tier system no issue. If there remains a distinction between the two licensing regimes, then the vehicles should remain different, i.e. a ‘taxi’ could have a roof light but a private hire vehicle would not.

24. Agree - minimum national safety standards are required in the interest of public safety.

25. National safety standards should apply to all vehicles.

26. This would not be necessary if private hire vehicles could not work everywhere. The solution would be in a one-tier system with minimum
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<td>27.</td>
<td>Do not agree. As the document recognises a ‘private-hire’ can be booked almost immediately so the private-hire driver would not necessarily have the opportunity to pre-plan the route. Knowledge tests should be required for all drivers as passengers could potentially feel unsafe if a driver has no knowledge of an area.</td>
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<td>28.</td>
<td>Agree. Private hire vehicles should be distinct so as not to be mistaken for Hackney Carriage Vehicles.</td>
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<td>29.</td>
<td>No obstacles, they both provide the same service, no requirement to differentiate re safety.</td>
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<td>30.</td>
<td>Do not agree. Driver safety should be the same, regardless of the way a vehicle is booked or where it works.</td>
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<td>31.</td>
<td>Yes provided safety includes vehicles for people with disabilities and CCTV.</td>
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<td>32.</td>
<td>Agreed. To gain fair open consensus.</td>
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<td>33.</td>
<td>Agreed, VOSA, Police, vulnerable groups etc. all better placed to set regulations.</td>
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<td>34.</td>
<td>Minimum national and local standards should be for both hackneys and private hire vehicles.</td>
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<td>35.</td>
<td>The ability to set local standards should remain with local authorities, who are best placed to consider the requirements of local people – Councillors are elected to represent the views of the local public and as such set policies, standards etc.</td>
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<td>36.</td>
<td>Yes, for the reasons at 35 above.</td>
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<td>37.</td>
<td>Yes.</td>
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<td>38.</td>
<td>The provision is already there for authorities to combine areas and Councillors can adopt an agreed set of conditions etc. If national, which area’s conditions would be adopted – very political?</td>
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<td>39.</td>
<td>Creation of zones could lead to enforcement difficulties and may also bring in a requirement for more taxis in certain zones etc.</td>
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<td>40.</td>
<td>The issuing of peak time licenses could cause enforcement difficulties.</td>
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<td>41.</td>
<td>Do not agree. If drivers and vehicles are not controlled under the same operator licence how will operators know whether their licenses are authentic? Equally, how would enforcement officers investigate complaints if the nature of the complaint relates to a vehicle from another licensing authority?</td>
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<td>42.</td>
<td>Agreed.</td>
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<tr>
<td>43.</td>
<td>Taxi and private hire vehicles fares should be provided in advance of any</td>
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<td>44.</td>
<td>See response to 43 above.</td>
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<td>45.</td>
<td>There needs to be a clearer definition of a fit and proper person, whether by convictions being relevant etc. does not matter who does this.</td>
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<td>46.</td>
<td>Do not agree. All licence holders should be fit and proper persons to hold vehicle, driver or operator licenses. Licence holders should be vetted for CCJ’s, debt etc also.</td>
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<td>47.</td>
<td>Yes, either or both.</td>
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<td>48.</td>
<td>Agreed. Operators should be licensed to ensure proper records are maintained. If two-tier system taxis should be under control of operator too, providing record of all bookings.</td>
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<td>49.</td>
<td>Yes, taxis should be the same as private hire vehicles.</td>
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<tr>
<td>50.</td>
<td>No, intermediaries are not offering a private hire service.</td>
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<tr>
<td>51.</td>
<td>Yes, private hire operators and staff working in the offices become privy to information such as people going on holiday, length of time away etc. Thefts could occur if unsavoury unvetted people are operating a private hire company.</td>
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<tr>
<td>52.</td>
<td>Operators should be able to sub-contract services, but with a limit of say once – in order to provide an audit trail. Customers should be made aware if their booking is sub-contracted.</td>
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<td>53.</td>
<td>All journeys undertaken in a taxi should be recorded in the interests of public safety. Would not be an issue if a one-tier system adopted.</td>
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<td>54.</td>
<td>Agree – this authority does not restrict numbers.</td>
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<td>55.</td>
<td>No comment</td>
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<tr>
<td>56.</td>
<td>No comment</td>
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<td>57.</td>
<td>Yes, there should be separate national standards for wheelchair accessible vehicles but also standards for vehicles to accommodate disabled people, i.e. grab rails etc. (1) No to duty on licence holder to give priority to disabled – discriminatory not equal opportunities. (2) Agree.</td>
</tr>
<tr>
<td>58.</td>
<td>No. Why should a vehicle licence holder offering a service to disabled people pay less of a fee than people offering a service to abled bodied people? They would not pass on a discounted fare. Are we looking at cost recovery, if so why should vehicle licence holders that do not have disabled vehicles pay for the concessions on disabled vehicles?</td>
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<td>59.</td>
<td>There could be a percentage of each of the fleets, taxi and private hire, which have to be accessible vehicles. Or if one tier, a percentage of the...</td>
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whole of the fleet.

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<th>No.</th>
<th>Statement</th>
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<tr>
<td>60.</td>
<td>If there are no national quotas of wheelchair accessible vehicles then there could be a situation whereby a wheelchair user cannot get a taxi or private hire vehicle in their area.</td>
</tr>
<tr>
<td>61.</td>
<td>Agreed. There is currently no requirement for any driver to be aware of the needs of disabled people. But then if there are no disabled vehicles (point 60 above) then why train everyone how to deal with disabled people?</td>
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<tr>
<td>62.</td>
<td>Agreed. We already have complaints forms in each licensed vehicle which must be provided to customers should they wish to make a complaint.</td>
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<tr>
<td>63.</td>
<td>The legislation should permit payment for loading vehicles. Not just wheelchair users, but also pushchairs, luggage etc. Once a taxi driver begins to work they should be paid for that work and currently are not.</td>
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<tr>
<td>64.</td>
<td>Yes, Licensing officers should have the power to stop vehicles but this may lead to safety implications. Police wear uniform, licensing officers have none – A vehicle licence holder should be able to recognise a licensing officer in order to know when to stop. Also licensing officers have no training in this area.</td>
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<td>65.</td>
<td>Stricter penalties would deter people that tout, i.e. points on their DVLA licence instead of a suspended sentence.</td>
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<td>66.</td>
<td>It would be desirable but not practical. Local authority officers have no power to obtain vehicle owner details, the name of a person, and have nowhere to keep seized vehicles or any means of transporting them away.</td>
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<td>67.</td>
<td>Yes, fixed penalty notices should be imposed for minor breaches and should be seen as a stepped approached to enforcement.</td>
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<tr>
<td>68.</td>
<td>Do not agree. Local authority officers would have no knowledge of drivers/vehicles licensed outside their area and no means to check validity of licenses presented which have been issued outside their area. Cost recovery would be impossible.</td>
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<td>69.</td>
<td>No – for the same reasons mentioned at 68 above.</td>
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<td>70.</td>
<td>Agreed.</td>
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<tr>
<td>71.</td>
<td>Agreed if a cost is involved. Magistrates Courts charge approx £400 to lodge an appeal. Licensing authority decisions are made by elected members who are not necessarily aware of case law, precedents etc.</td>
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<tr>
<td>72.</td>
<td>Agreed.</td>
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<tr>
<td>73.</td>
<td>Yes, but all licenses to go through Magistrates then Crown, unlike current system for hackney carriage appealing directly to Crown.</td>
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Public Law Team (Taxi and Private Hire),
Law Commission,
Steel House,
11 Tothill Street,
LONDON SW1H 9LJ

30th August 2012

Dear Sirs,

COMMENTS ON THE LAW COMMISSION CONSULTATION PAPER NUMBER 203-REFORMING THE LAW ON TAXI AND PRIVATE HIRE SERVICES

The Council's taxi and general licensing panel has considered the above mentioned consultation document and their response is attached hereto.

Yours faithfully,

M. Jewell
Marlene Jewell
Senior Legal Services Officer

www.Copeland.gov.uk
RESPONSE OF COPELAND BOROUGH COUNCIL TAXI AND GENERAL LICENCING PANEL TO THE LAW COMMISSION CONSULTATION PAPER NUMBER 203 – REFORMING THE LAW OF TAXI AND PRIVATE HIRE SERVICES

OVERVIEW OF PROVISIONAL REFORM PROPOSALS
Provisional Proposal 1

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles which can only accept pre-booked fares.
- Agreed

REFORM OF DEFINITIONS AND SCOPE
Provisional Proposal 2

London should be included, with appropriate modifications, within the scope of reform.
- We have no views either way on this

Provisional Proposal 3

The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver.
- Agreed

Question 4

Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence?
- Licensing should cover all vehicles available for hire with a driver, for example pedicabs and horse drawn carriages
Provisional Proposals 5

Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers.

- Agreed

Provisional Proposal 6

References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis.

- Agreed

Provisional Proposal 7

The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency.

- Agreed

Provisional Proposal 8

The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service.

- Agreed

Question 9

How, if at all, should the regulation of taxis and private hire deal with:

(a) carpooling; and
- Agreed

(b) members clubs?
- More information is needed with respect to members clubs.

Provisional Proposal 10

The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the tax and private hire licensing regimes.

- Agreed subject to consultation.

Provisional Proposal 11

Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation.

- Agreed as long as clearly defined.
Question 12

Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse?

- No.

Provisional Proposals 13

Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”.

- Agreed and would suggest that it reads “Plying for hire within the district”.

Question 14

Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank?

- Agreed.

Provisional Proposal 15

The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:

(a) references to ranking and hailing;
(b) a non-exhaustive list of factors indicating plying for hire; and
(c) appropriate accommodation of the legitimate activities of private hire vehicles

- Agreed.

Provisional Proposal 16

The concepts of failing and ranking should not cover technological means of engaging taxi services

- Agreed.

Question 17

Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”?

- Agreed but this has to be linked to provisional proposal 15.

Provisional Proposal 18

The concept of compellability, which applies exclusively to taxis, should be retained.

- Agreed.
Provisional Proposal 19

Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked.

- Agreed.

Provisional Proposal 20

Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved.

- Agreed as long as the vehicle is being driven by a licensed driver.

Provisional Proposal 21

The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements.

- Agreed.

Provisional Proposal 22

Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned.

- Agreed.

Question 23

Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion?

- No.

A REFORMED REGULATORY FRAMEWORK

Provisional Proposal 24

Taxi and private hire services should each be subject to national safety requirements.

- Agreed.

Provisional Proposal 25

National safety standards, as applied to taxi services, should only be minimum standards.

- Agreed.
Provisional Proposal 26

National safety standards, as applied to private hire services, should be mandatory standards.
- Agreed.

Provisional Proposal 27

Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers.
- Agreed.

Question 28

Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable?
- Agreed depending on what the national standards are.

Question 29

What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles?
- None.

Question 30

Should national conditions in respect of driver safety be different for taxi services compared with private hire services?
- No.

Provisional Proposal 31

The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety.
- No.

Provisional Proposal 32

The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement.
- Yes
Question 33
What would the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel?
  • Agreed but would suggest that the technical advisory panel could be NALEO or the Institute of Licensing or some similar body.

Provisional Proposal 34
Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards
  • Agreed.

Question 35
Should there be statutory limits to licensing authorities’ ability to set local taxi standards?
  • No.

Question 36
Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators?
  • Agreed.

Question 37
Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements?
  • No.

Provisional Proposal 38
Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting.
  • Agreed.

Provisional Proposal 39
Licensing authorities should have the option to create, or remove, taxi zones within their area.
  • Neither agree nor disagree.
Question 40

Would it be useful for licensing authorities to have the power to issue peak time licenses which may only be used at certain times of day as prescribed by the licensing authority?

- No.

Provisional Proposal 41

Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority.

- Agreed.

Provisional Proposal 42

We do not propose to introduce a “return to area” requirement in respect of out-of-area drop offs.

- Agreed.

Provisional Proposal 43

Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares.

- Agreed.

Question 44

Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys?

- No.

REFORM OF DRIVER, VEHICLE AND OPERATOR LICENSING
Question 45

Should national safety driver safety standards such as the requirement to be a “fit and proper person” be either:

(a) set out in primary legislation; or
(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions?

- Primary legislation
Provisional Proposal 46

Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself.
- Disagree

Question 47

Should national vehicle safety standards be either:

(a) set out in primary legislation; or

(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions?
- Set out in primary legislation.

Provisional Proposal 48

Operator licensing should be retained as mandatory in respect of private hire vehicles.
- Agreed

Question 49

Should operator licensing be extended to cover taxi radio circuits and if so on what basis?
- No

Provisional Proposal 50

The definition of operators should not be extended in order to include intermediaries.
- No

Question 51

Should “fit and proper” criteria in respect of operators be retained?
- Yes

Provisional Proposal 52

Operators should be expressly permitted to sub-contract services.
- Agreed
Question 53

Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply.
    • Yes.

REFORMING QUANTITY CONTROLS
Provisional proposal 54

Licensing authorities should no longer have the power to restrict taxi numbers.
    • Disagree.

Question 55

What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers?
    • Standards could drop. There could be "taxi wars".

Question 56

Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period of time, if quantity restrictions are removed?
    • Yes.

TAXI AND PRIVATE HIRE REFORM AND EQUALITY
Question 57

Should there be a separate licence category for wheelchair accessible vehicles? This could involve:

(1) a duty on the licensee to give priority to disabled passengers; and

(2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles.
    • No.

Question 58

Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards?
    • No.
Question 59
Do you have any other suggestions for increasing the availability of accessible vehicles and catering for the different needs of disabled passengers?

- No.

Provisional Proposal 60
We do not propose to introduce national quotas of wheelchair accessible vehicles.

- Agreed.

Provisional Proposal 61
National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training

- Agreed but there are problems as to who provides training and the cost of training and who pays.

Provisional Proposal 62
In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority.

- Agreed

Question 63
What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances help?

- No

REFORMING ENFORCEMENT

Question 64
Should authorised licensing officers have the power to stop licensed vehicles?

- No

Question 65
What more could be done to address touting. Touting refers to the offence "in a public place, to solicit persons to hire vehicles to carry them as passengers".

- No opinion on this.

Question 66
Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules?

- No.
Question 67

Should licensing authorities make greater use of fixed penalty schemes and if so how?

- No.

Provisional Proposal 68

Enforcement offices should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas.

- Yes.

Question 69

Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this?

- No.

REFORM OF HEARINGS AND APPEALS

Provisional Proposal 70

The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence.

- Yes.

Provisional Proposal 71

The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision.

- Agree if the refusal suspension or revocation is made by an officer, but disagree if any of these are made by a sub-committee.

Provisional Proposal 72

Appeals should continue to be heard in the Magistrates Court.

- Yes – Agree.

Question 73

Should there be an onward right of appeal to the Crown Court?

- Yes.
APPENDIX A
LIST OF PROVISIONAL PROPOSALS AND QUESTIONS

CHAPTER 13 - OVERVIEW OF PROVISIONAL REFORM PROPOSALS

Provisional proposal 1

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. (Page 160)

Disagree – Regulation should change to bring all vehicles that operate as taxis or private hire vehicles under a one tier system. Not only would this simplify the current confusion that the public have in differentiating between a Taxi and Private Hire vehicle, it would also remove the current outdated legislation that has not moved on with modern times. One example of this is a loophole in current legislation allowing a Hackney Carriage (Taxi) to be legally based and operated in an area that could be hundreds of miles away from where it is licensed. This vehicle and driver would not see any form of enforcement from the Local Authority where it is licensed.

CHAPTER 14 – REFORM OF DEFINITIONS AND SCOPE

Provisional proposal 2

London should be included, with appropriate modifications, within the scope of reform. (Page 162)

Agree in principal that London should be included; however a new system of licensing should be the same across England and Wales. The scope of ‘standards’ is yet to be discussed, but care must be taken to ensure that they satisfy the needs of both rural and urban environments.

Provisional proposal 3

The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. (Page 164)

Agree – but with the type of transport used to carry no more than eight passengers.

Question 4

Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? (Page 164)
Yes the advantages of restricting licensing to motor vehicles that require a driving licence is that the driver would have passed a DVLA Driving Test to use that type of vehicle. However if this was introduced, the other modes of transport may go unregulated, such as Pedicabs. Non motorised vehicles should be require to comply with local conditions as they are ‘for hire and reward’ and carry passengers. Public safety is the paramount.

Provisional proposal 5

Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. (Page 165)

Agree – Also that any vehicle with a seating capacity of eight or less passengers can’t be a PSV Vehicle. This would lessen the confusion on any enforcement undertaken and would clearly separate the two.

Provisional proposal 6

References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. (Page 166)

Agree – such vehicle is ‘for hire or reward’ and should therefore fall under taxi licensing remit

Provisional proposal 7

The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. (Page 167)

Agree – Clarity is required regarding certain types of novelty vehicles such as Fire Engines and Ambulances. Where required, national standards should be set.

Provisional proposal 8

The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. (Page 168)

Agree – However further clarification is required for when a “Volunteer” type service becomes a business if a profit has been made. Using the HM Revenue & Customs rates as guidance requires further clarification. The Department for Transport guidance would also need to be updated in line with the new regulations.

Question 9

How, if at all, should the regulation of taxis and private hire deal with:

(a) carpooling; and

(b) members clubs? (Page 170)
a) Carpooling should not come under taxi / private hire regulations. This has not caused any concern to this authority, and in effect, it happens daily where colleagues/friends and members of the public share lifts to work. Not only does this help reduce the cost of living, it also helps reduce the carbon emissions.

b) Members clubs that provide a vehicle with a driver for hire and reward should come under the taxi / private hire regulations. This would ensure that the driver and vehicle are properly checked as they are in effect carrying passengers in the course of their business for hire and reward.

Provisional proposal 10

The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. (Page 171)

Agree – As time moves on with advances in technology and vehicles, there should be an element of flexibility to be able to deal with any changes that may occur. However, any changes proposed/considered must undergo a consultation process with Local Authorities (and the trade) and consideration must be given to the amendments to ensure that there are no significant differences in standards between England and Wales.

Provisional proposal 11

Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. (Page 172)

Agree – Wedding and Funeral Cars that carry 8 passengers or less should be licensed. However with the exclusion of the Funeral Hearse.

Question 12

Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse? (Page 174)

No as many vehicles and drivers that provided such services in this county were not regulated or checked. It was a common loophole used by firms providing novelty vehicles. This resulted in neither the Driver or vehicle being checked which was detrimental to Public Safety.

Provisional proposal 13

Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”. (Page 175)

Agree – Regulation for taxis and private hire vehicles should apply no matter where they provide the service.
Question 14

Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? (Page 177)

Agree- Airports should have designated pick up and drop off locations for pre-booked taxi’s and private hire vehicles in addition to any local arrangements.

Provisional proposal 15

The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:

(a) references to ranking and hailing;

(b) a non-exhaustive list of factors indicating plying for hire; and

(c) appropriate accommodation of the legitimate activities of private hire vehicles. (Page 181)

By introducing a one tier system of a licensed vehicle it would remove the need to legitimate activities of private hire vehicles. If however a two tier system remains, then the concept of plying for hire should be placed on a statutory footing.

Provisional proposal 16

The concepts of hailing and ranking should not cover technological means of engaging taxi services. (Page 181)

Agree- as using technological services such as Apps would mean that a booking was made for that service.

By introducing a one tier system, this would not be an issue.

Question 17

Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”? (Page 182)

Yes – this would appear to simplify the current grey area of “plying for hire”

Provisional proposal 18

The concept of compellability, which applies exclusively to taxis, should be retained. (Page 182)

Agree – This is a very difficult area to enforce as drivers can refuse a fare if there is a reasonable excuse. Trying to prove the offence of refusal to take a fare is difficult. It would be helpful if this piece of regulation could be expanded and further clarity and guidance provided.
Provisional proposal 19

Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked. (Page 183)

If the two tier system is to remain in place, then we would agree that the only way of engaging a private hire vehicle would be via a pre-booking.

By introducing a one tier system, this would not be an issue.

Provisional proposal 20

Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved. (Page 184)

Disagree – This would be very difficult to enforce, and would also cause further confusion with the public. The public would be unsure if that vehicle was being driven by a licensed driver who had been checked or by someone else who was not checked or licensed. The leisure use of licensed vehicles would be open to abuse and would make proving offences like refusing a fare or driving whilst unlicensed even more difficult.

Provisional proposal 21

The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements. (Page 185)

Agree. It is felt that should the statutory standards be clear, it is questionable whether guidance would be necessary

Provisional proposal 22

Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned. (Page 185)

If one tier system not introduced then agree to the terms “taxi” and “private hire vehicles”

Where a one tier system is introduced, it is suggested that the term ‘taxi’ be used

Question 23
Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion? (Page 186)

By introducing a one tier system, this would not be an issue.

Where a two tier system is to be retained, then we would agree if the advertisement was not placed on the vehicle. Any markings on the vehicle should only refer to private hire or pre booked vehicle.

CHAPTER 15 – A REFORMED REGULATORY FRAMEWORK

Provisional proposal 24

Taxi and private hire services should each be subject to national safety requirements. (Page 188)

Agree and that the ‘national standard’ be the same for both taxi and private hire should the two tier system be retained.

Provisional proposal 25

National safety standards, as applied to taxi services, should only be minimum standards. (Page 189)

Agree – as local needs and standards may require additional requirements. However, the same standard should also apply for private hire vehicles.

By introducing a one tier system, this would not be an issue

Provisional proposal 26

National safety standards, as applied to private hire services, should be mandatory standards. (Page 189)

Disagree – The same standard should apply to both taxis and private hire vehicles. In the main it’s the same type of work they both do. In our authority a high number of taxis and private hire vehicles undertake school transport contract. So to have different standards for vehicles which in effect are doing the same work would not be beneficial.

By introducing a one tier system, this would not be an issue

Provisional proposal 27

Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers. (Page 190)
Disagree – The standard for private hire should be the same as for taxis. All drivers should know the area they work in. Like taxi drivers, private hire drivers may get a booking at short notice and would not have sufficient time to plan the route before commencing the journey.

Question 28

Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? (Page 190)

Yes as some authorities do not require signage such as door stickers, where as some authorities find it a useful safety feature in order for the public to identify a licensed private hire vehicle.

By introducing a one tier system, this would not be an issue

Question 29

What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? (Page 191)

It would depend at what level the standard is set. If the safety standard is set too high to cater for the taxi trade, then the private hire trade may struggle to reach this standard, as a large number of private hire trade in this area solely work on school contracts as a result of the removal of the contract exemption.

Question 30

Should national conditions in respect of driver safety be different for taxi services compared with private hire services? (Page 192)

In theory they should both be the same as the driver could find themselves in a dangerous situation regardless of what type of vehicle they are driving. However consideration must be given as to what level the National Condition is set at. Some private hire drivers work similar to the taxi trade at weekends, and some private hire drivers only work on school runs.

Provisional proposal 31

The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety. (Page 192)

Agree

Provisional proposal 32

The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (Page 193)

Agree
Question 33

What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? (Page 193)

Agree – that a technical advisory panel should be set up to consult on the national safety standard. However, consultation on this should also involve the trade and local authorities.

Provisional proposal 34

Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. (Page 193)

Agree if the two tier system is retained

Question 35

Should there be statutory limits to licensing authorities’ ability to set local taxi standards? (Page 194)

In theory yes as this would reduce the amount of differences between licensed vehicles in different neighbouring authorities. However, until we know at what level the minimum standard is set; it is difficult to give a definitive answer to this question.

Question 36

Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? (Page 194)

Currently there are differing opinions on the legality of attaching conditions to taxi drivers. However, if a one tier system were introduced then the need for the amount of local conditions would be reduced. In the absence of a one tier system, licensing authorities should retain power to impose certain individual conditions. Local Authorities should be issued standardised guidance on which to work with when dealing with individual conditions.

Question 37

Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? (Page 195)

The powers and duties of Licensing Authorities to cooperate should be left to Local Arrangements. Any proposals to move the regulation of Taxi licensing to another body without consulting with those who currently administer the service should be re-assessed.

Provisional proposal 38
Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. (Page 196)

Agree

Provisional proposal 39

Licensing authorities should have the option to create, or remove, taxi zones within their area. (Page 196)

Agree

Question 40

Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? (Page 197)

Disagree – There is no requirement for peak time licenses as this would be very difficult to enforce. It appears that in the authorities that do not limit taxi’s, the problems of unsatisfied demand is very little, if any.

Provisional proposal 41

Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. (Page 198)

A one tier system would remove this restriction currently imposed on Private Hire Operators. It would also remove the current outdated legislation that allows a Taxi to be based and operate for bookings in an area hundreds of miles away from where it is licensed.

If a two tier system was to remain, and with the advancement of modern technology, we agree that the restriction on Private Hire Operators should be removed when inviting/accepting bookings.

In relation to vehicles and drivers, then these should continue to be licensed by the Licensing Authority from where the Operator is based.

Provisional proposal 42

We do not propose to introduce a “return to area” requirement in respect of out-of-area drop offs. (Page 199)

Agree, however the vehicle must still only be used for bookings only.

Provisional proposal 43

Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares. (Page 200)
Agree - Licensing Authorities should retain the ability to regulate maximum taxi fares. This is a maximum fare and a lesser fare can be charged by the driver/proprietor. By setting a maximum tariff, the authority can take into account the costs of running a vehicle and consult with the taxi trade and public. These fares are publicised to help ensure that the public are protected from being overcharged when getting into a taxi on the street or rank.

The Licensing Authority does not require the power to regulate private hire fares. This fare is agreed at the time of booking between the operator and customer.

Question 44

Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? (Page 200)

No – Again this would not be an issue if a one tier system was in place. This would allow a fare to be agreed in advance if pre-booked, or would go on the meter if vehicle picked up on a rank/street. Currently if a taxi tries to charge more than that is shown on the meter or Tariff Card, then the consumer would know and could complain.

CHAPTER 16 – REFORM OF DRIVER, VEHICLE AND OPERATOR LICENSING

Question 45

Should national driver safety standards such as the requirement to be a “fit and proper person” be either:

(a) set out in primary legislation; or

(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 203)

Driver safety standards such as the requirement to be a fit and proper person should be set out in Primary legislation. This would then ensure a consistent approach by licensing authorities when dealing with driver applications. It would help remove the issue of some drivers being refused in one authority only to be granted a licence in a neighbouring authority.

There may also be an opportunity to ensure that the ‘fit and proper’ requirement be extended to cover drivers of PSV vehicles such as coaches (9 or more passengers) as there is currently no requirement for such drivers to have a CRB check.

Provisional proposal 46

Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. (Page 204)
Disagree – Vehicle owners should be subject to a fit and proper test. There have been instances where vehicle owners have committed offences that the licensing authorities are not aware of. Some owners have used taxis as a cover for committing crime.

Question 47

Should national vehicle safety standards be either:

(a) set out in primary legislation; or

(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 205)

Vehicle safety standards should be set out in primary legislation.

Provisional proposal 48

Operator licensing should be retained as mandatory in respect of private hire vehicles. (Page 207)

Agree

Question 49

Should operator licensing be extended to cover taxi radio circuits and if so on what basis? (Page 208)

Agree – taxis being pre-booked by an operator should not differ from a booking made by possibly the same operator for a private hire vehicle. A one tier system would remove any differences in what is fundamentally the same process of booking a vehicle for a fare paying passenger.

Provisional proposal 50

The definition of operators should not be extended in order to include intermediaries. (Page 209)

Agree

Question 51

Should “fit and proper” criteria in respect of operators be retained? (Page 210)

Yes – Operators will hold information about people’s whereabouts and movements which is valuable information to a criminal.

Provisional proposal 52
Operators should be expressly permitted to sub-contract services. (Page 210)

Agree

Question 53

Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? (Page 210)

Yes – as in effect this is no different to a booking made for a private hire vehicle. It would also be of assistance should any complaint be received.

CHAPTER 17 – REFORMING QUANTITY CONTROLS

Provisional proposal 54

Licensing authorities should no longer have the power to restrict taxi numbers. (Page 213)

Agree – Unmet demand survey costs are high with the content of the surveys being open to criticism. How often the survey would be required together with who would pay for it remains an ongoing issue with those who have introduced it.

Question 55

What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? (Page 213)

Proprietors may lose out financially as the value of their plate and licence would drop dramatically if an authority that regulated its numbers was forced to de-regulate.

Question 56

Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period of time, if quantity restrictions are removed? (Page 215)

Yes

CHAPTER 18 – TAXI AND PRIVATE HIRE REFORM AND EQUALITY

Question 57

Should there be a separate licence category for wheelchair accessible vehicles? This could involve:

(1) a duty on the licensee to give priority to disabled passengers; and

(2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles. (Page 217)
Yes. This would help encourage proprietors to invest in wheelchair accessible vehicles. Such a licence category should include such incentives as a lower licence fee, or a lesser age of vehicle requirement.

Yes.

Question 58

Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards? (Page 217)

Yes

Question 59

Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? (Page 217)

If the age of the vehicle formed part of the national minimum standard, then reducing this for wheelchair accessible vehicles may increase the availability of accessible vehicles.

Provisional proposal 60

We do not propose to introduce national quotas of wheelchair accessible vehicles. (Page 218)

Agree

Provisional proposal 61

National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. (Page 219)

Agree – driver training on disability awareness is very important. Go Skills previously approached the authority to provide driver training. Unfortunately they did not get the funding they required from Government to provide this training.

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In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. (Page 219)

Agree – In addition, it would also be beneficial to display information on what is expected from the driver. Then both the driver and passenger are aware of what is required.
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An obligation to stop irrespective of who hails the taxi would help. If all authorities required a Roof sign on the vehicle to be illuminated when the vehicle is free for hire, this would help the customer know if that vehicle was free to be hailed.

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Question 64

Should authorised licensing officers have the power to stop licensed vehicles? (Page 222)

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Yes. It would be advantageous to have a fixed penalty scheme to deal with certain offences. However, a fixed penalty scheme should have a set list of offences that are punishable by fixed penalty. This list should be accompanied by guidance for officers so as to ensure that all licensing authorities deal with that particular type of offence in the same way.

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Agree – Enforcement officers should have powers to enforce against vehicles, drivers and operators licensed in other areas. You refer to Private Hire Vehicles and Operators in relation to cross border issues. This is not currently an issue in this authority as the bookings are made in the location where the Operator is licensed.

The current issue that Enforcement Officers would require powers to enforce against vehicles and drivers from other areas is in relation to Hackney Carriages. This is in relation to Hackney Carriages being licensed in another area operating in a location as a private hire that could be hundreds of miles away from where it is licensed. This vehicle and driver would not see any form of enforcement from the Local Authority where it is licensed.

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Agree

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The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. (Page 231)

Disagree – The current system of appealing to the Court appears to work well. By requiring the licensing authority to reconsider its decision, would result in additional costs being incurred by the licensing authority.

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Appeals should continue to be heard in the magistrates’ court. (Page 232)

Agree – This should also include the appeal process for a Hackney Carriage licence which currently goes to Crown Court.

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Should there be an onward right of appeal to the Crown Court? (Page 233)

Agree
CHAPTER 13 - OVERVIEW OF PROVISIONAL REFORM PROPOSALS

Provisional proposal 1

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. (Page 160)

Disagree – Regulation should change to bring all vehicles that operate as taxis or private hire vehicles under a one tier system. Not only would this simplify the current confusion that the public have in differentiating between a Taxi and Private Hire vehicle, it would also remove the current outdated legislation that has not moved on with modern times. One example of this is a loophole in current legislation allowing a Hackney Carriage (Taxi) to be legally based and operated in an area that could be hundreds of miles away from where it is licensed. This vehicle and driver would not see any form of enforcement from the Local Authority where it is licensed.

CHAPTER 14 – REFORM OF DEFINITIONS AND SCOPE

Provisional proposal 2

London should be included, with appropriate modifications, within the scope of reform. (Page 162)

Agree in principle that London should be included; however a new system of licensing should be the same across England and Wales. The scope of ‘standards’ is yet to be discussed, but care must be taken to ensure that they satisfy the needs of both rural and urban environments.

Provisional proposal 3

The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. (Page 164)

Agree – but with the type of transport used to carry no more than eight passengers.

Question 4

Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? (Page 164)
Yes the advantages of restricting licensing to motor vehicles that require a driving licence is that the driver would have passed a DVLA Driving Test to use that type of vehicle. However if this was introduced, the other modes of transport may go unregulated, such as Pedicabs. Non motorised vehicles should be require to comply with local conditions as they are ‘for hire and reward’ and carry passengers. Public safety is the paramount.

Provisional proposal 5

Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. (Page 165)

Agree – Also that any vehicle with a seating capacity of eight or less passengers can’t be a PSV Vehicle. This would lessen the confusion on any enforcement undertaken and would clearly separate the two.

Provisional proposal 6

References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. (Page 166)

Agree – such vehicle is ‘for hire or reward’ and should therefore fall under taxi licensing remit

Provisional proposal 7

The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. (Page 167)

Agree – Clarity is required regarding certain types of novelty vehicles such as Fire Engines and Ambulances. Where required, national standards should be set.

Provisional proposal 8

The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. (Page 168)

Agree – However further clarification is required for when a “Volunteer” type service becomes a business if a profit has been made. Using the HM Revenue & Customs rates as guidance requires further clarification. The Department for Transport guidance would also need to be updated in line with the new regulations.

Question 9

How, if at all, should the regulation of taxis and private hire deal with:

(a) carpooling; and

(b) members clubs? (Page 170)
a) Carpooling should not come under taxi / private hire regulations. This has not caused any concern to this authority, and in effect, it happens daily where colleagues/friends and members of the public share lifts to work. Not only does this help reduce the cost of living, it also helps reduce the carbon emissions.

b) Members clubs that provide a vehicle with a driver for hire and reward should come under the taxi / private hire regulations. This would ensure that the driver and vehicle are properly checked as they are in effect carrying passengers in the course of their business for hire and reward.

**Provisional proposal 10**

The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. (Page 171)

Agree – As time moves on with advances in technology and vehicles, there should be an element of flexibility to be able to deal with any changes that may occur. However, any changes proposed/considered must undergo a consultation process with Local Authorities (and the trade) and consideration must be given to the amendments to ensure that there are no significant differences in standards between England and Wales.

**Provisional proposal 11**

Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. (Page 172)

Disagree – Funeral Cars should continue to be expressly excluded from licensing through primary legislation. Funeral Cars in the main do not get used for any other purpose other than funerals; however it would be beneficial to state in the legislation that Funeral Cars are excluded from licensing when being used for funerals.

Wedding Cars are more likely to be used for other functions such as prom nights and other special occasions, and therefore should not automatically be exempt from licensing. However it would be beneficial to state in the legislation that Wedding Cars are excluded from licensing when being used on Wedding Days Only.

**Question 12**

Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse? (Page 174)

No as many vehicles and drivers that provided such services in this county were not regulated or checked. It was a common loophole used by firms providing novelty vehicles. This resulted in neither the Driver or vehicle being checked which was detrimental to Public Safety.
Provisional proposal 13

Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”. (Page 175)

Agree – Regulation for taxis and private hire vehicles should apply no matter where they provide the service.

Question 14

Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? (Page 177)

Agree- Airports should have designated pick up and drop off locations for pre booked taxi’s and private hire vehicles in addition to any local arrangements.

Provisional proposal 15

The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:

(a) references to ranking and hailing;
(b) a non-exhaustive list of factors indicating plying for hire; and
(c) appropriate accommodation of the legitimate activities of private hire vehicles. (Page 181)

By introducing a one tier system of a licensed vehicle it would remove the need to legitimate activities of private hire vehicles. If however a two tier system remains, then the concept of plying for hire should be placed on a statutory footing.

Provisional proposal 16

The concepts of hailing and ranking should not cover technological means of engaging taxi services. (Page 181)

Agree- as using technological services such as Apps would mean that a booking was made for that service.

By introducing a one tier system, this would not be an issue.

Question 17

Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”? (Page 182)

Yes – this would appear to simplify the current grey area of “plying for hire”

Provisional proposal 18
The concept of compellability, which applies exclusively to taxis, should be retained. (Page 182)

Agree – This is a very difficult area to enforce as drivers can refuse a fare if there is a reasonable excuse. Trying to prove the offence of refusal to take a fare is difficult. It would be helpful if this piece of regulation could be expanded and further clarity and guidance provided.

Provisional proposal 19

Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked. (Page 183)

If the two tier system is to remain in place, then we would agree that the only way of engaging a private hire vehicle would be via a pre-booking.

By introducing a one tier system, this would not be an issue.

Provisional proposal 20

Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved. (Page 184)

Disagree – This would be very difficult to enforce, and would also cause further confusion with the public. The public would be unsure if that vehicle was being driven by a licensed driver who had been checked or by someone else who was not checked or licensed. The leisure use of licensed vehicles would be open to abuse and would make proving offences like refusing a fare or driving whilst unlicensed even more difficult.

Provisional proposal 21

The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements. (Page 185)

Agree. It is felt that should the statutory standards be clear, it is questionable whether guidance would be necessary.

Provisional proposal 22

Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned. (Page 185)
If one tier system not introduced then agree to the terms “taxi” and “private hire vehicles”

Where a one tier system is introduced, it is suggested that the term ‘taxi’ be used

Question 23

Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion? (Page 186)

By introducing a one tier system, this would not be an issue.

Where a two tier system is to be retained, then we would agree if the advertisement was not placed on the vehicle. Any markings on the vehicle should only refer to private hire or pre booked vehicle.

CHAPTER 15 – A REFORMED REGULATORY FRAMEWORK

Provisional proposal 24

Taxi and private hire services should each be subject to national safety requirements. (Page 188)

Agree and that the ‘national standard’ be the same for both taxi and private hire should the two tier system be retained.

Provisional proposal 25

National safety standards, as applied to taxi services, should only be minimum standards. (Page 189)

Agree – as local needs and standards may require additional requirements. However, the same standard should also apply for private hire vehicles.

By introducing a one tier system, this would not be an issue

Provisional proposal 26

National safety standards, as applied to private hire services, should be mandatory standards. (Page 189)

Disagree – The same standard should apply to both taxis and private hire vehicles. In the main it’s the same type of work they both do. In our authority a high number of taxis and private hire vehicles undertake school transport contract. So to have different standards for vehicles which in effect are doing the same work would not be beneficial.

By introducing a one tier system, this would not be an issue
Provisional proposal 27

Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers. (Page 190)

Disagree – The standard for private hire should be the same as for taxis. All drivers should know the area they work in. Like taxi drivers, private hire drivers may get a booking at short notice and would not have sufficient time to plan the route before commencing the journey.

Question 28

Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? (Page 190)

Yes as some authorities do not require signage such as door stickers, where as some authorities find it a useful safety feature in order for the public to identify a licensed private hire vehicle.

By introducing a one tier system, this would not be an issue

Question 29

What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? (Page 191)

It would depend at what level the standard is set. If the safety standard is set too high to cater for the taxi trade, then the private hire trade may struggle to reach this standard, as a large number of private hire trade in this area solely work on school contracts as a result of the removal of the contract exemption.

Question 30

Should national conditions in respect of driver safety be different for taxi services compared with private hire services? (Page 192)

In theory they should both be the same as the driver could find themselves in a dangerous situation regardless of what type of vehicle they are driving. However consideration must be given as to what level the National Condition is set at. Some private hire drivers work similar to the taxi trade at weekends, and some private hire drivers only work on school runs.

Provisional proposal 31

The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety. (Page 192)

Agree
Provisional proposal 32

The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (Page 193)

Agree

Question 33

What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? (Page 193)

Agree – that a technical advisory panel should be set up to consult on the national safety standard. However, consultation on this should also involve the trade and local authorities.

Provisional proposal 34

Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. (Page 193)

Agree if the two tier system is retained

Question 35

Should there be statutory limits to licensing authorities’ ability to set local taxi standards? (Page 194)

In theory yes as this would reduce the amount of differences between licensed vehicles in different neighbouring authorities. However, until we know at what level the minimum standard is set; it is difficult to give a definitive answer to this question.

Question 36

Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? (Page 194)

Currently there are differing opinions on the legality of attaching conditions to taxi drivers. However, if a one tier system were introduced then the need for the amount of local conditions would be reduced. In the absence of a one tier system, licensing authorities should retain power to impose certain individual conditions. Local Authorities should be issued standardised guidance on which to work with when dealing with individual conditions.

Question 37

Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? (Page 195)
The powers and duties of Licensing Authorities to cooperate should be left to Local Arrangements. Any proposals to move the regulation of Taxi licensing to another body without consulting with those who currently administer the service should be re-assessed.

Provisional proposal 38

Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. (Page 196)

Agree

Provisional proposal 39

Licensing authorities should have the option to create, or remove, taxi zones within their area. (Page 196)

Agree

Question 40

Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? (Page 197)

Disagree – There is no requirement for peak time licenses as this would be very difficult to enforce. It appears that in the authorities that do not limit taxi’s, the problems of unsatisfied demand is very little, if any.

Provisional proposal 41

Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. (Page 198)

A one tier system would remove this restriction currently imposed on Private Hire Operators. It would also remove the current outdated legislation that allows a Taxi to be based and operate for bookings in an area hundreds of miles away from where it is licensed.

If a two tier system was to remain, and with the advancement of modern technology, we agree that the restriction on Private Hire Operators should be removed when inviting/accepting bookings.

In relation to vehicles and drivers, then these should continue to be licensed by the Licensing Authority from where the Operator is based.

Provisional proposal 42

We do not propose to introduce a “return to area” requirement in respect of out-of-area drop offs. (Page 199)
Agree, however the vehicle must still only be used for bookings only.

Provisional proposal 43

Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares.

(Page 200)

Agree - Licensing Authorities should retain the ability to regulate maximum taxi fares. This is a maximum fare and a lesser fare can be charged by the driver/proprietor. By setting a maximum tariff, the authority can take into account the costs of running a vehicle and consult with the taxi trade and public. These fares are publicised to help ensure that the public are protected from being overcharged when getting into a taxi on the street or rank.

The Licensing Authority does not require the power to regulate private hire fares. This fare is agreed at the time of booking between the operator and customer.

Question 44

Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? (Page 200)

No – Again this would not be an issue if a one tier system was in place. This would allow a fare to be agreed in advance if pre-booked, or would go on the meter if vehicle picked up on a rank/street. Currently if a taxi tries to charge more than that is shown on the meter or Tariff Card, then the consumer would know and could complain.

CHAPTER 16 – REFORM OF DRIVER, VEHICLE AND OPERATOR LICENSING

Question 45

Should national driver safety standards such as the requirement to be a “fit and proper person” be either:

(a) set out in primary legislation; or

(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 203)

Driver safety standards such as the requirement to be a fit and proper person should be set out in Primary legislation. This would then ensure a consistent approach by licensing authorities when dealing with driver applications. It would help remove the issue of some drivers being refused in one authority only to be granted a licence in a neighbouring authority.

There may also be an opportunity to ensure that the ‘fit and proper’ requirement be extended to cover drivers of PSV vehicles such as coaches (9 or more passengers) as there is currently no requirement for such drivers to have a CRB check.
Provisional proposal 46

Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. (Page 204)

Disagree – Vehicle owners should be subject to a fit and proper test. There have been instances where vehicle owners have committed offences that the licensing authorities are not aware of. Some owners have used taxis as a cover for committing crime.

Question 47

Should national vehicle safety standards be either:

(a) set out in primary legislation; or

(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 205)

Vehicle safety standards should be set out in primary legislation.

Provisional proposal 48

Operator licensing should be retained as mandatory in respect of private hire vehicles. (Page 207)

Agree

Question 49

Should operator licensing be extended to cover taxi radio circuits and if so on what basis? (Page 208)

Agree – taxis being pre-booked by an operator should not differ from a booking made by possibly the same operator for a private hire vehicle. A one tier system would remove any differences in what is fundamentally the same process of booking a vehicle for a fare paying passenger.

Provisional proposal 50

The definition of operators should not be extended in order to include intermediaries. (Page 209)

Agree

Question 51

Should “fit and proper” criteria in respect of operators be retained? (Page 210)
Yes – Operators will hold information about people’s whereabouts and movements which is valuable information to a criminal.

Provisional proposal 52

Operators should be expressly permitted to sub-contract services. (Page 210)

Agree

Question 53

Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? (Page 210)

Yes – as in effect this is no different to a booking made for a private hire vehicle. It would also be of assistance should any complaint be received.

CHAPTER 17 – REFORMING QUANTITY CONTROLS

Provisional proposal 54

Licensing authorities should no longer have the power to restrict taxi numbers. (Page 213)

Agree – Unmet demand survey costs are high with the content of the surveys being open to criticism. How often the survey would be required together with who would pay for it remains an ongoing issue with those who have introduced it.

Question 55

What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? (Page 213)

Proprietors may lose out financially as the value of their plate and licence would drop dramatically if an authority that regulated its numbers was forced to de-regulate.

Question 56

Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period of time, if quantity restrictions are removed? (Page 215)

Yes

CHAPTER 18 – TAXI AND PRIVATE HIRE REFORM AND EQUALITY

Question 57

Should there be a separate licence category for wheelchair accessible vehicles? This could involve:
(1) a duty on the licensee to give priority to disabled passengers; and

(2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles. (Page 217)

Yes. This would help encourage proprietors to invest in wheelchair accessible vehicles. Such a licence category should include such incentives as a lower licence fee, or a lesser age of vehicle requirement.

Yes.

Question 58

Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards? (Page 217)

Yes

Question 59

Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? (Page 217)

If the age of the vehicle formed part of the national minimum standard, then reducing this for wheelchair accessible vehicles may increase the availability of accessible vehicles.

Provisional proposal 60

We do not propose to introduce national quotas of wheelchair accessible vehicles. (Page 218)

Agree

Provisional proposal 61

National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. (Page 219)

Agree – driver training on disability awareness is very important. Go Skills previously approached the authority to provide driver training. Unfortunately they did not get the funding they required from Government to provide this training.

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It is also felt that a national database with all licensed drivers details be considered as issues with concerns with LA where a driver is not licensed may not be in a position to check details of the driver in a timely fashion.

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Agree

Provisional proposal 71

The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. (Page 231)

Disagree – The current system of appealing to the Court appears to work well. By requiring the licensing authority to reconsider its decision, would result in additional costs being incurred by the licensing authority.

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Agree – This should also include the appeal process for a Hackney Carriage licence which currently goes to Crown Court.

Question 73

Should there be an onward right of appeal to the Crown Court? (Page 233)

Agree
I write to make you aware of how disappointed I am at the proposed ramp up of licences required for wedding car hire.

The Haynes International Motor Museum is an educational charitable trust which takes no income from the public purse instead we work hard to ensure that our motoring heritage is preserved and are entirely self-sustaining. A significant part of this income comes from wedding car hire.

Whilst I understand the need for safety on our roads the cost of such licences and the depth of technical testing will undoubtedly negate any profit we make from wedding car hire.

In my role as Chairman of the World Forum for Motor Museums I am also well aware of the hardship this will cause many other motor museums in the UK.

I would ask you to reconsider the proposals in the case of charitable trusts where this income is so important. If this is not possible then at least grant exemption from the licence charges for Charitable Trusts.

Micheal Penn CEI Tech Eng ITE, SAHB
Curatorial Director Haynes International Motor Museum
Chairman
World Forum for Motor Museums Secretariat

Registered in England Charitable Trust number 292048. Registered office, Sparkford, Nr Yeovil, Somerset BA22 7LH, England

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Just to follow this up. I had a long conversation with one of the larger companies that provide many specialised, classic, veteran and vintage vehicles for weddings, funerals and special occasions.

He strongly believes that this cannot go ahead as it will be detrimental to so many businesses. However I do believe that there must be some control over the safety of this type of car in the face of new proposals for change in MOT regulations.

If this were change were revoked then I feel that there is control enough over the use of collector vehicles for weddings and funerals.

Micheal Penn CEI Tech Eng ITE, SAHB
Curatorial Director

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I write to make you aware of how disappointed I am at the proposed ramp up of licences required for wedding car hire.

The Haynes International Motor Museum is an educational charitable trust which takes no income from the public purse instead we work hard to ensure that our motoring heritage is preserved and are entirely self-sustaining. A significant part of this income comes from wedding car hire.

Whilst I understand the need for safety on our roads the cost of such licences and the depth of technical testing will undoubtedly negate any profit we make from wedding car hire.

In my role as Chairman of the World Forum for Motor Museums I am also well aware of the hardship this will cause many other motor museums in the UK.

I would ask you to reconsider the proposals in the case of charitable trusts where this income is so important. If this is not possible then at least grant exemption from the licence charges for Charitable Trusts.

Micheal Penn CEI Tech Eng ITE, SAHB
Curatorial Director Haynes International Motor Museum
Chairman
World Forum for Motor Museums Secretariat

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LIST OF PROVISIONAL PROPOSALS AND QUESTIONS

OVERVIEW OF PROVISIONAL REFORM PROPOSALS

Provisional proposal 1
Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. (Page 160)

Removing the distinction between hackney carriage and private hire vehicles would simplify the entire licensing structure. The Public neither know nor care about the current distinction and one tier would remove many of the concerns about issues such as illegal plying for hire.

The Law Commission does not appear to appreciate that most illegal plying is undertaken by licensed private hire vehicles. We suggest a regime where there was a requirement of an operator licence, vehicle licence and driver licence and within which vehicles could ply for hire, pick up at designated ranks or hailing points or be pre-booked. This is similar to the activities of hackney carriages in the current regime with the addition of an operator. Fares could be regulated, as now, on a taximeter for public hire i.e. un-booked journeys (this is the maximum that can be charged) while pre-booked journeys could be subject to negotiation with the provision that they do not exceed the metered fare.

A single tier system, with national minimum standards for vehicles and the ability for the licensing authority to set local requirements in relation to plates etc. (for all vehicles) would be simple and cost effective. Exemptions could then, as now, be permitted for novelty & executive hire.

While the main problems with single tier would be the issue of rank space this could be resolved by the use of hailing points and the reservation of ranks for wheelchair accessible vehicles only.

We do not accept that a single tier would lead to wholesale unlicensed vehicles – indeed we believe the opposite would be the case.

REFORM OF DEFINITIONS AND SCOPE
Provisional proposal 2
London should be included, with appropriate modifications, within the scope of reform. (Page 162)

We do not have a view other than to acknowledge that this may have a disproportionate effect on London.
Provisional proposal 3
The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. (Page 164)

We agree with the proviso of exemptions for novelty vehicles (from standard conditions etc). We would wish to see the regime extended to include mini-buses up to 16 seats given our experience that drivers whose licences are revoked for criminal and other matters frequently continue to drive but in small mini buses which are exempt from the licensing regime.

Question 4
Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? (Page 164)

More expertise is needed for some licensing e.g. horse drawn carriages where veterinary requirements add both cost and expertise to the licensing process, however this is outweighed by public safety issues. On balance we agree that other modes of transport should be included with the proviso that local requirements can prevail.

Provisional proposal 5
Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. (Page 165)

Either all Limousines & PSVs up to 16 seats should be included in the licensing regime or alternatively be subject to the same driver standards as taxis. Within the Tees Valley we have evidence of 9-16 seat vehicles currently being regularly used for private hire work and also often being driven by persons who have been found to be unsuitable by the licensing authority (e.g. licences revoked for serious criminal matters). We would suggest that if the Traffic Commissioners retain jurisdiction they should require CRB checks, medicals etc.

Provisional proposal 6
References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. (Page 166)

Agreed

Provisional proposal 7 The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. (Page 167)

Agreed but please see response to Provisional Proposal No 5.

Provisional proposal 8
The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. (Page 168)
There should be a clear definition of what a “volunteer driver” is and also what “in the course of a business” means. There are volunteer drivers who achieve 500-1000+ miles per week driving to hospitals and this could be viewed as a business. In addition this could provide loopholes for nightclubs etc to provide virtual private hire services. The added concern is that such arrangements are usually made for transporting vulnerable people. If exemptions are given the drivers & vehicles should be subject to rigorous vetting. We would propose exemptions either locally or through the Secretary of State for roles such as childminders who are already subject to vigorous checks.

**Question 9**
How, if at all, should the regulation of taxis and private hire deal with:
(a) carpooling; and
(b) members clubs? *(Page 170)*

We agree that carpooling should be exempt but would suggest that a robust definition be provided for “members clubs”. We would suggest that the burden of proof should rest with the driver.

**Provisional proposal 10**
The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. *(Page 171)*

We suggest that there should be one regime only for England & Wales. We would suggest that the Secretary of State builds in provision for local exclusions and also makes any proposals subject to full consultation.

**Provisional proposal 11**
Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. *(Page 172)*

We agree that funeral cars should be excluded from the licensing regime. We would support exclusion of wedding cars on the basis that the hiring is restricted to transport to the ceremony venue and onward transport to the reception only. We would suggest that clear definitions are provided to avoid future confusion.

**Question 12**
Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse? *(Page 174)*

We strongly disagree with this suggestion. The purpose of the licensing regime is to protect the public and frequently such contracts are to carry vulnerable passengers. The contract exemption was removed to ensure that vulnerable children and adults were not being transported by drivers without proper vetting (enhanced CRB etc) and in vehicles that had not been properly checked for safety. It would be a backward step to return to the old situation. The ability for the licensing authority to consider applications for exemptions could be built in.

**Provisional proposal 13**
Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”. *(Page 175)*
We agree that this should be extended to “any place within the district.”

Question 14
Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? (Page 177)

In principal there is no reason why airports should be treated differently to places such as railway stations.

Provisional proposal 15
The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:
(a) references to ranking and hailing;
(b) a non-exhaustive list of factors indicating plying for hire; and
(c) appropriate accommodation of the legitimate activities of private hire vehicles. (Page 181)

If a single tier system was agreed there would be no need for such definitions. If a 2 tier system is however retained then it would be useful to have such a definition.

Provisional proposal 16
The concepts of hailing and ranking should not cover technological means of engaging taxi services. (Page 181)

This would not be of concern if a single tier system was adopted

Question 17
Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”? (Page 182)

This would not be of concern if a single tier system was adopted. As taxis can be pre-booked the concept of “a public place” may bring confusion.

Provisional proposal 18
The concept of compellability, which applies exclusively to taxis, should be retained. (Page 182)

We agree with this proposal and would wish to indicate that in the event of a 2 tier system being retained it should extend to include private hire also.

Provisional proposal 19
Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked. (Page 183)

A single tier system would remove the need to differentiate.

Provisional proposal 20
Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved. (Page 184)
We totally disagree with this proposal. We have evidence of people claiming to be “mechanics” and driving licensed vehicles (allegedly to “test” them) without the requisite driver licence at 4 am and also people “just carrying friends” even when the passengers have confirmed that is not the case. Benson & Boyce clarified this in respect of PHVs once and for all. The only constraint on use of a family vehicle is that the driver holds the relevant licence and so there would not be any hardship to the family.

Provisional proposal 21
The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements.

Although we would prefer the legislation to be sufficiently clear so as not to need statutory guidance we accept that there may be justification for statutory guidance.

Provisional proposal 22
Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned.

A single tier system would remove the need for such differentiation. The Public refer to both HCs & PHVs as “taxis”. We support a single tier system with the universal use of the word “taxi”.

Question 23
Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion? (Page 186)

A single tier system would resolve this issue, however if the current 2 tier system is to be retained the use of “taxi” or “cab” should not be permitted as it causes greater confusion to the public.

A REFORMED REGULATORY FRAMEWORK
Provisional proposal 24
Taxi and private hire services should each be subject to national safety requirements. (Page 188)

We agree that all vehicles and drivers should be subject to mandatory safety standards whether in a single or 2 tier regime. We also believe that there should be the power for licensing authorities to impose additional requirements according to local need. We would advocate a single tier system with taxis required to have roof and other specified signage. We would seek a full consultation on what the proposed national standards are to be.

We are aware that other respondents have advocated dual insurance cover (i.e. public and private hire) for PHVs in the event of the retention of a 2 tier system. We oppose this. There is no need for private hire to have cover for public hire and if an illegal activity of plying for hire by such vehicles occurs we are aware that insurance companies indemnify 3rd parties but then may seek to recover from the uninsured driver. We would however urge that all insurance companies offering either public or private hire insurance should have a clause on the policy stating that all cover is subject to the relevant licensing authority licences being held.

Provisional proposal 25
National safety standards, as applied to taxi services, should only be minimum standards. *(Page 189)*

We agree subject to paragraph 1 of our response to proposal 24.

**Provisional proposal 26**
National safety standards, as applied to private hire services, should be mandatory standards. *(Page 189)*

We agree subject to paragraph 1 of our response to proposal 24.

**Provisional proposal 27**
Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers. *(Page 190)*

We disagree with this proposal and believe that local determination of standards should be retained especially those concerned with the driver’s ability to communicate, particularly when English is not their first language. We frequently have experience of complaints from the public about drivers not knowing their way around an area (particularly if they are from a different licensing area) despite the availability of satellite navigation equipment.

**Question 28**
Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? *(Page 190)*

This would depend on what the national standards were. If the 2 tier system is to be retained we would encourage the ability of licensing authorities to require signage specific to private hire needing to be pre-booked & display of local operators etc.

**Question 29**
What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? *(Page 191)*

We support national standards for all vehicles There needs to be consideration about any period of transition and also the question of grandfather rights for current vehicles if there is to be wholesale change.

**Question 30**
Should national conditions in respect of driver safety be different for taxi services compared with private hire services? *(Page 192)*

No

**Provisional proposal 31**
The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should *only* cover conditions relating to safety. *(Page 192)*

We would support a flexible approach so that if the Secretary of State sets minimum standards then the licensing authority could set other conditions that they deem reasonably necessary. The other alternative is to extend the scope of the Secretary of State to include other issues.
**Provisional proposal 32**  
The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. *(Page 193)*  

Yes we agree that full consultation on the standards is essential.

**Question 33**  
What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? *(Page 193)*  

We believe this could be achieved through the consultation of membership groups and their findings could be fed into a technical advisory panel.

**Provisional proposal 34**  
Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. *(Page 193)*  

We agree with this proposal and in the event of a 2 tier system believe it should be extended to PHVs.

**Question 35**  
Should there be statutory limits to licensing authorities’ ability to set local taxi standards? *(Page 194)*  

We believe this would be better dealt with by guidance rather than statutory limits.

**Question 36**  
Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? *(Page 194)*  

Licensing Authorities currently do not have the power to impose conditions on HC drivers nor do they have the power to require an operator licence for operation solely of HCs. We would support a one tier system with national requirements on CRBs, dealing with DSA tests, criminal offences, medicals, disability awareness, legislation tests etc but with also local flexibility to set special conditions e.g. requirement to undertake a Driver Improvement Test, re-sit a knowledge test etc as part of a disciplinary process and a direct alternative to suspension or revocation of licence.

**Question 37**  
Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? *(Page 195)*  

We believe that this is best left to local arrangements.

**Provisional proposal 38**  
Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. *(Page 196)*  

We agree that this should be the case.
Provisional proposal 39
Licensing authorities should have the option to create, or remove, taxi zones within their area.  
(Page 196)

The 5 Tees Valley Authorities who are responding do not have issues re zoning, however we believe that the issue of fares should not be a consideration when deciding on this matter. HC fares are a maximum & less can be charged. We agree the matter should be left to the licensing authority.

Question 40
Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? (Page 197)

We totally disagree with this proposal. A large proportion of the Trade currently only work the peak times. The issue of peak time licences would be impossible to properly regulate and enforce and would make the system far more complicated.

Provisional proposal 41
Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. (Page 198)

We would prefer more information on this proposal before commenting fully. We do however envisage that it could lead to vehicles being licensed in one area and totally operating in another which would give the latter area the enforcement burden without the licence fee. We propose a single tier system where non-booked work could be limited to the licensing district.

Provisional proposal 42
We do not propose to introduce a “return to area” requirement in respect of out of area drop offs. (Page 199)

We agree with this proposal.

Provisional proposal 43
Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares.  
(Page 200)

We agree that maximum fares for un-booked work should be set. We support a single tier system with negotiated fares for pre-booked work subject to the fare being no greater than the metered fare.

Question 44
Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? (Page 200)

See our response to Proposal 43. We believe that the metered fare should be the maximum. If a fare is negotiated for a pre-booked contract, e.g. £20, the meter should be engaged. If the metered fare is £25 then £20 should be charged. If the metered fare is £18 then £18 should be charged.

REFORM OF DRIVER, VEHICLE AND OPERATOR LICENSING
Question 45
Should national driver safety standards such as the requirement to be a “fit and proper person” be either:
(a) set out in primary legislation; or
(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 203)

We believe it should be included in primary legislation with accompanying regulations to cover relevant convictions, Group II medical standards etc but be more robust than the Licensing Act 2003 (personal licences) given the position of trust that drivers hold.

Provisional proposal 46
Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. (Page 204)

This should relate to licensed proprietors as the vehicle owner is not always the person licensed (e.g. hire cars in insurance cases etc). We believe there should be a fit and proper test but that it should not be as stringent as for drivers. We note that Transport for London requires information re financial viability, good character etc and suggest this would be a good starting point. Given the problem with the transportation of drugs in licensed vehicles we would invite the TLC to consider what their view would be of a licensed proprietor with previous convictions for supplying drugs.

Question 47
Should national vehicle safety standards be either:
(a) set out in primary legislation; or
(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 205)

We would support primary legislation with regulations.

Provisional proposal 48
Operator licensing should be retained as mandatory in respect of private hire vehicles. (Page 20)

Given the increase in HCs being operated through an operator we would support operator licensing for both types of vehicle. The obvious solution is to create a one tier system with operator, vehicle & driver licensing.

Question 49
Should operator licensing be extended to cover taxi radio circuits and if so on what basis? (Page 208)

Yes – please see our response to proposal 48.

Provisional proposal 50
The definition of operators should not be extended in order to include intermediaries. (Page 209)

If the intermediary is dealing direct with a licensed operator then this would not be necessary. If dealing direct with the driver it would be necessary.

Question 51
Should “fit and proper” criteria in respect of operators be retained? (Page 209)
Provisional proposal 52
Operators should be expressly permitted to sub-contract services. (Page 210)

We agree with this proposal subject to the proviso that the sub contracting is to another licensed private hire operator and that there is a proper audit trail of records.

Question 53
Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? (Page 210)

Yes to enable an audit trail in the event of complaints etc

REFORMING QUANTITY CONTROLS
Provisional proposal 54
Licensing authorities should no longer have the power to restrict taxi numbers. (Page 213)

We agree with this proposal and believe that market forces should determine numbers. We accept that this could initially cause problems in places with limited ranks but use of hailing points etc can address such issues.

Question 55
What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? (Page 213)

See our response to proposal 54 above. There may initially be a glut of vehicles and issues re rank space but these would resolve due to market forces, hailing points etc.

Question 56
Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period of time, if quantity restrictions are removed? (Page 215)

We believe that this proposal would be too difficult to administer and therefore do not support it.

TAXI AND PRIVATE HIRE REFORM AND EQUALITY
Question 57
Should there be a separate licence category for wheelchair accessible vehicles?
This could involve:
(1) a duty on the licensee to give priority to disabled passengers; and
(2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles. (Page 217)

It is difficult to see how this would work given the wide range of disabilities. It may also have the opposite effect of that sought and restrict the number of vehicles licensed.

Question 58
Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards? (Page 217)
Several of the Tees Valley LAs have introduced this and it has not had any effect whatsoever on accessible vehicle numbers. A more appropriate incentive may be VAT relief on such vehicles.

**Question 59**
Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? *(Page 217)*

Please see our response to Q 59 – re VAT relief.

**Provisional proposal 60**
We do not propose to introduce national quotas of wheelchair accessible vehicles. *(Page 218)*

We support this approach as national quotas may actually reduce availability.

**Provisional proposal 61**
National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. *(Page 219)*

While we support this in principle several factors need to be considered, such as who will provide training, how accessible will it be, what cost will there be & who will bear the cost.

**Provisional proposal 62**
In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. *(Page 219)*

Yes – we support this proposal

**Question 63**
What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help? *(Page 220)*

There is already a compellability requirement on HC drivers and this should continue. It should apply to all passengers as not all disabilities are immediately recognisable.

**REFORMING ENFORCEMENT**

**Question 64**
Should authorised licensing officers have the power to stop licensed vehicles? *(Page 222)*

We support this proposal in principle but within set parameters. We do not envisage officers stopping vehicles while driving but directing them to given places. Consideration does not appear to have been given to the fact that many offences are committed in unlicensed vehicles.

**Question 65**
What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”. *(Page 223)*
A single tier system would stop the current system of private hire vehicles illegally plying for hire. For completely unlicensed vehicles there should be higher penalties particularly for the proprietor e.g. impounding/destruction of vehicle.

Question 66
Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? (Page 223)

We support this proposal in principle but there needs to be consideration of the practicalities of such activity e.g. who would impound, where would vehicle be stored etc..

Question 67
Should licensing authorities make greater use of fixed penalty schemes and if so how? (Page 225)

We would support the use of fixed penalties for specified offences (e.g. failure to wear badge etc) witnessed by officers and also for construction and use offences subject to specified officer training. We would not support the use of fixed penalties for more serious offences such as illegal plying.

Provisional proposal 68
Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. (Page 225)

We support this proposal within specified parameters

Question 69
Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? (Page 226)

We would support this proposal limited only to suspension rather than revocation which would be a matter for the issuing authority. This would enable officers to suspend unsafe vehicles and in specific cases, unsafe drivers.

REFORM OF HEARINGS AND APPEALS
Provisional proposal 70
The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. (Page 230)

We agree with this proposal

Provisional proposal 71
The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. (Page 231)

If the decision has been made by officers under delegated powers we agree that there should be an appeal to the Licensing Committee. If however the Committee has made the decision we do not see the point in asking to reconsider. It would be costly and require a further structure of Committee. National standards should prevent inconsistencies
Provisional proposal 72
Appeals should continue to be heard in the magistrates' court. *(Page 232)*

Currently some HC matters go straight to the Crown Court. We agree that all matters should be referred to the Magistrates Courts.

Question 73
Should there be an onward right of appeal to the Crown Court? *(Page 233)*

We do not support this. This is currently the situation and is often used by disreputable trade members to extend the period in which they can continue to drive pending the outcome of both hearings which can take many months. The Licensing Act 2003 & Gambling Act 2005 have only one right of appeal – to the Magistrates Courts. We cannot see the need for a different approach in respect of taxi matters. We would also suggest that the provisions of the Road Safety Act 2006 be incorporated into any new primary legislation to permit suspensions and revocations forthwith on grounds of public safety, despite the right of appeal.
Please find enclosed my response to The Law Commission’s Consultation of Reforming the law of taxi and private hire services. This is a direct response to the summary proposals with reference to the main consultation paper. Each provisional proposal and question has been responded to numerically – in order to make it easy to refer back to specific proposals/questions.

Please feel free to contact me with regards to this response. My details are supplied above. I have spent a considerable amount of time reading through the entire Consultation Paper. I have endeavoured to answer all of the questions/proposals succinctly. I hope you acknowledge this and consider carefully what I have had to say. This proposed reform could adversely impact upon my livelihood and the welfare of my family.

Sincerely

Mohammad Athar Javaid
Response to The Law Commission Proposed Reforms to The Law of Taxi and Private Hire Services

Provisional proposal number 1: As regulations stand – they should continue to distinguish between Private Hire Vehicle (PHV) and Hackney Carriage Vehicle (HCV) because firstly ALL HCV have disabled access provision. Secondly; HCV have standard fares set by licensing authorities whereas PHV set their own fare rates. Thirdly; HCV are easy to identify therefore public safety would not be compromised if PHV were also allowed to pick up off the street (enabling bogus vehicles to operate freely). Fourthly; HCV drivers have substantial knowledge and training compared with their PHV driver counterparts.

Provisional proposal number 2: We agree that London should be included in the proposal because all major cities should have the same legislation as London because visitors to the UK visit all parts of the country (business or pleasure) not solely, London. For example the use of varying vehicles would be most confusing whereas the iconic black cab – is distinguishable to the general public and visitors from abroad.

Provisional proposal number 3: Taxi and PH regime could be restricted in application to vehicles that require a driving license. Any vehicle wanting to be used as a HCV should be purpose built for the conveyance of the public (with disabled access and partition) thus not restricting competition within this market. PHV should not be restricted on model of vehicle as long as safety checks are standardised.

Question 4: Yes, for purposes of clarity and safety.

Provisional proposal number 5: Public Service vehicles SHOULD be included in the definition of taxi and PHV because many PH firms operate mini-buses which carry in excess of 8 passengers. The law should cover the safety of the vehicle and vetting of the driver.

Provisional proposal number 8: I agree

Question 9: It should not.

Provisional proposal number 10: I agree

Provisional proposal number 13: Currently only HCV are able to pick up off the streets and this should remain the case. On the issue of private land, regulation should not be limited on the way taxis an PHV interact with the public (such as airports, railway stations, supermarkets and other private land) both HC and PHV operators should have equal opportunity to offer their services. As
this would offer a fairer and more competitive service - to the public in a closed environment. This would stop monopolies.

**Question 14:** Special provision should only be made at airports so that passengers should ALWAYS have a choice. The benefit of having HCV is that they are easily identifiable (esp. for foreign visitors) and ALL have disability access as standard. Their fares are regulated by the Local Authority (LA) and they have no substantial charges for carrying extra passengers or for short journeys (which is currently the practice at some airports where the sole service provider is a PH operator). In the interests of fairness and competitiveness and consumer choice both HC and PH operators should be allowed to offer their services. So as never to create a monopoly by one or the other.

**Provisional proposal number 15:** Plying for hire - should be placed on a statutory footing and include:

- References to ranking and hailing

  Currently ranking and hailing is legitimate only for licensed HCV within their defined geographical areas. This should remain the case because:

  1; they are insured to do so as they carry Public Hire Insurance which PH operators do not.

  2; their fares are regulated by the LA so when a consumer hails or goes to a rank they are assured that the fares are regulated, thus standard and consistent. Whereas PHV can charge what they like to whom they like without any sense of fairness or recourse if a HCV driver overcharges they are easily traced and can be dealt with by their LA as is currently the case.

  3; consumers always have a choice to phone a licensed operator if they are unhappy with the fares quoted to them by a HCV driver. Alternatively, the consumer can negotiate a price with the said driver or approach any other HCV driver – this is consumer choice. Technology now allows consumers the ability to analyse which is the best option for them.

  4; not all licensing authorities vet PH drivers (CRB Check). This can leave the public vulnerable as PHV drivers can operate in geographical areas where they have not been vetted. If they had been, they would not have been issued a license because of their CRB check results. ALL HCV drivers in major cities and towns are vetted correctly, in the interests of public safety.

- I agree that there needs to be clear and distinct definitions with regards to the term ‘plying for hire’. Currently there is a distinction in the law but more LA enforcement powers are needed so PHV from outside the LA area can be challenged and prosecuted when they are illegally plying for hire. This is in the interests of the consumer from a safety and financial aspect.

- I agree that there should be a clear definition between the legitimate activities of HCV and PHV. This would not encroach on PHV going about their legitimate ‘pre-booked’ business.
**Provisional proposal 16:** I agree in principle with this proposal but if it abused by PHV drivers plying for hire, then trying to legitimise this activity by the use of technology, and then provisions for these situations must be made in any forthcoming legislation.

**Question 17:** There would be no advantage to adopting the Scottish approach because firstly, most major cities yet all drivers HC and PH. The Scottish approach would compromise these safety checks which have been put in place over the years (to protect the public). Secondly, it would cause consumer confusion, leaving them vulnerable to criminals e.g. sex pests, rapists, thieves etc.

**Provisional proposal 18:** I agree with this proposal.

**Provisional proposal 19:** I agree with this proposal.

**Provisional proposal 20:** I disagree with this proposal.

**Provisional proposal 21:** Local Authorities are best placed to deal with these matters.

**Provisional proposal 22:** I agree with this as long as legislation clearly states that PHV operators and drivers cannot use the term ‘Taxi’ at any time.

**Question 23:** I think that the terms ‘Taxi’ and ‘Cab’ are best left to describe HCV whereas the term ‘Minicab’ is a good definition for a PHV. Therefore it would be a nationally recognised term as it is currently the case in the capital – London.

**Provisional proposal 24:** I agree.

**Provisional proposal 25:** I disagree and feel this is best left to the LA to assess as long as it is done reasonably. Taking into account, public safety and how viable it would be for the vehicle owners.

**Provisional proposal 26:** I agree.

**Provisional proposal 27:** I disagree.

**Provisional proposal 28:** Yes.

**Question 29:** There does need to be a national minimum safety standard. However, each LA should assess the level of standards required in their area as a ‘one size fits all’ approach is not always appropriate. E.g. there are differences between a major city and a rural setting.

**Question 30:** National conditions should be different because HCV are purpose built whereas PHV are no more than randomly chosen vehicles. However, safety aspects such as CCTV in vehicles for both PH and HC would be of great benefit.

**Provisional proposal 31:** I agree.

**Provisional proposal 32:** I agree

**Question 33:** The best approach would be each Local Authority assesses its safety standards requirement. These standards can then be fed back to a central organisation which can decide on which are most pertinent and therefore create a National standard (after pooling Local Authority feedback).
**Provisional proposal 34**: I agree that LA should retain the power to set standards.

**Question 35**: No, because each Authority is best placed to determine if certain requirements are necessary to protect the public within its area.

**Question 36**: Yes, LA should retain the power.

**Question 37**: Powers and duties of licensing authorities to cooperate should be on a statutory footing. This would ensure that the LA comply with the nationally set criterion.

**Provisional proposal 38**: Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. This should apply to PH operators and drivers and HCV drivers.

**Provisional proposal 39**: Licensing authorities should have the option to create, or remove, taxi zones within their area. However, this should take into consideration environmental and economic factors. It should not allow PHV to act as ‘taxis’ nor should it allow taxis licensed in other boroughs to work in a busier boroughs therefore ‘cherry picking’.

**Question 40**: No, because:

(i) Councils have powers to release more licenses where demand is necessary e.g. Manchester carries out regular surveys to assess whether there is any unmet demand. If so licenses are issued accordingly after consultation with trade and other interested parties.

(ii) the consumer in such cases would be confused and the regulation of different fare structures would be difficult.

(iii) the Authorities should only have emergency powers for such events as the Olympics etc. which would ensure that in extreme circumstances – provision is available.

**Provisional proposal 41**: PHV operators should be restricted to accepting or inviting bookings only within a particular locality and should only use drivers and vehicles licensed there. This is because (i) it stops unsuitable operators and drivers from obtaining a license from a less stringent Authority and then going to a locality where they were not originally allocated a license to work. (ii) the fare structures vary from Authority to Authority so consumers could be charged varying amounts for a similar journey. (iii) In cases of disputes or disciplinary matters the consumer would be unsure where and how to resolve such issues. (iv) It would stop license operators from setting up in areas to save costs and circumventing more stringent safety checks for vehicles and drivers.

**Provisional proposal 42**: I disagree with what is being proposed with regard to ‘cross-border hiring’ for the following reasons:

1. This would result in a ‘free for all’ to work areas which are busier than the one the driver is licensed in without having to be licensed in the busier town.

2. There would be no recourse for the consumer if they had a problem with the driver. Who would the consumer report their issue to? The fares would vary from driver to driver which is unacceptable
for the consumer this would lead to inconsistencies. Therefore this is open to abuse by the more unscrupulous driver who knows he is virtually untouchable.

3. This situation would lead to damaging environmental issues. Drivers would flock to busy areas to work thus creating traffic congestion and pollution. Economically it would damage the livelihood of the drivers licensed to work in that area – currently drivers are struggling to earn a fruitful living. Also, the costs incurred to run and license a vehicle in one locality could be far less in one area than another – this leads to a disparity in outlay and return for drivers from differing areas. Will these costs be standardised nationally for a ‘level playing field’ for ALL drivers?

4. Cross-border drivers would not have the local knowledge to offer the high standard of service which is currently given in that area. This level of service is monitored by the license issuing authority and can be improved if and when required within its area. Who would monitor the cross-border drivers? How will this impact upon the consumer? Why should the consumer accept a lower standard of service?

5. Currently, legislation allows PH operators to pick up in any area if they are pre-booked. So can take legitimate bookings from outside of their area and this should remain the case. PH cannot pick up from the streets as they are not pre-booked. Therefore there is no argument for them picking up in the ‘out-of-area’ scenario (it has never been the case). This provisional proposal is not viable with regards to PH as it would transform them into HC ‘public hire’. They are not insured, equipped or licensed to do so, as this is one of the major distinctions between Private Hire and Hackney Carriage Taxis.

6. Cross-border issues have no relevance with safety issues therefore the two should not be linked. Local Authorities issue licenses to meet demand in their areas so allowing a ‘free-for-all’ would upset that balance. Which would impact economically and environmentally upon the area as mentioned earlier.

7. This leaves the issue of HC drivers from outside an area being allowed to work there under this proposal. It throws up a number of issues firstly; they would not be insured to work that particular area – as they are not licensed in that area. Secondly; the fares differ from area to area. This would leave the consumer confused and out of pocket in many cases. Where would the consumer turn if an issue were to arise – which authority do they complain to? As mentioned previously, this would impact environmentally and economically on that area.

**Provisional proposal 43:** I agree.

**Question 44:** No, taxis should not be allowed to charge more than the metered fare for a pre-booked journey within the boundary set by its licensing authority. However, contrary to your information (at 15.58) the majority of authorities make it obligatory upon the taxi driver to clearly display their driver number and their Local Authority number therefore it would NOT be hard for the consumer to track down that taxi and make a complaint.

**Question 45:** National driver safety standards such as the requirement to be a “fit and proper person” should be set out in primary legislation.

**Provisional proposal 46:** I agree
Provisional proposal 47: (a) Primary legislation.

Provisional proposal 48: Yes it should.

Provisional proposal 49: Operator licensing should NOT be extended to cover taxi radio circuits.

Provisional proposal 50: I agree.

Question 51: Yes they should

Provisional proposal 52: Operators should be expressly permitted to sub-contract services.

Question 53: Yes it’s not unreasonable.

Provisional proposal 54: I disagree with the Commission’s recommendation. In my opinion Licensing Authorities should have the power to restrict Taxi numbers.

Question 55: If Licensing Authorities lost the ability to restrict numbers it would lead to severe problems;

- Fares would rise sharply for the consumer as has happened in cities that have derestricted numbers e.g. Birmingham. Drivers were unable to earn a living therefore were charging excessive fares to make up the shortfall for lost earnings. Currently fares are regulated stringently by Local Authorities that have control over their numbers.

- Recent examples of cities that have derestricted numbers such as Birmingham, Liverpool and Sheffield show that the ‘improved’ provision went hand in hand with a decline in quality of service as the number of taxis increased. Consumers were left with a substandard service. If it’s all about improving consumer choice, why would the consumer choose a lesser service – ultimately the Commission’s recommendations will lead to this.

- Most cities do not have a lack of provision. They have enough Taxis and PH operators to meet the consumer’s demands. Illegal activity occurs regardless of numbers. Improved enforcement is the only way to protect the consumer from this – not an increase in the number of Taxis.

- Currently most cities do not have any unmet demand. This is because they already have sufficient numbers and in the current economic climate these numbers indicate that supply in fact outweighs demand. The issue of drivers waiting to enter the trade is a red herring, e.g. if a person qualifies as a solicitor the onus is not on the Government or Law Society to find them employment (nor would we expect them to force already saturated areas to accept a new law firm or employee).

- The type of business model required with this situation is a ‘franchise’ style model, not the ‘Laissez Faire’ model the Commission seem to be pushing forward. The Local Authorities are best placed to assess their needs and demands taking into account factors such as: consumer demand, economic and environmental impact on their area.
• Other sectors that have delimited such as buses have failed the consumer. Standards have dropped, which has led to an all-round poorer service and over-saturation of the busiest routes.

**Question 56:** Transitional measures should be introduced if quantity restrictions are removed. The hardship that drivers will face who have currently taken out loans, remortgages to enter the trade and the loss to drivers who may have been thinking they had something to retire with should be fairly compensated. Compensation should be given for the value of the ‘goodwill’ that licenses carry. The Australian and Irish model for compensation could go some way to deal with this because if not, the financial hardship would ultimately put a burden on the State benefit system.

New drivers entering the trade should have a higher entry standard as in London. This would ensure that the consumer was not left short changed by this measure.

**Question 57:** In major towns and cities a separate license category for wheelchair accessible vehicles is not necessary e.g. in Manchester ALL taxis must have wheelchair accessibility so there is no discrimination against disabled consumers – they can hail any cab at any rank and are guaranteed ease of access to the vehicle.

The policy which needs to be adopted by all major towns and cities should be that ALL taxis are purpose built with wheelchair accessibility.

**Question 58:** Licensing authorities should offer incentives such as lower license fees for vehicles which meet certain accessibility standards for drivers taking this responsibility in smaller and rural towns and villages.

**Question 59:** Please refer to responses 57 & 58.

**Provisional proposal 60:** I concur.

**Provisional proposal 61:** I agree that this be introduced nationally.

**Provisional proposal 62:** I agree.

**Question 63:** The best way discourage discrimination could be for licensing authorities to require taxis to display their availability for hire by some obvious means to the public. This in turn could be coupled with a requirement to stop in response to a hailing if it is free and safe to do so.

**Question 64:** Yes they should have the power to stop licensed vehicles.

**Question 65:** Greater public awareness on the dangers of ‘touts’.

**Question 66:** I agree with this proposal.

**Question 67:** No, they should not.

**Provisional proposal 68:** Yes, enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas.
**Question 69:** Cross-border enforcement powers should extend to suspensions and revocation of licences the best way of achieving this would be formal procedures for cross-border cooperation.

**Provisional proposal 70:** I agree that the right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or PH licence should be limited to the applicant or, as appropriate, holder of the relevant licence. AFTER, extensive consultation with the trade bodies and licensing Authorities and other relevant agencies.

**Provisional proposal 71:** I agree.

**Provisional proposal 72:** I agree.

**Question 73:** There should be an onward right of appeal to the Crown Court.
Dear sir/madam,

Please log my objection to the forthcoming legislation that will cause so much problem for the wedding car hire business. I have been running a small business for 16 years. I don't think there is much point in listing all my objections as you would have heard them all before. I would just like to add my name to the list and hope sense prevails.

From: [redacted]
Sent: 31 August 2012 17:38
To: TPH
Cc: [redacted]
Subject: objection to wedding car bill

This email was received from the INTERNET and scanned by the Government Secure Intranet anti-virus service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisation’s IT Helpdesk. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.
Re: Reforming the Law of Taxi and Private Hire Services

I feel that it is important to spend time writing this submission as this matter is key to my business, and my livelihood. I have completed and submitted the Summary Questionnaire provided by the National Private Hire Association, but understand that evidential contributions are necessary in order for your committees to understand the present situation and what effect changes might have.

MY SITUATION

I am a 61yr old owner driver, with one car licensed for Private Hire with New Forest District Council. You will see from my address that I live close to the boundary with both Southampton City, and Test Valley Borough Council Licensing areas – I will refer to this later.

I have been running my business for approximately 15yrs, after taking Redundancy from a 28yr career with British Gas Engineering. I joined that company from Grammar School as a Trainee Technical Assistant, and left as an Engineering Officer (a Senior Officer grade). As you will be aware the gas industry is, by necessity, highly regulated with clear, National, Acts and Codes of Practice relating to all aspects of the safe operation of the business.

During that career I had many roles, within Engineering; in particular I was at one time Engineer (Standards) for Southampton area - in charge of Technical Audit and Training.

I am well aware, and fully support, the need for good, clear regulation and licensing in order to protect the travelling public and help members of the trade understand what standards are required.

I have had difficulty accepting the vagueness of the current Taxi & PH licensing law and regulation as administered by local authorities who all have different interpretations of the available guidelines.

CURRENT BUSINESS

I have developed my Private Hire business to cover mainly journeys to and from local and London airports (approx 75%), to and from Cruise terminals (approx 20%), with the remaining percentage other destinations such as St Pancras for Eurostar. I choose not to cover short local journeys, or anything associated with passengers who may have taken alcohol.

My work is approximately evenly divided from leisure and business travellers, and similarly divided between sub-contract from other licensed operators and my own business sourced from personal contact, ads, referrals etc.

I have no direct knowledge of the local Hackney trade, and answers to the questionnaire have been made from my experience.
The current financial situation is difficult for all small businesses, however my overheads are minimal and I am still able to continue making a living. I shall need to keep working to 70, in order to achieve a reasonable retirement.

PROVISIONAL PROPOSALS & QUESTIONS

I shall answer from my perspective and experience. Please assume that those questions unanswered are not applicable, or no sensible comment.

PP1  Yes. The vehicles, passenger expectations, driver knowledge, and business operation are quite different particularly in busy locations.

PP2  Yes. I believe that standards should be national.

PP3  Yes. There are too many peripheral exceptions at present. I drove an elderly lady recently who had a nice lady driver from the (unlicensed) hospital car service who was also now taking her to the shops once a week at a “fare” that no licensed driver could afford.

PP5  No. There is a gap with small minibuses (10 seats ish) which may fall between Taxi / PHV & PSV controls, and may subsequently get away without either control.

PP7  Yes – common sense.

PP8  No. The vulnerable travelling public need the protection of licensing. Anyone driving passengers as business (even “not for profit”) should meet appropriate standards.

Q9  If this question refers to individuals driving shared cars, surely the act does not apply.

PP10  Exclusions bring weakness.

PP11  Agreed.

Q12  A lot of people spend a disproportion amount of time and effort looking for loopholes – this would give perfect opportunity. Only chauffeurs and vehicles employed directly by a single company (not sub-contracted) should be exempt.

Q14  It always amazes me that many airports make it as difficult as possible for non-local taxis & PHVs to drop off and meet passengers. A significant proportion of my customers are active retirees who use my service to get as close to the terminals as possible and to have a friendly face to meet them and guide and assist them out of the airport. They have various difficulties of mobility and comprehension. Adding another shuttle leg to their journey would seem unnecessary.

PP15  Yes. If made public this might help customers to understand the differences – at present as far as most are concerned we are all “Taxis”.

PP16  Agreed. Online systems may need some form of Operators Licence, but should be able to feed work to all without boundary disputes.

PP18  Agreed. PH Operators need to be able to decline some types of work in order to focus on what they do best. If a passenger books a chauffeur transfer they do not want a driver to turn up in an adapted minibus because of a licensing requirement.

PP19  Agreed.

PP20  Yes. My own situation is made unnecessarily difficult (and costly) as only I can drive my PHV when we use it privately. Although correctly licensed and plated as PHV the RFL is for a private car. Perhaps the simple solution is the PHV plate – if its visible the vehicle is on business, if not it can only be used privately. My wife and I would
probably only need one car rather than two at present, if she could legally drive the PHV for leisure purposes – a green solution...

PP22 Customers in my experience have little understanding of the difference – most refer only to “taxi” when making a booking.

Q23 Yes. This would not impact the sacred plying for hire definition.

PP24 Yes. Until recently I had to have my car licensed with both New Forest, and Test Valley in order to avoid Cross Border Hiring difficulties. Each had their own specifications, sometimes contradictory, and sometimes at odds with accepted modern manufacturers’ fittings such as space-saver spare wheels, or use of the 3rd row of seats.

PP25 No. See PP24

PP26 Yes. Clear standards = passenger safety.

PP27 Agreed. Having a local knowledge test for the New Forest area would not make me any better at taking a passenger to Gatwick airport.

Q28 Yes. This is however self-regulating – few of my passengers would want their neighbours to see them being picked up in a car gaudily advertising the local kebab house...

Q29 Local authority licensing officers.

Q30 Yes. I am far less likely to be attacked or robbed by my passengers.

PP31 Agreed. The customer service issues are self regulating.

PP32 Just get on with it

Q33 Vehicles should be from a proper manufacturer, drivers and operators should obey the law.

PP34 No. Standards should be national.

Q35 Why do you want everyone doing their own thing?

Q37 They should be made to accept each other’s standards. This would move to stop the current nonsense of Cross Border Hiring issues.

PP38 Surely if you extend that argument you arrive at nationally agreed standards.

PP41 Agreed. Current arrangements where, for instance, a customer from anywhere in England and Wales can book a car from any properly licensed PH operator, but cannot ask their trusted local operator to make those arrangements for them are a nonsense. Restricting me from taking work from a properly licensed operator in (for instance) Test Valley or Southampton (less than 10 miles away) is simply a restrictive practice which does nothing to benefit customer safety, and reduces their convenience.

PP42 Agreed. Small operators, such as myself need a proportion of “back to back” jobs to remain viable. A viable operator is more likely to be able to offer good service.

PP43 Agreed. The current system works fine.

Q44 No. Why would they want to, private hire rates are generally cheaper, and customers generally do not get caught twice’

Q45 Primary legislation.
PP46  Agreed. Vehicle owners may not be either Operator, or driver, but simply a supplier of the vehicle.

Q47  (b) as this would allow for simpler changes.

PP48  Agreed. Running the business needs to be done properly.

Q49  Yes. Fitness for purpose.

PP50  Agreed. That would be an unnecessary complication.

Q51  Yes. Businesses should be accountable.

PP52  Agreed. The trade is full of small suppliers like myself who can maintain the highest appropriate standards and can take overspill from other Operators. If we could not pass work on customers would find it very hard to make arrangements.

Q53  Yes. We are all accountable.

Q57  No. This is just another level of complication. Is the answer to make all new and replacement Hackney vehicles wheelchair accessible? I have parents and in-laws who are wheelchair users, there are many locations, including cab ranks that are near impossible to use, despite the best efforts of helpful drivers. (2) Makes sense.

Q58  It might be a small incentive to enter what seems to be a growing market.

Q59  This is a question that I have been considering for some time. As mentioned above it would be convenient for me to have an adaptable vehicle to use with other members of the family and expand my potential customer availability. However I have yet seen a vehicle that is suitable, most are converted vans with the emphasis on the disabled/wheelchair traveller. This means that they are biased away from the comfort/quiet/economical solution needed for most of my passengers. I have driven one of the conversions, it is perfectly safe and reasonably comfortable on local journeys – but I wouldn’t be able to take a lone business traveller to Heathrow in it. Manufacturers input are required for a more luxurious solution.

Q64  Yes. I thought that they already had.

Q65  I see this occasionally at the airports, particularly Heathrow. All legitimate drivers, meet & greeters etc should be showing ID. Sadly we all make mistakes and sometimes forget – perhaps we need on the spot fines to remind us.

Q66  On safety matters only.

Q67  Sadly, we all need a kick in the pants occasionally.

PP68  Yes. National standards make sense.

Q69  I understand why cross border regulation might be needed to control Hackney operations. However I simply do not understand what benefit there is to passengers to enforce the current regulations with PHVs. National standards are the way to go.

CONCLUSION

I have answered the questions, and commented to the best of my ability. Should any further explanation be helpful I will be pleased to assist.

Yours sincerely

Nigel Roberts (Owner)
From: Frazer Rhodes
Sent: 31 August 2012 20:51
To: TPH
Subject: Response to: Consultation Paper No 203: REFORMING THE LAW OF TAXI AND PRIVATE HIRE SERVICES

Dear Sir/Madam,

I am writing in response to the Law Commissions Consultation Paper 203: Reforming the law of taxi and private hire services. Specifically, I would like to express my concerns over the Provisional Proposal 11: Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. My concerns with respect to this proposal are as follows:

1. By bringing wedding cars into scope with respect to Private Hire Vehicle Licensing, Local Authorities will apply their existing Private Hire car regulations. In my Local Authority area this results in the exclusion of any car older than 5 years old, any 2 door vehicle or any vehicle which is left hand drive. Local Authority staff have little knowledge of motor vehicles and as such when confronted with something that could be regarded as 'out of the ordinary' this results in the vehicle being refused a licence.

2. It is a reality that an increasing number of people are looking for an alternative vehicle for their wedding day and many classic car owners are filling this need. I do not believe that safety is an issue as the overwhelming majority of classic car or specialist vehicle owners keep their automobiles in exceptional condition and extremely well maintained. This is obviously something the current Government agrees with after it's recent announcement to make classic cars pre-1960 exempt from an annual MOT. Furthermore most classic cars/specialist vehicles do less than 2000 miles per annum - hardly comparable to Taxis and Public Hire Vehicles.

3. As I understand the proposals. once licensed, a car can only be driven by a licensed drive. This would mean that anyone insured on the vehicle such as partners or a parent of the of classic/specialist car owner would need to be licensed to drive the car on a public road - to a classic car show for example! Furthermore, the idea of licensing the drivers could provide further difficulties, for example if a licensed driver was sick the day before a wedding - a replacement and licensed driver would need to be found otherwise a bride may not get to the church in her intended vehicle!

4. By requiring owners of classic cars/specialist vehicles to apply and pay for an annual private hire licence, this will have the following impacts:
   > Thousands of classic/specialist vehicles will no longer be available for wedding hire (effectively prohibited)
   > It will drive up the cost of wedding hire so that it becomes excessively expensive - an owner who perhaps undertakes 3 weddings per year would have to increase charges significantly to cover the costs of the licence (assuming they are allowed one in the first place).
   > Wedding hire will ultimately be dominated by a few 'big players' in the market place - reducing choice for the customer and increasing prices.

5. A register or special licence for weddings could be appropriate to provide peace of mind for potential 'customers' but this would need to applied at relatively low cost and within minimal requirement such as individual driver licensing to avoid prohibiting thousands of potential wedding vehicles (in all their various forms).

6. Ultimately, prohibitive costs for licensing and registration will put smaller companies out of business who will not be able to compete with larger organisations that can absorb these additional charges.

Finally, I understand that any such law requires changes to be both proportional and necessary. I believe that in this case, the Provisional Proposal 11 is neither. I do hope my concerns will be taken into consideration when reviewing the responses to the consultation.

Yours faithfully,
Responding to taxi law proposals.

To whom it may concern,

I am writing to officially raise my concerns to the proposals to change some of the taxi laws. In particular the laws that would affect traffic congestion such as cross border hiring, baton passing and in particular de restricion of hackney carriage vehicles on the grounds of public safety.

I was once a front line emergency paramedic responding to daily 999 emergencies. Each and every call is graded by a dispatcher and is based on certain responses to questions. For example a person suffering a fracture could be graded as a green call and an immediate response is not necessary due to it not being an immediate life threatening emergency.

Other more life threatening calls such as a cardiac arrest, where a person is not breathing and no pulse would be graded a Red call and requires an immediate response because it is a real life threatening condition and on this particular emergency drugs, defibrillation and efficient CPR is needed before the brain starts to die after 4 minutes.

The government set out targets for emergency ambulances to reach a patient from time of call to arrival of a paramedic and a Red call currently is for 98% of emergencies to have medical professionals to reach a patient within 4 minutes from time of call.

The police and Fire brigade have similar targets to reach victims and crime and it is my fear that all emergency service vehicles will be affected, worsening at peak times affecting public safety and lives will be lost. Congestion is a major factor affecting targets and having an improved taxi service should not be at the expense of our emergency service.

De restrictions to the amount of taxis will increase the numbers of vehicles on our roads, combined with private hire cars increasing and parking on side streets will have an affect on these times. Congestion causes delays and delays causes problems and death. The public and myself and family expect a rapid response should we be unfortunate to need one. These proposals will put a needless strain on our emergency services and I object to them on the grounds of public safety.

Please could I receive a response acknowledging my concerns and objections?

yours Sincerely

Gary Page
Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.
From: David Squibb

Sent: 01 September 2012 11:23

To: TPH

Subject: Deregulation

I write this mail with my great concern regarding the implications that will arise by deregulating hackney carriages in the Torbay area. Surely our council should be able to decide what is best for this area and not that of somebody from a few hundred miles away. I fear of the amount of other taxis from districts all over the country turning up and working here without us having any knowledge of who they are or even if they are genuine taxi drivers. I also would like to know how would it be possible for taxis out of the district to run the same tariff in this town or any other town. The starting fares of districts are so different, one tariff in say London is much more than here. In Torbay we have C.R.B checks some districts do not nor do they have knowledge tests how would they get on satellite navigation is not 100% and in time customers would start to think taxis all go the long way around to increase there fare. There also must be a health and safety issue with more taxis coming here and possibly parking every where to grab a fare this is why our council regulates the amount of taxis in our bay to stop this sort of thing accruing. We worry of strange taxis that we don't really no where they are from and what they are like this area is a holiday destination with lots of families getting into a taxi that has a driver from anywhere who has not been checked out correctly by any means. I appreciate your time you have spent reading my mail and regarding these matters an many more I believe to do with this proposal and hopefully something can be done to throw this out. Thank you David Squibb. Torbay Hackney carriage driver. Sent from little me to you.

Introduction

Quantity restrictions are in place in 93 borough councils, of which a few had deregulated in the past and have regulated in the last few years due the standards dropping, the vehicle emissions increasing in town centres, traffic congestion increasing and finally income dropping. Cardiff last year, Wirral more recently this year have regulated taxi numbers, with obviously Wirral regulating whilst this proposal was being draw up by the Law Commission. Surely if the problems in Wirral were not at a catastrophic point they may have waited to see the Law Commission report.

In Bournemouth there are 249 licensed hackney carriages, which agreed that any further issue of plates since 1999 were to be wheelchair accessible. At present 40-50 are wheelchair accessible, this proportion is reflected by the population demographic of Bournemouth, which as at September 2011 had 132,800 adults living in Bournemouth of which 41,300 were over the age of sixty, that is 31.1% of the population, many require saloon type vehicles and by removing the quantity restriction, therefore increasing the wheelchair accessible vehicles would not cater for the elder population of Bournemouth. Unfortunately there is no way the Law Commission can understand this considering the amount of different boroughs in the country therefore the case to remove quantity controls from local authorities is ridiculous.

Emissions

Bournemouth Borough Council has like most councils undertaken the challenges of carbon emissions and has set its course towards reducing Bournemouth CO2 emissions by 34% by 2020, of which transport contributes 7% at present, therefore after fossil fuels is one of the biggest single problems that Bournemouth Borough Council is trying to reduce. The link here shows Bournemouth’s plan.


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This is a truly unbelievable statement for the Law Commission to make, as these vehicles in general do not only undertake more miles per annum than the majority of vehicles, but they also park in town centres, with the engine running during the winter months to keep the heaters working, but also would create higher CO2 emissions based on the average vehicle compared to a taxi.

J Hawthorne & Merz Sinclair Knight 2009 are cited in this report as saying “It may even be argued that taxi services provide a means of reducing carbon emissions”, which is strange because he stated at a conference in October 2009 that “Yet in modelling terms their use of road space has as much on common with private cars, and in situations where the over-riding objective is a reduction in vehicle movements, a switch from cars to taxis and Private Hire may at best be neutral and at worst result in an increase rather than the desired reduction”

Using some facts and figures from various sources we have tried to show if there is an increase or reduction by increasing taxi numbers.

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![Miles per annum chart](chart.png)
These figures show that the average driver in Bournemouth covers 3,830 miles per annum which equates to 6,204 km per annum.

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The London Taxi which is the most common wheelchair accessible vehicle on the road creates 243g/km according to the Direct.gov website for vehicle emissions.

Below is the comparison of an average vehicle and an increase in hackney carriages in Bournemouth.

Therefore each vehicle creates 138.1g/km multiplied by 6204 = 856,000 grams of CO2 emissions per year.

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Taxis and private hires without quantity are predicted to total 749, of which 250 will be wheelchair accessible.

Each of those 250 will cover about 40000 miles (64,800km) per annum, therefore the sum shows:

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Even if the remaining vehicles were at 138.1g/km covering the same usage every year.

\[64800 \times 138 = 8,942,400 \text{ CO2 Emissions per vehicle, multiply by 499} = 4,462,257,600 \text{ added to the wheelchair emissions creates 8,398,857,600 total CO2 emissions from 749 mixed fleet vehicles.}\]
These figures although are laborious and could be laid out better if time allowed shows that if quantity restrictions were lifted in Bournemouth then the taxi and private hire trade would make up 13.18% of total emissions, not the 1% shown by the Law Commission.

Further reading into the harmful effects of the diesel engine is explained in abstract below with links to the correct referencing points, some of which have reported to Parliament.

Year on year the UK has failed to reach the EU conditions in respect of carbon emissions from these vehicles. Many vehicles exceed the EURO V levels implored for, by up to five times the limit. Ten years ago only 10% of new vehicle sales constituted these vehicles, today the figure has exceeded 50% and figures produced by Kings College London identify that these vehicles produce between 10 to 20 times more pollution than petrol engines.

In an attempt to improve emission levels, manufacturers have in fact increased noxious gas levels noticeably. The gases in question are Nitrogen Dioxide and Nitrus Oxide, which appear in the form of particles and Nano-particles of Tar and Soot, the latter being in a microscopic state.

Two months ago the W.H.O. delivered a verdict that directly links these pollutants to lung and bladder cancer deaths.

The Government committee on pollution have identified that up to 29,000 deaths in 2008 could be attributed to pollution through carbon particles, which is the second highest rate in Europe, costing the National Health Service an estimated 8-20 million pounds per year.

These gases have been shown to trigger a respiratory condition in babies called “Bronculitis” which is life threatening. Research carried out by the Sheffield Children’s Hospital shows that peak-times of the year when vehicle usage is as its highest, up to 25% of babies can be affected by this condition.

Clearly the issue of swathes of new vehicles across the country will only exacerbate the existing serious damage being committed at present. Bear in the mind that the Equalities Act 2010 would require many new vehicles to be wheelchair accessible vehicles, which generally produce more emissions than saloon vehicles. If pressure should be applied in any direction, then it should be targeted to vehicle manufacturers to produce cleaner vehicles or improve the variety of alternative fuels like hybrid to include wheelchair accessible vehicles, not targeting local authorities who are trying to reduce emissions.

REFERENCES FOR FURTHER RESEARCH

DR. JAMES TATE. INSTITUTE OF TRANSPORT STUDY (LEEDS UNIVERSITY)
PROF. FRANK KELLY. KINGS COLLEGE LONDON, Traffic related air pollution, genetics and asthma development in children.


West Dorset Private Hire and Hackney Carriage licensing -
http://www.dorsetforyou.com/387228

J Hawthorne, Sinclair Knight Merz (Europe), UK

Public Law Team (Taxi & Private Hire)
Law Commission,
Steel House,
Tothil Street,
London.
SW1 9LJ

Bournemouth Taxi Trade Associations
36 Universe Road

01.09.2012

Dear Mr. Percival

Please find enclosed the Bournemouth Taxi Trade response to the proposals put forward by the Commission on the Reform of Hackney Carriage and Private Hire Law and Regulation.

I trust it conforms to evidence requirements stated by yourself at our last meeting.

Kind Regards

Yours Sincerely,

John Tye
Chair, Bournemouth Taxi Trade Associations.
RESPONSE TO LAW COMMISSION ON HACKNEY CARRIAGE & PRIVATE HIRE REFORM.

FROM THE BOURNEMOUTH TAXI TRADE ASSOCIATIONS.

PROPOSAL 1

THERE SHOULD BE A CONTINUATION TO DIFFERENTIATE BETWEEN THE TWO CLASSIFICATIONS. Whilst the functionality is identical the manner in which the service is performed is radically different and should therefore be kept separate.

PROPOSAL 8

MANY VOLUNTEER DRIVERS ARE WORKING IN A FULL TIME CAPACITY AND GENERALLY SPEAKING DEALING WITH VARIED GROUPS OF GENERALLY VULNERABLE PEOPLE THEREFORE THEIR OCCUPATION SHOULD BE CLOSELY MONITORED. THIS LOGICALLY COULD ONLY ACHIEVED IF FORMALLY LICENSED.

PROPOSAL 9

A) CARPOOILING – SHOULD BE OUTSIDE LICENSING.

B) MEMBERS CLUBS. THIS AREA IS OPEN TO MUCH ABUSE.

IN OUR AREA THERE IS A “MEMBER’S CLUB” OPERATING AN HOSPITAL CAR SERVICE. THE SERVICE IS BEING PERFORMED WITH LICENSED HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES LICENCED BY TWO LOCAL AUTHORITIES CHARGING A RATE THAT IS USUALLY HIGHER THAN THE TARRIF APPLICABLE TO BOTH AUTHORITIES, CAR SHARING AT INDIVIDUAL RATES, BUT GROSLY EXCEEDING METER PRICE.

PROPOSAL 11

FUNERAL CARS SHOULD BE EXEMPT FROM LICENSING.

WEDDING CARS, HOWEVER, ARE FREQUENTLY DEDICATED TO EXECUTIVE AND V.I.P. HIRINGS AND THEREFORE SHOULD BE AT LEAST REGISTERED WITH THE LOCAL AUTHORITY FOR MONITORING AND ENFORCEMENT PURPOSES. WE ACCEPT THAT “NOVELTY” AND “VETERAN” VEHICLES ARE UNLIKELY CANDIDATES FOR HIRE OTHER THAN WEDDINGS AND THE LIKE BUT QUALITY CARS ARE DEFINATELY IN THE RUNNING FOR “HIRE & REWARD” AND SHOULD BE SUBJECT TO L.A. CONTROL.

PROPOSAL 14
THE EXPENSE OF A FUNCTIONING SHUTTLE SERVICE WE CONSIDER TO BE
EXCESSIVE HOWEVER AS AN AREA DEDICATED TO “PICK UP & DROP OFF” SHOULD BE
MANDATED AT ALL AIRPORTS & TRAVEL INTERCHANGES.

PROPOSALS 19 & 41

WE FEEL THAT THESE PROPOSALS SHOULD BE CONSIDERED TOGETHER. THE
CONCEPT OF PRE-BOOKING FOR ALL PRIVATE HIRE WORK SHOULD CONTINUE IN
IT’S PRESENT FORM SO THAT INSURABILITY OF THE TRAVELLING PUBLIC BE
MAINTAINED. BEARING IN MIND THE PLETHORY OF LITIGATION AT HIGH COURT,
APEAL COURT, QUEENS BENCH DIVISION CROWN & MAGISTRATES COURT THERE
SHOULD BE A REFORM OF LAW IN RESPECT OF HACKNEY CARRIAGE USAGE. THE
RECENT PROBLEMS CONCERNING THE RIGHTS OF THESE VEHICLES E.G. BERWICK-
ON-TWEED, STOCKTON ON TEES E.T.C. COULD EASILY BE BROUGHT TO BOOK BY
LIMITATION OF THE SCOPE OF HACKNEY CARRIAGE VEHICLES. THEIR RIGHT TO BE
USED AS PRIVATE HIRE VEHICLES ONLY WITHIN THEIR LICENSING DISTRICT WOULD
SOLVE THE PROBLEM. ANY HIRING CONTRACT COULD BE MADE FROM OUTSIDE
THE LICENSING DISTRICT SO LONG AS THE THREE LICENSES CONFORMED TO THE
ONE ISSUING AUTHORITY.

PROPOSAL 20

IN RESPECT OF ALL LICENSED VEHICLES THE CURRENT LAWS SHOULD BE
MAINTAINED BECAUSE TO PERMIT MUTI USE WOULD WITHOUT ANY SHADOW OF
DOUBT LEAD TO ABUSE AND PUT THE TRAVELLING PUBLIC IN JEAPARDY.

PROPOSAL 22

THE RE-BRANDING OF HACKNEY CARRIAGE, WHILST A BREAK FROM BRITISH
TRADITION, IS FEASABLE THE EXCLUSIVE USE OF THE WORD “TAXI” WOULD BE
DETRIPTUAL TO THE PUBLIC SERVICED. UNDER THE “ROAD SIGNS REGULATION-
GENERAL DIRECTIVE 2002 THERE IS AN EXEMPTION THAT ALLOWS TAXIS TO
ACCESS AND EGRESS PASSENGERS AND THEIR LUGGAGE ON BUS STOPS. THE
GENERIC DEFINITION OF “TAXIS” WITHIN THIS ACT IS, ANY VEHICLE LICENSED
UNDER THE TOWN POLICE CLAUSES ACT 1847 OR ANY LIKE ENACTMENT THUS THE
LOCAL GOVERNMENT(MISCELLANEOUS PROVISIONS)ACT 1976 MATCHES. TO
CREATE THE CLASSIFICATION TAXI IN LIEU OF HACKNEY CARRIAGE WOULD
DEBAR THIS RIGHT TO PRIVATE HIRE VEHICLES. GO TO ANY TOWN, CITY OR
VILLAGE THE COMMON PICK UP LOCATIONS, CHEMISTS, SHOPS, RESTAURANTS
E.T.C. ARE INEVARIABLY ADJACENT TO BUS STOPS. THIS WOULD LEAD TO A SUB
STANDARD SERVICE TO CUSTOMERS USING PRIVATE HIRE VEHICLES, ELDERLY,
DISABLED ETC. (SEE APPENDIX A)

PROPOSALS 24 & 26

MINIMUM STANDARDS SHOULD APPLY TO BOTH H.C. & P.H. VEHICLES BUT
ENHANCED AND EQUALLY. THE TRAVELLING PUBLIC SHOULD HAVE SAFETY AS A
PRIORITY IN BOTH CLASSIFICATIONS OF VEHICLE.
LOCAL AUTHORITIES SHOULD HAVE THE POWER TO SET STANDARDS TO BOTH CLASSIFICATIONS OF VEHICLE. ANY OTHER COURSE OF ACTION IS EFFECTIVELY NEGATING PUBLIC RIGHTS AND TREATING THEM AS SECOND CLASS CITIZENS.

PROPOSAL 40

THE ISSUE OF PEAK TIME LICENSES WOULD CREATE MULTIPLE PROBLEMS IN TERMS OF ENFORCEMENT BEARING IN MIND THE REDUCTION OF DEDICATED FINANCE WITHIN LOCAL AUTHORITIES.

PROPOSAL 42

THIS WOULD GO A LONG WAY TO SOLVING CROSS BORDER SUSPITIONS OF ILLEGAL TOUTING. IF HOWEVER THERE WAS EVIDENCE OF AN IMMINENT PRE-BOOKED JOB THEN STAYING OUTSIDE THE CONTROL DISTRICT WOULD BE ACCEPTABLE.

PROPOSAL 46 & 51

GIVEN THE HISTORICAL MISUSE OF BOTH H.C. & P.H. VEHICLES OWNERS AND OPERATORS SHOULD BE SUBJECT TO "FIT AND PROPER" CRITERIA.

PROPOSAL 49

IT IS ESSENTIAL THAT IN ORDER FOR ENFORCEMENT OF CUSTOMER COMPLAINTS THAT EXCLUSIVELY HACKNEY CARRIAGE RADIO CIRCUITS SHOULD BE SUBJECT TO OPERATOR LICENSE CONSTRAINTS

PROPOSAL 53

AGAIN FOR THE PURPOSE OF EFFICIENT AND EFFECTIVE ENFORCEMENT OF CUSTOMER COMPLAINTS THIS IS ESSENTIAL.

PROPOSAL 54

WITH THE DIVERSE MAKE UP OF VARYING LOCAL AUTHORITIES IN THE UNITED KINGDOM THERE SHOULD BE A RECOGNITION THAT EACH AUTHORITY IS BEST PLACED TO DETERMINE LOCAL NEED AND REQUIREMENTS FOR ITS RESIDENTS. AT A TIME WHEN SUCCESSIVE GOVERNMENTS HAVE PURSUED LOCALISATION AS A GENERAL ONGOING POLICY IT IS NOT APPROPRIATE TO CONSIDER AN ARBITRARY NATIONAL QUOTA SYSTEM.

PROPOSAL 55
FOR MANY YEARS CONGESTION IN TOWNS AND CITIES HAS BEEN A GROWING PROBLEM. SUCCESSIVE GOVERNMENTS HAVE PURSUED NUMEROUS AVENUES IN THE ATTEMPT TO CURB THIS MAJOR PROBLEM. AT A TIME WHEN GLOBAL WARMING IS NOW A GENERALLY ACCEPTED REALITY THE CONCEPT OF THE “CARBON FOOTPRINT” IS A SOURCE OF SERIOUS WORRY AND CONCERN. THE INTRODUCTION OF MANY MORE DIESEL VEHICLES BELCHING OUT NOXIOUS GASES INTO OUR TOWN CENTRES IS CLEARLY OBSCENE. ANY INCREASE IN TERMS OF DELIMITATION OF NUMBERS WOULD, BY DEFINITION UNDER THE AURSPICES OF THE EQUALITY ACT, RESULT IN LOCAL AUTHORITIES PLACING CONDITION OF VEHICLE TO BE LICENSED ONLY AS A WHEELCHAIR ACCESS VEHICLE. THESE VEHICLES PRODUCE THE HIGHEST LEVELS OF POLLUTION IN THE INDUSTRY.
(SEE APPENDIX B & C)

PROPOSAL 56

IF IN THE EVENT DELIMITATION IS ENFORCED ON THE TRADE, TRANSITIONAL MEASURES AND STAGGERED ENTRY WOULD BE ESSENTIAL. BECAUSE OF THE TYPES OF VEHICLES, W.A.V.S, SUPPLY LINES COULD TAKE UP TO 5 YEARS TO MEET DEMAND.

PROPOSALS 68 & 69

ENFORCEMENTS OFFICERS SHOULD HAVE FULL POWERS TO ENFORCE AGAINST VEHICLES, DRIVERS AND OPERATORS IN OTHER LICENSING AREAS AND SHOULD EXTEND TO SUSPENSION AND REVOKATION OF LICENSES IF PROVEN BY ADMISSION OR IN A COURT OF LAW.
CONGESTION

THese photographs represent the two major hackney carriage stands in Bournemouth town centre. The images were taken at 01.45hours on a Saturday night/sunday morning in August, at the peak of the tourist season. The former is over ranked by 200% the latter by 100%.

Introduction

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PROF. FRANK KELLY. KINGS COLLEGE LONDON, Traffic related air pollution, genetics and asthma development in children.


West Dorset Private Hire and Hackney Carriage licensing - http://www.dorsetforyou.com/387228

J Hawthorne, Sinclair Knight Merz (Europe), UK

From: Richard Lane
Sent: 01 September 2012 17:27
To: TPH
Subject: Consultation Paper No 203 Taxi deregulation

Mr RA Heilmann

Hackney carriage number 63
Torbay Council

I would like to object in the strongest way to the proposed changes to the taxi and private hire services.

IT SHOULD BE THE SOLE DECISION OF THE LOCAL MAYOR OR COUNCIL TO DECIDE WHATS BEST FOR THE AREA.

A taxi working environment and earnings in london or Milton Keynes is going to be very varied from a season small town like torbay.

As it is i worked hard for 18 years now to finally get a plate of my own with the much lower earnings to acheiv it with here comapred to other areas.

and now ur going to destroy all my work with now idea of the damage it would cause to the trade in torbay. IT would be DEVSTATING.

I could list many flaws not least of which is the existing OVER CAPACITY of the taxi fleet to cope with the current public demand. This can be verified by the torbay councils taxi review of taxi services in the area that happens every 2 years. to see if the current demand is being met.

Approximatly 98% of the time taxi are waiting on ranks for customers, sometimes for multiple hours before a fare comes along. this can only get worse if deregulaiton or propsed red plates being alowed to act as Full plates at certain times.

as it is we work on less than minimum wage for the majority of the week only to break even on a busy friday or saturday night.

other issue arise the excess competition that will arise with fines already being issused to taxis for hanging off the ends of taxi ranks due to the lack of rank space for the existing fleet let alone new taxis.

In fairness, i just want stability. Ive worked hard to invest in my future career for many years and dont want it thrown away and to be all for nothing..especially for no benifit in the case for customers or the area.

( oh and as a side note.. to publish this report on the internet so quite and hard to find for most people. very sneaky .. )
Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.
From: Robb O'Connor
Sent: 02 September 2012 18:24
To: TPH
Cc: Hodgson, Phil
Subject: new taxi legislation subject paper

Dear Sirs

I notice with alarm that your paper proposes to require Wedding Car companies like my own to comply with the requirements of a licensed operator. I provide wedding cars as much as a hobby as a business, nonetheless, the income that received helps pay to maintain vintage style vehicles. Our cars cover no more than 3000 miles in a year which includes not just the wedding hire but personal use, and are insured on that basis.

This paper proposes that we would have the demands of a taxi company imposed on us, yet the contrast in size and working hours of these operations could not be more starkly opposed. Some 50% of all wedding car companies are small, owner operated companies like ours (source: Beauford Owners Club). This legislation would put most of us out of business as the cost of complying would cost us each more than we make.

The paper quotes a reason for requiring compliance with the legislation is that of safety. This, in most cases, is an anomaly. The Government is just in the process of removing the need for an MOT from 'vintage' cars because 'owners of these vehicles maintain them to a high standard' and 'such vehicles are used for limited mileage' yet this paper implies that the MOT is insufficient to impose a satisfactory degree of safety.

Most of the owner operators like me maintain our cars to a very high standard and limit our mileage to 3000 miles, this is acknowledged by the change in the MOT requirement; I therefore suggest that this reasoning in the paper makes no sense at all and contradicts the findings of another government department.

The result of compliance with the proposed legislation is that we would close our operation; having discussed this with other operators, this would apply to many others as well.

- Our source of supplementary income would vanish and we would then be forced to apply for tax credits!
- The cost of a wedding or funeral car would rise significantly.
- Wedding car operators that do comply would then force an increase in cost on to customers
- Due to the vastly increased costs to wedding car operators, they would either need to compete with licensed as taxis in an already crowded market place, insuring their vintage/old cars for 10,000 – 20,000 miles and run the car into the ground mechanically, and requiring drivers (most semi-retired) to work during the week as well as Friday/Saturdays as at present.

Local Authorities will not licence a vehicle that is over 5 years of age, semi-retired wedding car
operators like myself have their life savings in their vehicle(s), and would be forced to sell them at a
time when everyone else is doing so, making them virtually worthless!!!

Government supporting the small business, no, quite the opposite!

One solution could be that new legislation would only apply to operators where turnover is large
enough for them to have to be VAT registered.
Finally, I am concerned that this proposed legislation is well hidden in this paper and most owners will
not be aware of its impact. Greater advertising of the requirement should be made of such changes.
The consultation period is insufficient to make all those concerned, aware of the proposal.

In summary, I propose that changes to wedding car hire legislative requirements be removed from the
subject paper.
PLEASE look into these concerns and communicate with me your findings, including any
representations made on my behalf.

Yours Sincerely
Robb O'Connor

This email was received from the INTERNET and scanned by the Government Secure Intranet anti-virus
service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number
2009/09/0052.) In case of problems, please call your organisation's IT Helpdesk.
Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.
From: Chris Jordan [Redacted]
Sent: 02 September 2012 20:24
To: TPH
Subject: Law Commission - Consultation Paper No 203

Attachments: CJ taxi consultation response.docx

Dear Sir,

I attach my response to your questions in relation to the consultation on the review of taxi and private hire services.

I have 28 years experience within the taxi and private hire sector. I own two taxi and private hire firms with a fleet totalling 500 vehicles in Liverpool and on the Wirral and also own as you have termed it a business operating as an "intermediary". Cabfind is a Taxi Travel Management Company (TTMC); as such it does not own any of its own vehicles, but rather contracts with over 900 taxi and private hire businesses across the UK and Ireland to provide service to its customers and last year achieved sales in excess of £15m.

This “One Stop Shop” service development allows customers to place all of their ground transportation requirements with Cabfind's highly sophisticated platform and selects the most economical, timely and environmentally friendly mode of transport for their particular requirement. By aggregating these different transport elements we are able to utilise all forms of transportation, which is best suited to the task.

Thus I am in the unique position that not only do I have a local viewpoint, but I also have a global perspective too. If you wish to further consult with myself on the review of taxis and private hire, or seek further clarification on any of your questions I am more than willing to offer my services.

Regards

Chris Jordan
Managing Director
Hi all. We have put this document together to help people involved in the world of taxi and private hire work respond to the work the law commission are doing to help shape the trade for the future. We are sharing it with you so as you can take advantage of maybe an easier format to respond to the consultation. Please send it back to the law commission you will find them on the internet.

**Provisional proposal 1**

| Regulation should continue to distinguish between taxis, which can accept prebooked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. *(Page 160)* | Yes – most definitely. In the main, apart from some private hire located in New York USA, the UK is the only place in the world where private hire exists. On first inspection of the taxi industry, and with little or no experience of it, one can understand why someone might think that a single taxi tier system would seem the more sensible approach; a more simple solution and easier to govern. That however would be a terrible mistake.

I describe the evolving development of private hire as being an important embryonic component of an evolutionary stage in the progression of Ground Transportation, which is more and more becoming a vital link, enabling the taxi and private hire sector to integrate more efficiently with the other parts.

To explain why private hire as opposed to public hire has gained more in popularity, is quite simply, that it is better at adapting to the needs of a more sophisticated customer in today’s changing modern times. With the exploitation of improving technology, private hire has become more flexible, convenient and accountable to the end user and they are easier to manage and control by the operator. Public hire in contrast, is still at the mercy of the individual driver’s behaviour and although there are many hackney only radio/data operators, they have far less control and manage with a lighter touch. |
It is hugely important that we maintain the two tier system and ensure that private hire drivers are directed and left to be totally reliable for their work by the private hire operators. The paradox is that with all the foibles of the current legislation, constant attacks by the hackney trade and negative intervention by Local Authorities, private hire today outnumbers the hackney trade by 2 to 1, and more passengers daily are choosing private hire over the hackney cab.

A couple of years ago I was asked by a French TOC (Train Operating Company) if we could supply the same service as we do in the UK. He made reference to the fact that on the day before, a taxi (Hackney) had been dispatched to pick up some crew members, but the same driver decided to pick up another fare that had been hailed on the way. This was common practice and how at Cabfind did we control this? I reminisced back to the Eighties when this was also common practice in the UK, but because we now have a strong private hire and with the aid of computer technology we have completely eradicated this custom.

### Provisional proposal 2

| London should be included, with appropriate modifications, within the scope of reform. *(Page 162)* | Naturally – it is ridiculous that the UK has different legislation in different regions of the country i.e. outside London, London & Plymouth; it should be uniform.

In the creating of Cabfind Ltd it was crucial, that in London the private hire trade became regulated in 1998. Until then the minicab trade did not truly represent the private hire trade outside of London and unfortunately held back private hire’s development throughout the whole of the UK.

If London had been included originally in 1976 regulation, then I believe we would be much further along the road than we are today. (excuse the pun) What has transpired in London during the last 14 years with regard to the private hire sector had already occurred everywhere outside of London as a result of regulation. It may not have been perfect, but it gave structure to our business. Yes technology played a major part in helping private hire establish itself as an integral element, but it was the regulation in the form of the Miscellaneous Provisions Act of 1976 that laid down the corner stone and brought us to where we are today. |
It was inevitable that London had to be regulated and now that we are reviewing all the legislation governing the taxi industry we should do what we should have at the beginning and make the legislation uniform throughout, regardless of location.

**Provisional proposal 3**
The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. *(Page 164)*

‘Any wheeled carriage for the conveyance of passengers’ – I agree with your view that the new legislation should take a broad approach with regard to the type of vehicle. Who knows what will happen in the future – driverless taxis? This is probably closer than we think.

Yes it should focus on road transport services. If a consumer wishes to be conveyed in a pedicab then they have every entitlement. What is more important is how pedicabs are incorporated into the public transport strategy and how they are governed.

By sweeping this under the carpet we are only creating problems for the future that really need to be resolved today.

**Question 4**
Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? *(Page 164)*

By restricting taxi licensing to motor vehicles that require a driving licence would simplify matters. There is already confusion and conflict between Private and Public Hire and to add pedicabs, into the mix would only add to the controversy & perplexity.

However as I stated in Provisional Proposal 3 where the conveyance of passengers is involved we need to address the regulation of such as a matter of importance or otherwise further confusion and unfairness will prevail.

**Provisional proposal 5**
Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. *(Page 165)*

I Totally agree – It conforms to the KISS philosophy and where we can we should keep definitions as simple as we can. This in the main is currently in existence and how we in the taxi trade explain to our customers how we differentiate ourselves from bus and coach businesses.
<p>| Provisional proposal 6 | References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. (Page 166) | I Totally agree – I hardly think if an operator despatched a taxi and a stage coach turned up that the passengers would be inclined to get in. Especially if they had to travel 40 miles to go to an airport for an annual holiday. If we are going to produce new legislation that meets the needs of the future as well as today we need to apply more modern references and do away with the out dated ones. You have absolutely no idea how many times I here derogatory remarks about the usage of stage coaches in our legislation. |
| Provisional proposal 7 | The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. (Page 167) | No – ‘for any wheeled carriage for the conveyance of passengers adapted to seat eight or fewer passengers’ I thought that we in Proposal 5 clearly defined the definition of taxi and private hire vehicles. If we dilute this definition then we will instigate confusion. The same confusion that exists today and enables some operators to continue their business with little or no regulation, which offers a potential danger to the general public and offers an unequal advantage to the operator in conducting his business. In fact I am uncertain as to how this will assist in the consistency of the regulation. In the previous proposals especially 3 and we are to include pedicabs, then limousines and other novelty vehicles should be included and covered in the new legislation. The point I am trying to make is that by watering down the regulation, drastically reduces its effect. Perhaps vehicles with more than 8 seats we could allow the Secretary of State to issue statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles. |</p>
<table>
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<tr>
<th>Provisional proposal 8</th>
<th>The concept of &quot;in the course of a business of carrying passengers&quot; should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. <em>(Page 168)</em> 235</th>
<th>‘For hire in the course of business of carrying passengers’ implies that the service involves commercial gain and is usually obvious. One would have thought that was simple enough and that it should suffice. However the issue of volunteers as well as activities where transport is ancillary to the overall service has muddied the waters somewhat. The reality is that Local Authorities and NHS Trusts to name two have manipulated this to their financial advantage and have put a bull dozer through the original and well meaning definition of volunteers. The irony is that if integrated as these journeys should be into the taxi sector and with a little lateral thought not only could we address the issue that vulnerable people are being transported by unqualified and unchecked CRB drivers, but massive savings could be achieved. A scout master taking home children after a camping trip or a Rotarian collecting the elderly for a concert and taking them home afterwards should not fall in scope. Quite simply if any consideration is exchanged for the service then the legislation should regard the service as ‘For Hire’ and therefore fall under the taxi and private hire Regulations.</th>
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<td>Question 9</td>
<td>How, if at all, should the regulation of taxis and private hire deal with: (a) carpooling; and (b) members clubs? <em>(Page 170)</em></td>
<td>Whilst I agree that privately arranged car pooling by individuals should not be included in the regulation even though consideration has been exchanged for the service I agree that the vehicle is not for hire in the conventional sense and would be exempt from taxi and private hire legislation, especially if the cost is shared between two or more people. Membership clubs such as Pink Ladies should operate within the taxi and private hire framework as was decided by the courts.</td>
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<td>Provisional proposal 10</td>
<td>The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. <em>(Page)</em></td>
<td>I agree – there is always going to be areas of grey and uncertainty and the regulation of taxis and private hire should be allowed some flexibility in managing the legislation. So the power of the Secretary of State and Welsh Ministers to intervene in such instances is only correct.</td>
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<td>Provisional proposal 11</td>
<td>Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. <em>(Page 172)</em></td>
<td>For the same arguments explained in proposal 7 the same applies. For consistency Wedding and Funeral vehicles and drivers need to be licensed.</td>
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<td>Question 12</td>
<td>Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse? <em>(Page 174)</em></td>
<td>Until 2008 when the contract exemption excluded vehicles under a contract of hire for a period of not less than seven days, this had to be one of the most complained about issues that was abused and created unfair competition amongst operators. It was a correct decision to repeal the exemption in 2008 and is still justified today. The fact that Public bodies such as Local Councils and the NHS either ignored the repeal or created a separate type of private hire license to ensure that the existing practices continued is not justification for reintroducing the exemption. The law should apply to all and should encompass all. The introduction of private hire and looking at this issue from a logistical and technological perspective will improve efficiencies enormously, if allowed the chance to compete, To be honest I am looking at this from Cabfind’s viewpoint a TTMC (Taxi Travel Management Company), a further evolving type of IT taxi logistics business that takes a holistic approach to taxi travel.</td>
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<td>Provisional proposal 13</td>
<td>Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”. <em>(Page 175)</em></td>
<td>The regulation of taxis and private hire should not be limited to streets. Quite simply the general public need to be protected whether they are catching a taxi or private hire vehicle from a station, airport or supermarket; the type of owner of private land should make no difference.</td>
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The big question for me is the ‘ply for hire’ issue and the definition of prebooked. If Network Rail issues permits to Hackney Cabs or Asda the supermarket chain has entered into a contractual agreement with a private hire operator to collect passengers from its stores then why if vehicles are waiting outside for those passengers are those vehicles not already accepted as prebooked. The same applies to Railway stations, Airports and hotels.

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<th>Question 14</th>
<th>Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? (Page 177)</th>
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<td>Provisional proposal 15</td>
<td>The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include: (a) references to ranking and hailing; (b) a non-exhaustive list of factors indicating plying for hire; and (c) appropriate accommodation of the legitimate activities of private hire vehicles. (Page 181)</td>
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The more confident and stronger willed private hire driver will ask them to get out and ring for another private hire vehicle. No he is not allowed to use his radio to book one. No he is not allowed to use his own phone. No he is not allowed to recommend a telephone number, but if they were to look at the door sign that might help and eventually the would be customer, after having booked a taxi is now told that he has to wait, because the booking has been dispatched to another driver, and no he does not know how long he will be and now the our driver has to go now because he has another booking. Can you imagine if alcohol was involved and how understanding the would be passengers might be.

The legislation was designed before computers and mobile phones and is way out of date and needs redefining.

Provisional proposal 16

The concepts of hailing and ranking should not cover technological means of engaging taxi services. *(Page 181)*

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I totally agree – By recognising that technology means that taxis and private hire vehicles can be engaged with very quickly, sometimes almost immediately and that the critical factor distinguishing plying for hire from pre-booking is the method of engagement, rather than the speed of engagement, is as it should be.

Question 17

Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”? *(Page 182)*

The future of private hire is going to heavily depend on the internet and smart phone and it is hugely important that this has to be encompassed into the legislation. As on the spot hiring, plying for hire via mobile phone and the internet blur the definitions to ridicule, we need to come up with something more practical.

For me the main factor that distinguishes a private hire vehicle from a hackney cab is that a hackney can be hailed or approached on a rank and does not need a third party for the booking to take place. The conditions, price and regulations are enforced and decided currently by the Local Authorities and therefore the taxi driver can accept the booking independently.
A private hire driver on the other hand will have the job processed and accepted via the operator (Third Party), ensuring that there is a booking audit trail. The private hire driver does not make the decision as to whether the job is accepted, that is for the operator and therefore is unable to make the booking independently. The operator has set the price, has added some conditions and regulation of his own and also helps to ensure that the regulations of the Local Authorities are adhered to.

**Provisional proposal 18**

The concept of compellability, which applies exclusively to taxis, should be retained. *(Page 182)*

Compellability for hackney cabs exclusively is essential, because in their case it involves an on the spot hiring, on a one to one basis. If they were to be able to ‘cherry pick’ their fares it would not be to the benefit of the fare paying passengers.

Private hire will always need the ability to decline bookings, because its business model is based on a logistical work flow. There will always be times when demand exceeds supply and this will need to be managed.

**Provisional proposal 19**

Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked. *(Page 183)*

I totally agree – This is the main fundamental divider between private hire and taxis; without it there is no two tier system.

**Provisional proposal 20**

Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved. *(Page 184)*

Taxis, especially the traditional black cab should not be permitted to allow leisure and non-professional use. For to do so quite simply would endanger the general public. The general public will always believe the vehicle type to be available as a taxi even if it was being driven in a non-professional use by a non badged driver.

Private hire cars on the other hand can take off their door signs and remove their plate identifying that they are private hire vehicles and therefore become undistinguished from any other vehicle on the road.
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<th>Provisional proposal 21</th>
<th>The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements. <em>(Page 185)</em></th>
<th>I totally agree – A power to issue statutory guidance should be provided in legislation. It could then be up to the Secretary of State and Welsh Ministers whether to make guidance or not as they chose. This would ensure clarity for the scope of the legislation and aid consistency in the application of the legislation across different licensing areas. This is almost utopian in thinking.</th>
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<td>Provisional proposal 22</td>
<td>Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned. <em>(Page 185)</em></td>
<td>I have always, although not legally correct, referred to private hire as private hire taxis and public hire as hackney cabs, public hire taxis or hackney carriage. So do most of the public outside of London. I appreciate that Londoners refer to private hire as minicabs. In the past any reference to a minicab was derogatory and generally related to them when they were not regulated. However times have changed and the term ‘Minicab’ today is improving its brand image. The point is that the term ‘Minicab’ as opposed to ‘Private Hire Vehicles’ (which is a bit of a mouthful) maybe better as it is already easily identified as a private hire vehicle by a substantial percentage of the population.</td>
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<td>Question 23</td>
<td>Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “prebooked” and did not otherwise lead to customer confusion? <em>(Page 186)</em></td>
<td>Yes – I see I have partly answered the question in my previous answer. Having the term ‘pre-booked taxi’ and being able to advertise as such is really quite important. People see private hire as a type of taxi. All we need is 1 taxi on our system and we are allowed to use the term ‘Taxi’ in our advertising. Would this still be the case? The problem is that private hire has not been able to disassociate itself from the term ‘Taxi’ and there still is an element of confusion with our description.</td>
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<td>Provisional proposal 24</td>
<td>Taxi and private hire services should each be subject to national safety requirements. <em>(Page 188)</em></td>
<td>I totally agree - I manage 2 fleets of vehicles in Liverpool and the Wirral. Both councils have taken the approach that both taxi and private hire services, should each be equally subject to a high level of safety. However as you have correctly identified other councils do not have the same safety standards and customers are unaware of any differences.</td>
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<td>Provisional proposal 25</td>
<td>A National safety requirement would resolve this issue.</td>
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<td>National safety standards, as applied to taxi services, should only be minimum standards. <em>(Page 189)</em> 237</td>
<td>I agree.</td>
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<td>Provisional proposal 26</td>
<td>I agree.</td>
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<td>National safety standards, as applied to private hire services, should be mandatory standards. <em>(Page 189)</em></td>
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<td>Provisional proposal 27</td>
<td>I totally agree.</td>
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<td>Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers. <em>(Page 190)</em></td>
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<td>In Liverpool the Local Council made it so difficult for drivers to become either a private hire or taxi driver and used the topographical test as means to control numbers by making it very difficult. In contrast Sefton and Knowsley, neighbouring boroughs, at first had no topographical test and later were to have very easy ones.</td>
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<td>The effect was that huge numbers of private hire drivers were recruited and with the event of computer technology, in mass started working within the Liverpool boundary working with completely different safety standards and conditions. Today the outside boroughs totally dominate the private hire market in Liverpool.</td>
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<td>On the Wirral circumstances are slightly different. 15 years ago there were 1800 private hire with about 100 hackney carriages. In 2005 the Wirral deregulated. The official reason was that it was following national guidelines, but many suspect that there was a hidden agenda and that the move was made in a retaliatory move to financially affect a certain individual who owned many of the restricted plates and was continually forcing the council to have surveys measuring unmet demand for taxis.</td>
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The net effect was that the Council could not have too many hackney carriage vehicles working on the Wirral, so they started controlling the numbers via the topographical test, only allowing one test per month, including resits. It could take 3 to 4 months for a driver to become a taxi or private hire driver. Unfortunately private hire got caught in the cross fire, because the only difference between the two types of driver was the vehicle they drove. Over the last 7 years numbers have drastically fallen and the Council would have us believe that they were never that high in the first place (but without any recorded evidence) and that numbers have fallen as a result of the recession. NOT TRUE.

I might add that I have continuously argued the point from your perspective and am pleased to see that we are aligned.

**Question 28**

Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? *(Page 190)*

Today in Liverpool and the Wirral and all neighbouring boroughs, they all encourage signage. However that was not always the case. About 20 years ago Sefton & Knowsley were allowed signage on their private hire vehicles, but in Liverpool I had to take the Liverpool Council to court, would you believe, not because they would not allow our private hire to have signage, but that it had to be bolted on.

Naturally it was one of those retaliatory moves for having the effrontery for requesting signage in the first place. Incidentally around that time there were only around 150 private hire and Davy Liver had 70 of them. Private hire was nearly extinct in Liverpool, because we were invisible to our customers, whilst the competition from neighbouring boroughs was very noticeable. Fortunately the courts saw sense; we won the case and were allowed to display signage.

**I do not agree** with your analysis that some may regard signage as confusing to the public and helps to encourage passengers to board cars without a pre-booking. I recognise where this is coming from and believe the people who are advocating local standard setting in respect for signage, do not have any experience of displaying signage and are a little ignorant of the facts.
I believe that signage should be a National standard and quite simply, because it is so much safer for the general public. When they order a vehicle they know what to expect when one arrives; they recognise the markings and get into correct vehicle. It is self policing; other Private Hire and hackney carriage vehicles also ensure the safety to the public.

Prior to signage there were always touts (non licensed drivers) masquerading as private hire and today the accusations are about licensed drivers supposedly illegally plying for hire. I know which I prefer.

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<th>Question 29</th>
<th>What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? (Page 191)</th>
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<td>In Liverpool and the Wirral, both Councils set an equally high standard for both private hire and hackney carriage vehicles. Originally they both managed the inspections internally, but found when they out sourced the servicing and quality management out to multiple service providers it actually improved the quality and raised the safety standards.</td>
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<td>They asked garages that already provided MOT testing services to apply for the provision of testing private hire and hackney carriage vehicles and gave them minimum criteria to meet. I would suggest using their strategy and planning as a guide to roll out across the UK. I am sure there are many other types of Council who have delivered to the same affect and it would be a case of taking best practice to ensure a nationwide common safety standard for vehicles.</td>
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<th>Question 30</th>
<th>Should national conditions in respect of driver safety be different for taxi services compared with private hire services? (Page 192)</th>
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<td>A hackney carriage driver needs more protection, because of the very nature of his circumstances. By their very nature they are able to ply for hire and make on the spot hiring, which in the main they are expected to accept. They work independently and choose to be part of a radio/data network. For example only a third of hackney carriage vehicles in Liverpool subscribe to a network. Regardless, they never know from one moment to the next when plying for hire what and how their passenger may behave, especially when alcohol is involved.</td>
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Private hire on the other hand is recognised in the taxi trade as having much safer taxi journeys. In the first instance 55% of bookings are for women, who are less likely to cause any danger to the driver. There is usually a detailed audit trail of all the booking details making it less likely for an individual to assault a driver, because the passenger details have been recorded.

Passengers are in the main existing customers with all their personal details on record and are often known amongst the operational staff and drivers. In the few cases where some passengers may behave badly towards the private hire firm or driver, then they can be black listed, which in itself is a deterrent against abusive behaviour.

Therefore circumstances are different for both. However when we are dealing with safety issues regardless of whether the driver is a private hire driver or hackney we should ensure the best and most practicably safest methods are applied.

<p>| Provisional proposal 31 | The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety. (Page 192) | I for a long time have advocated for National standards, but not just to set standards for only safety conditions. Councils all over the country have sometimes abused their position and have for political or personal reasons tinkered with taxi conditions that have not been in the best interests for all stakeholders. |
| Provisional proposal 32 | The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (Page 193) | I totally agree – There will be a huge number of differing levels of standard set by councils so further consultation on this will almost certainly be required. |</p>
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<th>Question 33</th>
<th>What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? (Page 193)</th>
<th>I believe a technical advisory panel will be necessary, but councils especially will want their input considered. No doubt the Hackney contingent will want their views considered and consequently the private hire will want to ensure that neither the Councils nor the hackney carriage represented by the unions undermines the whole process.</th>
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<td>Provisional proposal 34</td>
<td>Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. (Page 193)</td>
<td>I think that the minimum national standards for taxis should be set quite high. Primarily because the taxi driver is responsible for his own individual actions whilst in the course of his business. The Council then has to either try and improve those conditions or maintain the minimum standard. The taxi driver in many cases will be the first person to meet any visitors to the area and needs to make a good impression. The Council naturally has an investment in the Hackney Carriage driver representing his local area well. Only the Council can manage hackney drivers and depending on whether it is in the centre of a large urban conurbation, neighbouring one or rural the Councils will have differing outlooks and needs and will apply them differently and accordingly.</td>
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<td>Question 35</td>
<td>Should there be statutory limits to licensing authorities’ ability to set local taxi standards? (Page 194) 238</td>
<td>Yes – As I have said before decisions have not always been in the best interests of the stakeholders. Licensing Authorities are governed by the Councils and influenced by the unions and certain decisions that are made contradict any form of logic. The courts have been the only protection, which is costly in time and money both on the state and individual. This measure would help to exercise restraint.</td>
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<td>Question 36</td>
<td>Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? (Page 194)</td>
<td>No – As previously mentioned a national standard although less flexible is more transparent. You have absolutely no idea how many times I have met a brick wall when discussing matters with Licensing Authorities. The television program ‘Yes Minister’ is nothing in comparison and quite frankly I have in the main given up the hope of having meaningful discussion with them. They are only self orientated and the fact that I go less and less to meetings even knowing that it is actually what they want is infuriating.</td>
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<td><strong>Question 37</strong></td>
<td>Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? (Page 195)</td>
<td>I can only comment from a local position and believe that the Wirral, Liverpool, Knowsley and Sefton have to an extent discussed cooperation between the Boroughs and sometimes work in conjunction to policing taxi and private hire drivers, but in the main operate autonomously. So statutory intervention would probably be necessary.</td>
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<td><strong>Provisional proposal 38</strong></td>
<td>Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. (Page 196)</td>
<td>The Wirral, Liverpool, Knowsley and Sefton having been discussing this for over 10 years and left to their own devices will be discussing it for another 10 years. Of course it makes a lot of sense to do so, but each Local Authority has their own agendas and they do not match each others. It is a matter of control and none of them will give that up voluntarily. Perhaps a little twisting of the arm will help. So if they do combine then I welcome it. I know that there are many similar issues around the country and I believe this would resolve most of them, especially the cross border issue. (Although I do appreciate this question relates only to hackneys). It’s quite simple really; reduce the number of borders and thus it will reduce the number of cross border issues.</td>
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<td><strong>Provisional proposal 39</strong></td>
<td>Licensing authorities should have the option to create, or remove, taxi zones within their area. (Page 196)</td>
<td>I agree with your reasoning and believe that the Local authorities will need some flexibility with creating, amalgamating or sub dividing zones as per the London modal. The “honeypot” effect of city centres which may leave suburban areas with insufficient provision is a real concern.</td>
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<td><strong>Question 40</strong></td>
<td>Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? (Page 197)</td>
<td>It is definitely an option. You are quite correct in your assertion that fewer hackney drivers work at the busy periods namely weekend nights and this could help to alleviate the bottle neck of supply and demand at those times. It is also correct to allow the Local Authority to assess whether they should utilise the issuing of peak time licences in the first instance. However I would imagine there would be some resistance to this from other factions of the trade, namely the hackney driver and supported by the unions.</td>
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| Provisional proposal 41 | Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. (Page 198) | I totally agree – Davy Liver is based in Liverpool. As you can ascertain from the answers to your previous questions I believe the current legislation has not been fair to Davy Liver and most of this unfairness has been brought about by the cross border issue and as you describe it the “triple licensing” requirement. Whilst one or more Local Authorities promote and support aggressively their private hire, neighbouring Authorities either through the lack of foresight or because they are supporting an alternative strategy hinders their own development of private hire supply and this creates an unlevel commercial arena, with varying levels of standards.

This was possibly OK until the advent of the computer despatch system and especially of the delivery of a private hire job to a private hire driver via data head. 15 years ago I was trying to warn the Local Authorities both in Liverpool and the Wirral of the dangers that this posed, but I think they thought I was being a little alarmist. Inevitably in Liverpool private hire was and still is in the main being supplied by private hire from neighbouring Boroughs.

About that time the Davy Liver Group had three private hire operations operating in three districts and was suffering badly from the recession. In a move to streamline and reduce costs I closed the call centre operations in Sefton, but kept the offices and diverted all calls to our Wirral call centre operations. So calls were taken and accepted in our Wirral office.

The computer on the Wirral sent the booking electronically to the computer located at the office in Sefton (that had an Operator’s Licence for Sefton), the computer system then sent the booking to a Sefton Licensed private hire driver who drove a Sefton Licensed private hire vehicle.

I deliberately did not choose our Liverpool office to conduct this mode of operation as this would have been the most obvious, because if I had it quite simply would have caused World War Three to erupt. In fact by using the Wirral office, operationally this worked quite well and was also accepted amongst both private hire and hackney drivers in all three districts. |
<table>
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<tr>
<th>Provisional proposal 42</th>
<th>We do not propose to introduce a “return to area” requirement in respect of out-of-area drop offs. <em>(Page 199)</em></th>
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<tr>
<td>Provisional proposal 43</td>
<td>Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares. <em>(Page 200)</em></td>
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</table>

Sadly the Sefton local Authority working on behalf of my main competitor did not think that this was OK and complained to the Wirral Local Authority outlining, that because the job was not being accepted in the Sefton licensed office, but in fact the Wirral’s then this was not legitimate. In a rare moment of accord the Wirral Authority instructed me to cease such actions or face legal consequences. So in an attempt to follow what I believed was the spirit of the legislation, I had to accept the actual wording could be interpreted differently and I was not prepared to go to court at that time to find out. I also believe that if circumstances had been reversed and if it had been my competitor in Sefton that had initiated such a move they would have been allowed by the Sefton Authority to continue as it was a matter of an interpretation of the law and would have ignored any protest.

So battered and bruised Davy Liver hopefully will in the future be able to offer the people in Liverpool a private hire service and compete for their market share of the business. **So please ensure this happens!**

I totally agree – To prove that I am not a bigot I have always felt that the Unite Union getting behind this action a “return to area” requirement in respect of out-of-area drop offs for the good of private hire did not make much sense. Naturally as a Liverpool Operator I would love to see that made into legislation, but the truth is that you are quite correct in your assertions.

I totally agree – there should be no change with Licensing authorities being able to retain the ability to regulate maximum taxi fares and Licensing authorities should not have the power to regulate private hire fares. There has not been any controversy with regard to this and for reasons that you have again quite rightly identified there is no need to make any alterations in this area of the legislation.
| **Question 44** | Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? (Page 200) | This depends on which way you view this and how you will have altered the legislation. Firstly I think we both agree that if a taxi is plying for hire then the driver should charge the metered fare and is unable to charge a higher fee than the meter. If a taxi driver who does not have an operator’s licence, but then receives a pre-booked fare then he also should be unable to charge a higher fee than the meter.

So if a taxi driver had an operator’s licence should he be able to charge a higher fee than a meter rate for a prebooked job, especially if he was accepting the booking, whilst in his cab via a mobile phone? No, because every hackney driver would get an operator’s licence and policing over charging would be extremely difficult. (*Please remember this when we discuss private hire operators licences later on in question 48*).

However as an operator it is becoming more and more important that we are able to provide wheelchair accessible vehicles to our customers and the best suited vehicle for this, is a traditional London style hackney cab. So the customer asks for a wheelchair accessible vehicle and one has to be sent from 4 miles away from the pickup point, on account. The private hire operator would need to pay the driver for his running miles and therefore make a charge to the customer for more than the meter fare from pick up to drop.

As far the operator is concerned the taxi is a type of vehicle as is for example an MPV and therefore should incur their additional fees for the provision of the service. In London for example the hackney radio circuits allow this as a matter of course; the taxi driver is allowed to put his meter on from where is waiting and charges to the pickup point and thus is paid running miles. So the hackney radio circuits charge a higher fare than the meter rate in addition to their other booking and admin fees. I might add they are not required to have an operator’s licence. |
| --- | --- | --- |
Another example: a Local Authority has a severely handicapped child and needs to daily (10 trips per week) transport the child to a special school less than 1 mile from the child's home, using a dedicated driver. The charge in this case will always be higher than the meter rate. There are so many instances where charging can be higher than the meter rate and Local Authorities policing this piece of current legislation have turned a blind eye.

So from an operator’s perspective it would dictate that taxi fares in some instances should be charged at a higher than the meter fare rate. Here lies the paradox. It is OK in this illustration, but it would be wrong for a taxi driver that has an operator’s licence to accept jobs in his cab. So the answer with this paradox lies in the section of the legislation that relates to operators’ licences.

So should a private hire operator with an operator’s licence include in its provision of service the ability and be entitled to pre-book a taxi and charge accordingly to its own pricing policy? Whereas as an individual taxi driver is quite correctly unable to do so. I believe yes, and also that taxis should be allowed to take pre-booked booked journeys directly, but provided they go through a third party and such third party must be licensed as an operator.

**Question 45**

Should national driver safety standards such as the requirement to be a “fit and proper person” be either:

239

(a) set out in primary legislation; or

(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? *(Page 203)*

I totally agree that standards should be uniform throughout the UK and accept that most of these uniform standards can be legislated for in primary legislation. However there also needs to be a degree of flexibility in the legislation as circumstances and times do change and what is fashionable today may be out of vogue tomorrow.

The only concern for me with giving the Secretary of State total power in this area is that for political reasons and not for the best interests of the public or taxi and private hire drivers, poor decisions could be made more easily and there is less ability for recourse than currently exists today.

Sorry for being cynical.
| Provisional proposal 46 | Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. *(Page 204)* | I have already seen and followed this line of thought and could not totally argue against it at the time. However remember I am based in Liverpool and this does not feel right to me; some unsavoury characters also live in the same city. I am sure that this is the same up and down the country and it seems a shame that we cannot prevent these unsavoury characters from attaining either a taxi or private hire vehicle licence. In these instances it is more likely to be many more than one and therefore I do disagree with the premise that the vehicle owners themselves are too remote from passenger safety considerations and should be abandoned. The owners of the vehicles therefore have a direct influence over the licensed taxi or private hire driver and indirectly could affect the safety conditions of the passengers.

For me it is a little like saying that money laundering is OK. When the money enters into circulation of the economy it is too remote from the general public’s safety considerations and any effort to ring fence identified such sums of money should be abandoned.

A little sarcasm this time.... I would go with London’s legislative philosophy. |

| Question 47 | Should national vehicle safety standards be either: (a) set out in primary legislation; or (b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? *(Page 205)* | I totally agree that standards should be uniform throughout the UK and accept that some of these uniform standards can be legislated for in primary legislation. However there also needs to be large degree of flexibility in the legislation and the Secretary of State should have some general powers to set national safety conditions. |

| Provisional proposal 48 | Operator licensing should be retained as mandatory in respect of private hire vehicles. *(Page 207)* | I totally agree operator licensing should be retained as mandatory in respect of private hire vehicles and for all the reasons you mentioned. To be a licensed operator is to accept a large amount of responsibility to ensure for our customers that as the first line of enforcement on vehicles and drivers we can assure their safety and guarantee the provision of a quality private hire service. |
It is the private hire operator in the main that has made a huge investment to ensure that the provision of service is of such a quality to ensure that customers returns to use the service again. By not having a licensing structure for operators, it would undermine the whole infra structure. The private hire operator is the driving force for change and improvement and represents the leadership within this industry sector. The success of the last 15 years is testament to this.

“Whereas drivers and vehicles are always moving, the operator’s base can be stable. It is often easier for enforcement officers to target operators, who have responsibility for a number of drivers and vehicles, than to target individual license holders”

Earlier in question 44 I highlighted the question as to whether an individual taxi driver should be able to be licensed both as a taxi driver and as an operator; the same question also arises with regard to private hire drivers. For example the Wirral Local Authority has issued a substantial number of operator’s licences to individual private hire drivers in order that they can contract with them individually for school contracts. I have about 30 private hire drivers working and paying settle on my system that are also private hire operators.

It seems that an individual private hire driver meets all the regulatory requirements of a private hire operator and therefore questions the need for an operator’s licence and if it is necessary. As I am in favour of operators licenses I believe that they should actually mean something and should not be abused by the Local Authority. It is absurd to suggest that a private hire driver has the same infra structure and will accept the same responsibility as a private hire operator.

Question 49

Should operator licensing be extended to cover taxi radio circuits and if so on what basis? (Page 208)

Yes I am very much of the belief that operator licensing should extend to cover taxi radio circuits and I have partly discussed this in question 44. Naturally taxis should continue to be allowed to take pre-booked journeys directly, but provided that if they go through a third party and such third party must be licensed as an operator.
There are three types of operator plus intermediaries (discussed in the following question). Firstly an operator that despatches pre-booked jobs to only a private hire fleet, secondly an operator (taxi radio circuit) that despatches pre-booked jobs to only a taxi driver fleet and thirdly operators that despatch pre-booked jobs to both private hire and taxi drivers; a combined fleet.

The operator in all instances has a contract with his customer and the process for delivering the service to the customer is in essence the same regardless as to which type of vehicle the operator is managing. The current legislation is not fit for purpose. How can I as an operator explain to my customers that if a hackney cab does not arrive on time it is not my responsibility; see the driver.

Most operators today fall into the third category and should accept the additional responsibility to manage taxi drivers in the same way as they manage private hire drivers. After all this would ensure a much greater degree of safety towards the general public. It is outrageous that records of journeys and licensing details of the driver should not be kept and it breeches the trust that our customers have with us.

And from Cabfind’s (acting on behalf of our customers) perspective it is an absolute necessary action. In today’s world where an employer’s duty of care for its employees is quite rightly taking on a much higher level of importance, it is paramount that the operator ensures the safety of the passenger regardless of whether they travel in a private hire or taxi. If a taxi radio circuit wishes to accept the responsibility for accepting pre-booked journeys then they need to be licensed.

| Provisional proposal 50 | The definition of operators should not be extended in order to include intermediaries. *(Page 209)* | Naturally this question applies to me and my businesses specifically, and the relationship between them. Davy Liver Ltd and Wirral Satellite Cars Ltd are both mixed fleets, totalling approximately 500 vehicles, with private hire operator’s licenses. They both despatch pre-booked jobs directly to taxi and private hire drivers licensed with both Liverpool and the Wirral Local Authority. |
Cabfind is an intermediary and manages on our customers behalf their
ground transportation needs; this could also relate to minibuses and
coaches and is not solely restricted to taxis and private hire. Cabfind does
not have any vehicles of its own to carry out any pre-booked jobs and
therefore does not require an operator’s license. Instead we rely on the
operators who are licensed around the UK, who manage their own fleet of
drivers and they despatch the pre-booked jobs given to them by ourselves,
to their licensed drivers accordingly.

In the last 5 years Cabfind has grown from zero to turning over £15m per
annum and our growth forecasts for the future are quite substantial. In
essence we are a combination of taxi and private hire travel management
firm and an IT business all wrapped into one. We have a special
relationship with our suppliers, and since last year around the world and
are able to offer a more complete professional service to the customer and
provide a “one stop solution” for their ground transportation needs using an
ever more sophisticated IT platform.

I do not believe that intermediaries should be licensed, but how would you
define an intermediary? I believe the main differentiator is that
intermediaries only indirectly manage the provision of pre-booked journeys
and use licensed operators who themselves directly manage the provision.

So what about an IT platform that that directly manages the provision with
drivers. In that instance they are not an intermediary. So for example ‘Halo’
based in London offers a platform that directly manages the provision of
pre-booked journeys to taxi drivers. The fact they are taxi drivers is
irrelevant as discussed earlier; they are actually an operator and therefore
should be licensed.

<table>
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<tr>
<th>Question 51</th>
<th>Should “fit and proper” criteria in respect of operators be retained? (Page 210)</th>
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| Yes – As a private hire operator a substantial responsibility is bestowed
upon the recipient and therefore there is a burden proof to ensure that
operator is of reputable character and is ‘fit and proper’ and is able in the
course of their business, behaves in a manner fitting those required and
set out in the conditions of the license. This helps to ensure the safety of
the general public. |
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<tr>
<th>Provisional proposal 52</th>
<th>Operators should be expressly permitted to sub-contract services. <em>(Page 210)</em></th>
<th>I totally agree – The legislation outside London is sadly ridiculous. It is incredible that if Wirral Satellite Cars had a customer to pick up from Liverpool Lime Street station and bring back to the Wirral they could not sub contract the provision to Davy Liver who is based in Liverpool. So I agree that operators should be expressly permitted to contract services as in London now.</th>
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<tr>
<td>Question 53</td>
<td>Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? <em>(Page 210)</em></td>
<td>I believe that a taxi driver should not be able to accept a pre-booking unless it came from a licensed third party and in that instance a record would in the course of business be kept.</td>
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| Provisional proposal 54 | Licensing authorities should no longer have the power to restrict taxi numbers. *(Page 213)* 240 | Davy Liver is based in Liverpool where taxi numbers (1,493 taxis) are restricted and Wirral Satellite Cars is on the Wirral where the Local Authority had deregulated in March 2005 and only this year restricted taxi numbers again. I am against deregulation, but if you do -  
**Please do not make the same mistake as they did on the Wirral!!!**  
There should be a transitional process and there has to be a big differential between a driver’s private hire licence and a taxi license.  
What should have happened was that there should have been a differential between taxi and private hire driver. A possible solution is that before a driver can become a taxi driver he must undertake a Topographical test, they should have a BETCH (level 2) entry qualification and undertake an NVQ with on the job training as a private hire driver for a minimum period of one year. |
| Question 55            | What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? *(Page 213)* | The Transport Select Committee quite correctly identified that by just deregulating taxi numbers that it did not lead to an improvement in the quality of the local taxi service; in fact the opposite occurred and that the overall service deteriorated. The reason for this is that deregulation relates only to taxis and does not take into account the inter relationship of private hire and taxis. “Moving in the right direction” does not cut it with me I am afraid. |
Prior to March 2005 in the Wirral the taxi business was improving year on year. Then deregulation came and immediately a number of private hire drivers switched their private hire licenses over to taxi licences. Not enough rank spaces and the taxi driver wanted to work day shifts as opposed to nights, especially not weekends. The Local Council worried that there would be too many taxi drivers started to interfere with Topographical testing, making the test harder and harder and only once a month. They introduced BETCH and NVQ’s and whilst I am a supporter of training of such qualifications, the Wirral Local Authority introduced these measures part as a result to limit the number of taxi drivers entering into the trade. As private hire drivers required exactly the same criteria as a taxi driver they were equally limited.

The end result is that there is less taxi and private hire drivers cumulatively then there were before. I have the same number of calls coming in from customers on a Saturday night, but with the same number of vehicles (a higher degree of taxi to private hire ratio than in March 2005) Wirral Satellite Cars is actually able to deliver on approximately 15% less compared with figures relating to before March 2005.

<table>
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<tr>
<th>Question 56</th>
<th>Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period of time, if quantity restrictions are removed? (Page 215)</th>
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<td>Yes definitely and perhaps a substantial increase in the license fees might also help. I do accept that a second market in licenses is unpalatable, but never the less it exists. Not just in the UK, but all over the world. So obviously there is a market value and why shouldn’t the tax payer benefit from this, so rather than just thinking in terms of numerical numbers becoming taxi drivers why not look at the licensing fees and charge more accordingly to the true value of the license.</td>
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<tr>
<th>Question 57</th>
<th>Should there be a separate licence category for wheelchair accessible vehicles? This could involve: (1) a duty on the licensee to give priority to disabled passengers; and (2) a duty on the licensing authority to make adequate provision at ranks for</th>
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<td></td>
<td>No I believe that all taxis should be wheelchair accessible vehicles. I do not accept the argument that a greater consumer choice for users is similar to that of private hire vehicles thus making it easier and more effective to encourage innovation. It was primarily the operator who encouraged this as part of an overall business strategy and not just left to the individual driver.</td>
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<td>Question 58</td>
<td>Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards? (Page 217)</td>
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<td>Question 59</td>
<td>Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? (Page 217)</td>
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<tr>
<td>Provisional proposal 60</td>
<td>We do not propose to introduce national quotas of wheelchair accessible vehicles. (Page 218)</td>
</tr>
<tr>
<td>Provisional proposal 61</td>
<td>National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. (Page 219)</td>
</tr>
<tr>
<td>Provisional proposal 62</td>
<td>In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. (Page 219)</td>
</tr>
<tr>
<td>Question 63</td>
<td>What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help?</td>
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<td>Question 64</td>
<td>Should authorised licensing officers have the power to stop licensed vehicles? (Page 222)</td>
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<td>Question 65</td>
<td>What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”. (Page 223)</td>
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<td>Question 66</td>
<td>Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? (Page 223)</td>
</tr>
<tr>
<td>Question 67</td>
<td>Should licensing authorities make greater use of fixed penalty schemes and if so how? (Page 225)</td>
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<td>Provisional proposal 68</td>
<td>Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. (Page 225)</td>
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<tr>
<td>Question 69</td>
<td>Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? (Page 226)</td>
</tr>
<tr>
<td>Provisional proposal 70</td>
<td>The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. (Page 230)</td>
</tr>
<tr>
<td>Provisional proposal 71</td>
<td>The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. (Page 231)</td>
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<td>Provisional proposal 72</td>
<td>Appeals should continue to be heard in the magistrates’ court. (Page 232)</td>
</tr>
<tr>
<td>Question 73</td>
<td>Should there be an onward right of appeal to the Crown Court? (Page 233)</td>
</tr>
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</table>
From: Carraw Bed and Breakfast
Sent: 02 September 2012 21:45
To: TPH
Subject: Provisional proposals to reform the law of taxi and private hire services - Proposal No 8

Dear Sirs,

This business is engaged in the provision of accommodation and related catering services.

We are situated on Hadrian’s Wall some 10 miles from the nearest railway station and have few, if any, public transport services available to allow our guests to reach us.

We are part of the tourism industry in Northumberland which is vital to the local rural economy and provides substantial employment in a remote area with few other opportunities for work.

For some time we have been concerned by suggestions that the licensing regime applicable to taxis and private hire services should be applied to the small scale and ancillary aspect of our services when we may collect or return customers to or from a public transport connection e.g. railway station, bus station or bus stop.

We understand that the Law Commission is currently consulting on a number of proposals to review and reform the law with respect to taxi and private hire licensing.

We do not believe that the service we provide as a courtesy to our guests, many of whom do not have use of a private motor car or who prefer in the interests of the environment to journey by public transport, should be caught within the framework of taxi and private hire legislation.

We do not make any supplementary charge to our customers where we provide such courtesy services, over and above our general tariffs chargeable to customers arriving in their own private car or other form of transport.

We wish to express strong support for the provisional proposal No.8 at page 168 of the Commission consultation document and agree that:-

‘The concept of ‘in the course of a business of carrying passengers’ should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service’

We endorse the provisional proposal and earnestly request that any final proposals to reform the law of taxi and private hire licensing and regulation provide for the explicit exclusion of ancillary transport services of the nature provided by this business from the ambit of any reformed licensing regimes.

Yours faithfully,

Kevin and Leah Vigars
Carraw Bed and Breakfast

This email was received from the INTERNET and scanned by the Government Secure Intranet anti-virus service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisation’s IT Helpdesk. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.
Dear sir/Madam

We (Bradford Hackney Carriage Association) gone through all the report and found very difficult, too long to understand and found very Bowring some of the questions are very difficult to answer we would like to answer few of the questions which we understand hope you will find useful.

Provisional proposal 2

London must be included in all the law which will be come in force because we don’t know why this question is there As London is in UK so why there is separate law for London and all other country has separate law will it be fair with other people live in UK so which ever law is made London must be included.

Provisional proposal 3

The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle then who will provide service to disable people no one want to spend more money to buy wheelchair accessible everyone will be buying normal saloon car so problem will be still there like 10 years ago there was hardly any wheelchair accessible vehicles was available but now with the sport of local government there is wide range of vehicles are available.

Question 23

As most the public now days know the private hire and hackney carriage so private should only be allowed to have stickers in the side doors and says “pre-booked” only as there has been many different kinds of cases which have done by the bogus people so private hair should have permanent stickers with the company name so people do not confused which car they are getting in.

Provisional proposal 34

Licensing authorities should retain the power to set standards
Not only locally but it should be nationally for taxis provided above the minimum national standards.

Provisional proposal 38

Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. This will be loose the safety for the public because no one will know which taxi is from where other drivers will go to work in other cities will not have the knowledge of other cities
**Question 40**

It will not be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority because those people who only do this job and wait for the peak time to make some living in that time part time people will come in to work and take their living. As these part time people work same where else as their full time job.

**Provisional proposal 54**

If Licensing authorities have no longer the power to restrict taxi numbers then there will be flood of taxis where they will park dose local authorities have enough Taxi ranks where these taxis will park who will control what will happen about safety where will all the funds will come from as there will be no numbers what will happen those people who are already in business.

As restrict numbers will be no more there what will happen those people who have bought the licences and had paid big amount of money most of them have got loans or second mortgage on their houses they will be go to zero how will they pay back there loans.

We think as normally as it is done unmet demand survey is the best practice and it is not that expensive to do this or found can be collected from licences holders they should pay fees couple of pounds extra when they renew their licence so there will be not big problem

**Question 57**

As in our city we have 100% taxis are wheelchair accessible so there is no difficulty for able or disable people to get in ant taxi so it can be better to have all the taxis same.

**Question 59**

As we sais in Question 57 it should be better to have all the vehicles same and we in our city Bradford are proud to say that all of our taxis are wheelchair accessible and there is no problem for disabled or able to get a taxi when they reach in our taxis rank

**Provisional proposal 68**

Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. As there no control of this issue at the moment there are lots of people taking benefit as they get licence from one authority and work in another authority there is no one to ask they have no proper insurance or other paper work

**Question 69**

We think first of all there should be no Cross- border hiring or if there is they should be control by the local authority they should report to local authority when they join them because if it keep going as its happening there will be bigger problems as there will be no record who has done something wrong and where is happen where this taxi was from as most of the county’s have same colour or look.

We look forward to hearing from you as the things happen

Thanks

Tahir Riaz
Mazar Iqbal
Mulzam Hussain
S.Munir
S.Master
Bradford Hackney Carriage Association
Please find attached our response to the Law Commission Review on Taxi Legislation.

I have been in the taxi trade for the last 20 years, having owned and driven both in the Hackney Carriage and Licensed Private Hire trade. Over the last 4 years, I have been part of the Taxi Task Group set up by Burnley Borough Council to breakdown barriers between Council Officers, Councillors and the different Taxi Trade representatives. We have worked together to achieve agreements on the following items: Alternative MoT station, Vehicle Age Limits, Frequency of Tests, Driver Training to name a few.

I believe that it is now time to upgrade our outdated Taxi Legislation and bring us into the 21st century.

I hope that our recommendations/views are taken on board.

I am available for further discussions if needed, either by email or by phone.

Regards

Khalid

appendix a
list of provisional proposals and questions

CHAPTER 13 - overview of provisional reform proposals

Provisional proposal 1
Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. (Page 160)

We would like to see a one tier system for all taxis, with those wishing to join a radio circuit, able to do so to do private hire work.

The public are not aware of the distinction between private hire and hackney carriage, especially in the rural areas. Along with the differing vehicle specifications, from one area to the next (both HC and PH), the safety of the travelling public needs to be paramount.

We need to standardise vehicle type/colour/specification/age/signage etc etc within a borough/county/region (?) At the end of a night out, the majority of club goers and revellers do not know the distinction between the 2 trades - they just want to get home safely. This leads to illegal activity by unscrupulous private hire drivers/operators who tout their services and hackney carriage drivers who "cherry pick" fares. If there was a one tier system, then this would eliminate the bane of all licensing authorities - plying for hire - and eliminate the risk to the public of uninsured pick ups.

This may not be suitable for large cities, but in 90% of the country this is the only option/solution to cover peak time demand and to safeguard the public, to ensure their safe travel.
chapter 14 – reform of definitions and scope

Provisional proposal 2
London should be included, with appropriate modifications, within the scope of reform. (Page 162)
Yes if you are to have a notional standard then all should be included.

Provisional proposal 3
The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. (Page 164).
Totally agree, we need to allow any vehicle type onto our fleets so that we do not discriminate against any able bodied or disabled member of the community, and to give the driver a choice of the type of vehicle that he wishes to operate. We must remember though that we should let vosa manage vehicles over 8 passenger seats. We do not see a problem with vosa taking over more of the licensing or enforcement work as they are generally part of multi agency teams that carry out roadside checks on vehicles/drivers and have all vehicle/driver details to hand (insurance.MoT, driver licence details etc etc) and have the powers to stop vehicles, impound vehicles and issue fines to drivers, which a lot of enforcement officers do not have.
Chauffeurs should be included within the legislation, with concessions on vehicle signage / identification plate etc etc.
Funeral cars and wedding cars should be exempt from these regulations so long as that is the sole business use of the vehicle.
We need to make sure that we don’t leave any loopholes, so that unscrupulous individuals do not operate as taxis under the guise of funeral/wedding cars.

Question 4
Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? (Page 164)
Agree. But would like to see no licensing of pedicabs/rickshaws/horse and carriage.
Legislation should invoke some sort of financial benefits to operators for vehicles that are low polluting/highly fuel efficient to encourage operators to be environmentally aware.
Single passenger seat vehicles, including motorbikes are becoming more viable transport methods and we should not eliminate these from future licensing.

Provisional proposal 5
Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. (Page 165)
Totally agree - leave those under the scrutiny of VOSA and the Traffic Commissioners.

Provisional proposal 6
References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. (Page 166)
Agree

Provisional proposal 7
The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. (Page 167)
Strongly agree with Licensing these vehicles but should be made to compulsory comply with all guidance. They should not be allowed to pick the bits they like and don’t bother with the bits they don’t like.

Provisional proposal 8
The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. (Page 168)
Agree, in principal to this concept, especially with regards to genuine volunteers, day care nurseries, nannies etc but how do you distinguish the genuine from the fraudulent operator. We have community cars in our area that operate advertised services to and from hospitals, paid mileage allowances by the NHS Trust (which gives them a form of credence), covering more miles than genuine licensed HC and PH operators. This is the area that needs to be strongly targeted. We are losing a lot of trade due to these individuals operating outside the Licensed regime, who can afford to work for less as they do not have the same operating costs and rigorous background checks that
Licensed operators have to undergo!

Question 9
How, if at all, should the regulation of taxis and private hire deal with:
(a) carpooling; and
(b) members clubs? (Page 170)

We do not have any issues to keep these as they are, as long as they are legitimate clubs - how do you distinguish though? Possibly with clearer membership conditions, and more scrutiny of club accounts to see main source of revenue - to ensure that it is not an unlawful transport enterprise, and to ensure that drivers are suitably qualified (CRB checks/DVLA driver checks/minimum driver qualification standards (Certificate of Professional Competence - CPC).

Provisional proposal 10
The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. (Page 171)

National Standards are a MUST. Being able to quickly draft and invoke legislation, to close loopholes and allow for modern technology changes, are pertinent to the Transport industry in the 21st century, and the Secretary of State and Welsh Ministers MUST have the delegated powers to make changes as and when required that helps public safety and enhances the trades operation.

Provisional proposal 11
Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. (Page 172)

Disagree strongly. I believe that we should leave these vehicles out of primary legislation, as long as they are used for that sole purpose in connection with their main business operation.

Question 12
Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse? (Page 174)

No contract exemption. Taxi is a taxi - no exemptions.

Provisional proposal 13
Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”. (Page 175)

Agree. We need to take into account that a lot of trade is now generated from out of town complexes, such as shopping centres, retail parks, airports, train stations etc etc that are owned/operated by private landlords, and we need to legislate for this.

Question 14
Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? (Page 177)

A difficult one, as outlined above we need to account for how the public engages with the trade on and off the street and to limit confrontation within the different trades to ensure that all regulations are complied with. At the end of the day, it is the customers choice as to the mode of transport they use. At the end of the day, what legislation is there to stop concessionary arrangements in airports. For this reason, we need to have an integrated transport policy that allows planners to insist on ranks at airports/supermarkets/shopping centre complexes etc and town centre regeneration projects.

Provisional proposal 15
The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:
(a) references to ranking and hailing;
(b) a non-exhaustive list of factors indicating plying for hire; and  
(c) appropriate accommodation of the legitimate activities of private hire vehicles. (Page 181)

Agree

Provisional proposal 16
The concepts of hailing and ranking should not cover technological means of engaging taxi services. (Page 181)

Totally disagree. Current apps allow users to hail a cab using their smart phones, empowering the user with the knowledge of the nearest cab, details of the driver/operator. These also allow users of the cabs to rate/recommend drivers/cab firms to enhance future bookings and also to report rude drivers. With the use of mixed fleets, technology like this can enable passengers to locate the most suitable cab for them.

Question 17
Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”? (Page 182)

Under a one tier system I agree.

Provisional proposal 18
The concept of compellability, which applies exclusively to taxis, should be retained. (Page 182)

Agree, but this should be accompanied with a possible charter of the standards the customer can expect and also what is expected of passengers, whereby the drivers' decision is final eg if a passenger is abusive/too drunk and also the drivers responsibility towards guide dogs, assistance to disabled passengers etc

Provisional proposal 19
Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked. (Page 183)

Agree, we have to move with the times and take on board technological advances of making bookings.

Provisional proposal 20
Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved. (Page 184)

Agree, as long as there is a suitable insurance policy that allows Social, Domestic and Pleasure use in place, and a valid private MoT.

Provisional proposal 21
The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements.(Page 185)

Agree, that we need national minimum standards and that we need statutory guidance - but we need consistency in policy. This ranges from vehicle type, minimum driver standards, minimum operator standards, minimum number of wheelchair access vehicles, testing of vehicle standards, who can test the vehicles, enforcement activity, guidelines on punishment for not adhering to licensing requirements.

Provisional proposal 22
Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned. (Page 185)

We believe in the 1 tier, mixed fleet system (except maybe in the large cities - purpose built vehicles ONLY) and would therefore recommend the use of the word TAXI only. A universal word, everyone knows what it means, whatever language you speak, whatever nationality you are - no misunderstandings whatsoever. Therefore,
abandon the reference to Hackney Carriages, and refer to vehicles as TAXIS.

Question 23
Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion? (Page 186)

As above, we believe in the 1 tier, mixed fleet system (except maybe in the large cities - purpose built vehicles ONLY) and would therefore recommend the use of the word TAXI or CAB in all forms of advertising. With it being a 1 tier system - no customer confusion. Allow vehicles to display trading names of the company/licence number and services offered. (eg Wheelchair accessible vehicles/telephone numbers/can be pre-booked etc)

Chapter 15 – A Reformed Regulatory Framework

Provisional Proposal 24
Taxi and private hire services should each be subject to national safety requirements. (Page 188)
Totally agree. CRB checks, regular Compliance MoT tests (the number of tests depending on the age/mileage of the vehicle eg vehicles less than three years old=annual tests, 3-7 years old=biannual tests, 7-9 years old=3 tests per annum

Provisional Proposal 25
National safety standards, as applied to taxi services, should only be minimum standards. (Page 189)
Local authorities should be able to set their own criteria, but we urgently need STANDARDISATION. There are too many disparities with neighbouring authorities having wide ranging age limits/driver standard requirements/testing regimes. Unscrupulous operators will no doubt operate from the licensing authority that is the least demanding and has lower licensing costs. We need to raise our game and standards, but also be able to provide a cost effective service.

Provisional Proposal 26
National safety standards, as applied to private hire services, should be mandatory standards. (Page 189)
As above, we need standardisation that is the same wherever you are in the country. We believe in the 1 tier system of mixed fleets (except in large cities where purpose built, wheelchair accessible vehicles must be mandatory).

Provisional Proposal 27
Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers. (Page 190)
Disagree totally.
Safety standards are a must, as is topographical knowledge and the ability to speak and write the English language, and basic maths.
We are professional drivers, we need to meet professional standards.

Question 28
Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? (Page 190)
We do need local standards to differentiate vehicles from neighbouring authorities, whether that is within the licence plate, signage - with regards to the name of the fleet operator, roof signs etc. We need to possibly widen the area a vehicle can operate in.

Question 29
What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? (Page 191)
Unwillingness of the HC and PH trade to come under the 1 tier system.
Apprehension about change - the unknown, will it work, we’ve always done it this way mentality?
The loss of the value of HC plate, especially in areas where the numbers of HC’s are restricted/controlled.
Driver reluctance to go back to school to retrain.
The number of drivers, whose standard of English (written/spoken) may not be up to a required standard.
Cost implications of fleet upgrades - these could be relieved by incentives from the Government/car manufacturers to subsidise the TAXI fleet - no VAT on wheelchair accessible vehicles, tax concessions on purchasing new vehicles solely for TAXI use, low rates of finance, green vehicles etc.
Increased licensing costs - could be more favourable if incentives are introduced, such as cheaper licensing for green, less polluting vehicles.

Question 30
Should national conditions in respect of driver safety be different for taxi services compared with private hire services? (Page 192)

No, we do the same job

**Provisional proposal 31**
The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety. (Page 192)

Safety is of paramount importance but we need to have standards on vehicle type, testing, licensing that is nationwide and uniform across the country so that all operators can compete for work on a level playing field, so that you do not have cases of taxis travelling hundreds of miles to perform work that is prohibitive to the incumbent operator due to stricter licensing/testing regimes.

**Provisional proposal 32**
The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (Page 193)

Agree that consultation is a must, but we need to take actions that do not see us going round in circles of consultation/feedback/threats of strike action/amendments/consultation etc etc. We have a lot of driver apathy. That this will/will not happen. It won’t affect me mentality from the trade. This consultation paper alone shows the apathy from the trade, with the lack of responses and mentality that nothing that he/she says does is going to be listened to. We need professionals from within the trade, licensing and enforcement officers, vosa, police, lawyers and politicians (- not forgetting the public) to come up with a coherent work plan looking at short, medium and long term targets. We should have a pilot scheme initiative either as one county wide exercise or pilot schemes across the country to begin standardisation of services.

**Question 33**
What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? (Page 193)

We in Burnley have a Taxi Task Group consisting of trade reps (HC and PH) Local authority council officers/ County Council officers/ MoT station manager/Councillors that meet on a regular basis to better the services provided to the public of Burnley without compromising passenger safety.

National Safety Standards would need the input of VOSA/Police, trade reps, council officials and a technical advisory panel must be a requirement. Have a small group that feedback views of the majority to a National Body that consists of experienced professionals that represent all the relevant stakeholders, that take on board and consult with leading specialists in Taxi Law Reform.

**Provisional proposal 34**
Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. (Page 193)

Local requirements must be taken into consideration BUT we need to make the National Standards so robust and fair that little or no changes are needed.

**Question 35**
Should there be statutory limits to licensing authorities’ ability to set local taxi standards? (Page 194)

Yes, otherwise we will have the same/similar disparities as we do now with neighbouring licensing authorities.

**Question 36**
Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? (Page 194)

Depends on the conditions - should be standardised nationwide.

**Question 37**
Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? (Page 195)

Statutory footing - have one large organisation/authority with local enforcement teams such as those operated by VOSA/DVLA/HSE etc.

**Provisional proposal 38**
Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. (Page 196)

Wholeheartedly agree. Need standardisation NATIONWIDE, starting LOCALLY.

**Provisional proposal 39**
Licensing authorities should have the option to create, or remove, taxi zones within their area. (Page 196)
Agree, but these need to be done over a period of time and not overnight to address local issues and any stumbling blocks that may arise.

**Question 40**
Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? *(Page 197)*

No, under the one tier deregulated system, no need for this power - and also if this was to happen how do you decide who gets these licences and policing these licences will be difficult!

**Provisional proposal 41**
Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. *(Page 198)*

Agree wholeheartedly. With modern technology bookings should be able to be taken from anywhere.

**Provisional proposal 42**
We do not propose to introduce a “return to area” requirement in respect of out-of-area drop offs. *(Page 199)*

Agree, could and will generate extra income for drivers and reduce empty travel, reduce congestion, emissions - all positive outcomes.

**Provisional proposal 43**
Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares. *(Page 200)*

Under the 1 tier system agree Licensing authority should set the tariffs for TAXIS, with pre-booked journeys given a FIXED FARE.

**Question 44**
Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? *(Page 200)*

NO, but can charge less - lets have an emphasis on Quality competition that is based on achieving high service standards, delivering a professional service in well equipped/serviced vehicles.

**Chapter 16 – Reform of driver, vehicle and operator licensing**

**Question 45**
Should national driver safety standards such as the requirement to be a “fit and proper person” be either:
(a) set out in primary legislation; or
(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? *(Page 203)*

*Must be set out in Primary Legislation.*

**Provisional proposal 46**
Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. *(Page 204)*

Disagree, vehicle owners should meet the criteria, with the final responsibility left with the driver of the vehicle.
A vehicle cannot be respond to questioning from the Police/Licensing Officer or a Prosecutor as to why it had a bald tyre !! (unless it is Kitt from Knight Rider !!)

**Question 47**
Should national vehicle safety standards be either:
(a) set out in primary legislation; or
(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? *(Page 205)*

*Set out in Primary Legislation*

**Provisional proposal 48**
Operator licensing should be retained as mandatory in respect of private hire vehicles. *(Page 207)*

*Should be a must for all TAXIS.*

**Question 49**
Should operator licensing be extended to cover taxi radio circuits and if so on what basis?  

**YES**  

**Provisional proposal 50**  
The definition of operators should not be extended in order to include intermediaries.  

**Disagree, intermediaries are harming the TAXI trade as they do not have to be of good repute and are not responsible for the final product that is to be delivered to the public. This lack of licensing has attracted a lot of "fly by night" operators scamming taxi drivers into paying upfront fees for referrals that never materialise or they provide work, get paid for it in advance and never forward the money to the driver who has carried out the work.**  

**Question 51**  
Should “fit and proper” criteria in respect of operators be retained?  

**YES**  

**Provisional proposal 52**  
Operators should be expressly permitted to sub-contract services.  

**YES, to LICENSED TAXIS**  

**Question 53**  
Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply?  

**YES**  

**Chapter 17 – reforming quantity controls**  

**Provisional proposal 54**  
Licensing authorities should no longer have the power to restrict taxi numbers.  

**Agree, lets have a 1 tier system and eliminate the need for 3 yearly biased unmet demand surveys, and let market conditions determine the number of taxi licences. With the majority of drivers going on radio circuits, busy periods in the town centres can quickly be relieved with the larger fleets on duty, thus reducing incidents of fighting over sparse taxis amongst revellers and reducing night time disorder. Also, this will reduce the incidents of plying for hire, alongside the benefit of regulated metered fares that take into account the local economics. Increased number of owner drivers who will maintain their vehicles better and take more pride in their job.**  

**Question 55**  
What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers?  

**Loss of the value of the local plate value to the proprietor.**  
**Insufficient rank spaces.**  

**Question 56**  
Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period of time, if quantity restrictions are removed?  

**YES**  

**Chapter 18 – taxi and private hire reform and equality**  

**Question 57**  
Should there be a separate licence category for wheelchair accessible vehicles? This could involve:  

(1) a duty on the licensee to give priority to disabled passengers; and  

(2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles.  

**YES, give them access to the busiest ranks.**  
**Need an incentive to retain a wheelchair accessible fleet if we go down the 1 tier, mixed fleet option.**  

**Question 58**  
Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards?  

**YES, as above, need to retain WAV fleets.**  

**Question 59**  
Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers?  

**Allowing mixed fleets to operate in larger boundary areas broadens the market for taxi drivers to explore new opportunities, to provide vehicles that are suitable for the visually impaired/ large electric wheelchair bound individuals/ the physically impaired. A reduced licence fee or no licence fee option for these accessible vehicles**
Concessions on purchasing these vehicles would be welcome, as would a reduced VED (disabled class ?)

Provisional proposal 60
We do not propose to introduce national quotas of wheelchair accessible vehicles. (Page 218)

Disagree, but we need to ensure that a certain percentage of the fleet is WAV's in a 1 tier system

Provisional proposal 61
National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. (Page 219)

Definitely agree. Our Local Authority (Burnley) already requires all drivers to be trained in this.

Provisional proposal 62
In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. (Page 219)

Agree. Our Local Authority (Burnley) already displays information that can be read from inside the vehicle on how to complain about drivers or vehicles. But let us have a positive outcome from this, that customers can feedback good customer service too !!!

Question 63
What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help? (Page 220)

Be asked to explain their actions.

Agree, but could be difficult to enforce

Chapter 19 – Reforming Enforcement

Question 64
Should authorised licensing officers have the power to stop licensed vehicles? (Page 222)

Yes, at the moment they need a police officer accompanying them to stop a licensed vehicle, wasting police time and money.

Should have same powers as VOSA officers, as long as they are trained to their standards!

Question 65
What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”. (Page 223)

Stricter penalties such as suspension of licences for a 7 day period (1st offence), 2 week period (2nd offence), 4 week period (3rd offence)

Question 66
Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? (Page 223)

Yes, but need to have a robust policy of rules and an accessible appeals procedure.

Question 67
Should licensing authorities make greater use of fixed penalty schemes and if so how? (Page 225)

No, the driver of a motor vehicle is already subject to a wide ranging array of fixed penalty schemes; and with most being self financing this would lead to more problems and more discord between taxi drivers and the licensing authority and not enhance the already perception of an us and them mentality!

Provisional proposal 68
Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. (Page 225)

Agree, that in a (wider) licensing area Enforcement officers need to have powers to stop any TAXI vehicle if a breach of regulations is suspected or being committed, or if the officer has reasonable cause - (this needs to be clearly defined !)

Question 69
Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? (Page 226)

No - “home” licensing authority to be responsible for suspensions and revocations. This gives the authority and the driver a right of response to the alleged breach(es) and allows officers (from the home and crossed border authority) to collate statements for licensing committee members to make judgement, with a right of appeal to the Magistrates court.

Chapter 20 – Reform of Hearings and Appeals

Provisional proposal 70
The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. (Page 230)

Agree

Provisional proposal 71
The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. (Page 231)

Agree

Provisional proposal 72
Appeals should continue to be heard in the magistrates’ court. (Page 232)

Agree

Question 73
Should there be an onward right of appeal to the Crown Court? (Page 233)

YES

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APPENDIX A
LIST OF PROVISIONAL PROPOSALS AND QUESTIONS

CHAPTER 13 - OVERVIEW OF PROVISIONAL REFORM PROPOSALS
Provisional proposal 1
Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. (Page 160)

Response Telford & Wrekin Council - One tier – easier for the public if there is only one type of “taxi” to avoid confusion. The system should protect the majority and not disadvantage the minority.

CHAPTER 14 – REFORM OF DEFINITIONS AND SCOPE
Provisional proposal 2
London should be included, with appropriate modifications, within the scope of reform. (Page 162)

Response Telford & Wrekin Council – Yes London should be included for consistency purposes.

Provisional proposal 3
The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. (Page 164)

Response Telford & Wrekin Council – there should be a choice. A mixed fleet of WAVs and Executive Vehicles. The trade would benefit from one system with a variety of vehicles for them to choose from.

Question 4
Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? (Page 164)

Response Telford & Wrekin Council – No advantage. Pedicabs and horsedrawn vehicles for example should also be regulated for the protection of the public.

Provisional proposal 5
Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or few passengers. (Page 165)
Response Telford & Wrekin Council – Public Service Vehicles should be included in the definition of taxi and private hire vehicles (up to 16 seats). Whether the vehicle has 8, 12, 14 or 16 passengers, the vehicles are transporting the same customers and the driver is doing the same job.

Provisional proposal 6

References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. (Page 166)

Response Telford & Wrekin Council – Agree, these should no longer feature as an exclusion.

Provisional proposal 7

The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. (Page 167)

Response Telford & Wrekin Council – The licensing of limousines and other novelty vehicles should come under taxi legislation. Same customers, same job. The only difference is the type of vehicle.

Provisional proposal 8

The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. (Page 168)

Response Telford & Wrekin Council - Agree

Question 9

How, if at all, should the regulation of taxis and private hire deal with:

(a) carpooling; and

(b) members clubs? (Page 170)

Response Telford & Wrekin Council – We don’t agree it should.

Provisional proposal 10

The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. (Page 171)

Response Telford & Wrekin Council – We do not agree. For assurance of quality and for national consistency, national standards should mean national standards. There should be a level playing field for all.

Provisional proposal 11
Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. (Page 172)

**Response Telford & Wrekin Council – We agree (with an exemption for the hearse). This will allow businesses to diversify to supplement their income.**

**Question 12**

Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse? (Page 174)

**Response Telford & Wrekin Council – We do not agree that there would be merits in reintroducing the contract exemption. The business remains that of hire and reward.**

**Provisional proposal 13**

Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”. (Page 175)

**Response Telford & Wrekin Council – We agree. The same regulations should apply to vehicles for hire and reward where they engage with the public on private land. The business is still hire and reward and these vehicles and drivers should be subject to the same checks and safeguards.**

**Question 14**

Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? (Page 177)

**Response Telford & Wrekin Council – The Council does not have a view as there are no airports in our area.**

**Provisional proposal 15**

The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:

(a) references to ranking and hailing;

(b) a non-exhaustive list of factors indicating plying for hire; and

(c) appropriate accommodation of the legitimate activities of private hire vehicles. (Page 181)

**Response Telford & Wrekin Council – We agree that the concept of plying for hire should be placed on a statutory footing and should include a, b & c.**

**Provisional proposal 16**
The concepts of hailing and ranking should not cover technological means of engaging taxi services. *(Page 181)*

**Response Telford & Wrekin Council – We disagree. We think it should.** Technology has advanced, hence, the need for a review of the legislation. The concepts of hailing and ranking should be brought up to date with technology.

**Question 17**

Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”? *(Page 182)*

**Response Telford & Wrekin Council – We do not have a view as we are not familiar with the Scottish approach.**

**Provisional proposal 18**

The concept of compellability, which applies exclusively to taxis, should be retained. *(Page 182)*

**Response Telford & Wrekin Council – Yes it should be retained, otherwise drivers might decline short fares as “not worth their while”.**

**Provisional proposal 19**

Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked. *(Page 183)*

**Response Telford & Wrekin Council – Subject to our response to Provisional proposal 1, pre-booking should cover all technological modes of engaging cars.**

**Provisional proposal 20**

Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved.

**Response Telford & Wrekin Council – Agree**

*(Page 184)*

**Provisional proposal 21**

The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements. *(Page 185)*

**Response Telford & Wrekin Council – Agree. It would encourage consistency and it works well with the Licensing Act 2003.**
Provisional proposal 22

Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned. (Page 185)

Response Telford & Wrekin Council – Agree that references to hackney carriages should be abandoned.

Question 23

Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion? (Page 186)

Response Telford & Wrekin Council – No – it would lead to customer confusion.

CHAPTER 15 – A REFORMED REGULATORY FRAMEWORK

Provisional proposal 24

Taxi and private hire services should each be subject to national safety requirements. (Page 188)

Response Telford & Wrekin Council – Agree

Provisional proposal 25

National safety standards, as applied to taxi services, should only be minimum standards. (Page 189)

Response Telford & Wrekin Council – Agree there should be national safety standards but these should be above minimum standards as these vehicles do many more miles per year than other vehicles.

Provisional proposal 26

National safety standards, as applied to private hire services, should be mandatory standards. (Page 189)

Response Telford & Wrekin Council – Agree

Provisional proposal 27

Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers. (Page 190)
Response Telford & Wrekin Council – Disagree. Requirements such as topographical knowledge should still apply to private hire drivers. This impacts on public safety but also impacts on consumer protection. Private Hire Drivers need to have a knowledge of the area. Fares are sent through to drivers from their Operators while they are out on the streets and this is no different to Taxis picking up fares from the street and requiring a knowledge of the area. Passengers may require the driver to stop en route to their destination to get cash for example. The driver needs a knowledge of the area to offer a good service.

Question 28

Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? (Page 190)

Response Telford & Wrekin Council - National signage would be good for public education – less confusion.

Question 29

What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? (Page 191)

Response Telford & Wrekin Council – We don’t think there are any practical obstacles.

Question 30

Should national conditions in respect of driver safety be different for taxi services compared with private hire services? (Page 192)

Response Telford & Wrekin Council – No – same national conditions for both. This impacts on both public safety and consumer protection.

Provisional proposal 31

The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety. (Page 192)

Response Telford & Wrekin Council – Disagree. Comfort and customer service should also apply for Consumer protection.

Provisional proposal 32

The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (Page 193)

Response Telford & Wrekin Council - Agree

Question 33
What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel?  (Page 193)

Response Telford & Wrekin Council – We agree there should be a technical advisory panel.

Provisional proposal 34

Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. (Page 193)

Response Telford & Wrekin Council – Disagree in the interests of consistency. There should be a level playing field for all.

Question 35

Should there be statutory limits to licensing authorities’ ability to set local taxi standards? (Page 194)

Response Telford & Wrekin Council – See response to 34 above.

Question 36

Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? (Page 194)

Response Telford & Wrekin Council – No uniformity is needed.

Question 37

Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? (Page 195)

Response Telford & Wrekin Council – Agree it should be on a statutory footing.

Provisional proposal 38

Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. (Page 196)

Response Telford & Wrekin Council – if there are no national standards then agree.

Provisional proposal 39

Licensing authorities should have the option to create, or remove, taxi zones within their area. (Page 196)

Response Telford & Wrekin Council – No comment as we do not have taxi zones.

Question 40
Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? (Page 197)

Response Telford & Wrekin Council – Disagree. Market forces should dictate.

Provisional proposal 41

Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. (Page 198)

Response Telford & Wrekin Council – Disagree. Local control is essential.

Provisional proposal 42

We do not propose to introduce a “return to area” requirement in respect of out-of-area drop offs. (Page 199)

Response Telford & Wrekin Council – Disagree. Town Centres are littered by out of area licensed vehicles who cause a nuisance by parking up on car parks..

Provisional proposal 43

Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares. (Page 200)

Response Telford & Wrekin Council - Agree

Question 44

Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? (Page 200)

Response Telford & Wrekin Council – Yes to cover “dead mileage” but it should be mandatory to inform the customer.

CHAPTER 16 – REFORM OF DRIVER, VEHICLE AND OPERATOR LICENSING

Question 45

Should national driver safety standards such as the requirement to be a “fit and proper person” be either:

(a) set out in primary legislation; or

(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 203)

Response Telford & Wrekin Council – Either a or b. It doesn’t matter which.
Provisional proposal 46

Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. (Page 204)

**Response Telford & Wrekin Council – Fit and Proper tests for vehicle owners would be unduly restrictive.**

Question 47

Should national vehicle safety standards be either:

- (a) set out in primary legislation; or
- (b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 205)

**Response Telford & Wrekin Council – Either a or b. It doesn’t matter which.**

Provisional proposal 48

Operator licensing should be retained as mandatory in respect of private hire vehicles. (Page 207)

**Response Telford & Wrekin Council – Agree for public safety and consumer protection reasons.**

Question 49

Should operator licensing be extended to cover taxi radio circuits and if so on what basis? (Page 208)

**Response Telford & Wrekin Council – Agree it should be extended to cover taxi radio circuits. It is the same principle as Provisional Proposal 48 above.**

Provisional proposal 50

The definition of operators should not be extended in order to include intermediaries. (Page 209)

**Response Telford & Wrekin Council – Agree.**

Question 51

Should “fit and proper” criteria in respect of operators be retained? (Page 210)

**Response Telford & Wrekin Council – Yes they have responsibility for the management of the business.**

Provisional proposal 52

Operators should be expressly permitted to sub-contract services. (Page 210)

Question 53

Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? (Page 210)

Response Telford & Wrekin Council – Yes same principles apply as 48 and 49 above. Public Safety and Consumer Protection.

CHAPTER 17 – REFORMING QUANTITY CONTROLS
Provisional proposal 54

Licensing authorities should no longer have the power to restrict taxi numbers. (Page 213)

Response Telford & Wrekin Council – Agree. Market forces should dictate.

Question 55

What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? (Page 213)

Response Telford & Wrekin Council – We don't have a view as we do not currently restrict numbers.

Question 56

Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period of time, if quantity restrictions are removed? (Page 215)

Response Telford & Wrekin Council – As above.

CHAPTER 18 – TAXI AND PRIVATE HIRE REFORM AND EQUALITY
Question 57

Should there be a separate licence category for wheelchair accessible vehicles? This could involve:

(1) a duty on the licensee to give priority to disabled passengers; and

(2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles. (Page 217)

Response Telford & Wrekin Council - Agree

Question 58

Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards? (Page 217)
Response Telford & Wrekin Council – Agree to encourage applications for licences.

Question 59

Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? (Page 217)

Response Telford & Wrekin Council – Apart from a Financial Incentive it is difficult to suggest without compromising public safety which is the underlying principle of the regulation of Taxis/Private Hire vehicles.

Provisional proposal 60

We do not propose to introduce national quotas of wheelchair accessible vehicles. (Page 218)

Response Telford & Wrekin Council - Agree

Provisional proposal 61

National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. (Page 219)

Response Telford & Wrekin Council - Agree

Provisional proposal 62

In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. (Page 219)

Response Telford & Wrekin Council – Agree. Telford & Wrekin Council already has it as a condition of licence. Education of the public.

Question 63

What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help? (Page 220)

Response Telford & Wrekin Council – Agree there should be an obligation to stop.

CHAPTER 19 – REFORMING ENFORCEMENT

Question 64

Should authorised licensing officers have the power to stop licensed vehicles? (Page 222)

Response Telford & Wrekin Council – Yes.

Question 65
What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”. (Page 223)

Response Telford & Wrekin Council – Allow Local Authorities to include the cost of providing Taxi Marshalls within the Licence fees and charges.

Question 66

Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? (Page 223)

Response Telford & Wrekin Council – Yes.

Question 67

Should licensing authorities make greater use of fixed penalty schemes and if so how? (Page 225)

Response Telford & Wrekin Council – Yes for offences such as illegal tyres and illegal plying for hire.

Provisional proposal 68

Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. (Page 225)

Response Telford & Wrekin Council – Yes it could be done if National standards were to be implemented.

Question 69

Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? (Page 226)

Response Telford & Wrekin Council – No this should only be done by the issuing Authority.

CHAPTER 20 – REFORM OF HEARINGS AND APPEALS

Provisional proposal 70

The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. (Page 230)

Response Telford & Wrekin Council - Agree

Provisional proposal 71

The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. (Page 231)
Response Telford & Wrekin Council – Disagree. This would ask elected members to review a decision made by other elected members. The correct and fair process is to maintain the judicial system of an appeal to the Magistrates Courts.

Provisional proposal 72

Appeals should continue to be heard in the magistrates’ court. (Page 232)

Response Telford & Wrekin Council - Agree

Question 73

Should there be an onward right of appeal to the Crown Court? (Page 233)

To whom it may concern – New Government proposals on Taxi & Private Hire regulation

Dear all

I am attaching a proforma of Qs & As on the above subject, and I would comment additionally as follows.

Essentially the taxi industry suffers from both over-protection and over-regulation, resulting in too many operators providing a poor and often overpriced service. The current regulatory regime also enforces the false distinctions between hackney and private hire, and hence encourages restrictive practices. Further consumer cost is built in through the inability to ply for hire (or in some cases take bookings) outside the registered area.

What is needed is a single national and simplified regulatory regime. Local registration of drivers and vehicle testing, and enforcement, should be thus based on where the driver lives, or where the vehicle is registered. A somewhat controversial consequence of ‘regulation without borders’ is that it becomes impossible to regulate the number of hackney carriages. However we have not found it necessary to use that power in Cheltenham. Local regulations should be confined to dealing with specific local circumstances, such as special events and issues of particular streets, use of bus lanes etc.

Regulation needs to do three and only three things:

1) Protect passenger safety, particularly when individuals may be travelling alone or at night – so essentially all the personal checks, enhanced CRBs, and knowledge/language checks should stay. On that basis there is no need to extend checks to limousines, wedding and funeral cars and the like, as the hiring circumstances are different, and people are seldom alone.

2) Protect all road users and passengers against faulty vehicles. Since there are general requirements in law through the M.O.T. test and other obligations on drivers, you have to ask yourself what is special about taxis. My answer would be that standard taxis do huge annual mileage compared to ordinary cars. So we should exempt limousines, wedding and funeral cars, and indeed any private hire vehicle doing less than 10,000 miles per annum.

3) Protect the public against over-charging. There should be a mandatory requirement to either use a taxi-meter where fitted, or agree a fare before the journey commences. If a taxi-meter is fitted, but the driver and passenger agree in advance to a fixed fare, the agreed fare must not be more than the amount which would be charged if the journey was metered.

Yours sincerely,

R. L. Whyborn

Cllr. Roger Whyborn
Up Hatherley
HOW TO LICENSE - WHO TO LICENSE
1. Should the two-tier licensing system, Taxi and Private Hire continue? ☐ Yes ☑ No
2. Should the new legislation include London for the first time? ☐ Yes ☑ No
3. Should the new legislation include Plymouth for the first time? ☑ Yes ☐ No
4. Should the new legislation cover everywhere including private land? ☑ Yes ☐ No
5. Should the new legislation clearly define "Plying for Hire"? ☐ Yes ☑ No
6. What should be licensed:
   I. Weddings cars? ☑ Yes ☐ No
   II. Funerals cars? ☐ Yes ☑ No
   III. Specialist vehicles - oldtimers, horse drawn etc. ☑ Yes ☐ No
   IV. Pedicabs? ☐ Yes ☑ No
   V. Motorcycle taxi's? ☐ Yes ☑ No
   VI. Members clubs e.g., Pink Ladies? ☑ Yes ☐ No
   VII. Car pooling groups? ☐ Yes ☑ No

WHAT TO CHANGE OR NOT
1. Should private hire standards/conditions be set nationally? ☑ Yes ☐ No
2. Or should councils still be permitted to impose private hire conditions? ☑ Yes ☐ No
3. Should taxi standards be set nationally? ☑ Yes ☐ No
4. Should councils still be permitted to impose taxi conditions? ☑ Yes ☐ No
5. Should councils still set taxi fares? ☑ Yes ☐ No
6. Should pre booking be retained as the only way to use private hire? ☑ Yes ☐ No
7. When you are not working should you or your family be able to use your licensed vehicle for social leisure use? ☓ Yes ☐ No
8. Should local knowledge tests apply to private hire drivers? ☑ Yes ☐ No
9. Should councils be able to set conditions on individual drivers/operators? ☑ Yes ☐ No
10. Should councils be able to get together with neighbouring councils to set group standards for licensing? ☑ Yes ☐ No
11. Should council be able to clear or remove taxi zones in their area? ☑ Yes ☐ No
12. Should councils be able to issue peak-time licenses to help fill demand? ☑ Yes ☐ No
13. Should private hire operators be able to make use of licensed private hire vehicles and drivers licensed from any area? ☑ Yes ☐ No
14. Should taxis be able to charge more than the metered fare for pre-booked jobs, whether in or out of their area? ☐ Yes ☑ No

EQUITY
1. Should there be a special licence for wheelchair accessible vehicles? ☑ Yes ☐ No
2. Should councils have the power to regulate or regulate-re-regulate numbers? ☑ Yes ☐ No
3. If councils lose the power to regulate, should they be able to stagger the issue of licences? ☑ Yes ☐ No
4. If traffic congestion is clearly a problem should councils be able to control the number of licences issued - i.e. for reason, not unmet demand? ☐ Yes ☐ No

ENFORCEMENT
1. Should licensing officers have the power to stop licensed vehicles? ☐ Yes ☑ No
2. Should councils have the power to impound vehicles whose drivers break the rules or because they are unfit for the road? ☑ Yes ☐ No
3. Should enforcement make use of fixed penalty tickets rather than prosecutions? ☑ Yes ☐ No
4. Should licensing officers have the power to embargo on drivers, vehicles and operators from other licensing areas (cross border)? ☑ Yes ☐ No
5. If they can enforce cross border, should that power extend to suspensions and revocations? ☑ Yes ☐ No

APPEALS
1. Should the right to appeal against refusals, suspensions or revocations be limited to the holder of that licence only and not to "any person aggrieved"? ☐ Yes ☑ No
2. Should the first appeal always be held by the council Committee? ☑ Yes ☐ No
3. Or should the appeal go straight to the Magistrates' Court? ☑ Yes ☐ No
4. If failed at the Magistrates' Court should you be able to appeal to the Crown Court? ☑ Yes ☐ No

DRIVER, VEHICLE AND OPERATOR LICENCES
1. Should there be national "Fit and Proper" standards for all drivers? ☑ Yes ☐ No
2. Should there be national "Fit and Proper" standards for all owners? ☑ Yes ☐ No
3. Should these standards apply to vehicle owners who do not drive themselves? ☑ Yes ☐ No
4. Should vehicle standards be set nationally to prevent councils from imposing different age/emission/colourning and other standards? ☐ Yes ☑ No
CHELTENHAM BOROUGH COUNCIL’S RESPONSE TO LAW COMMISSION CONSULTATION
PAPER NO 203 “REFORMING THE LAW OF TAXI OF PRIVATE HIRE SERVICES”

Provisional proposal 1 - Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares.

Cheltenham Borough Council agrees with this proposal.

Provisional proposal 2 - London should be included, with appropriate modifications, within the scope of reform.

Our local authority is situated outside London but it seems to make sense for London to be included in the national licensing regime to promote to objectives or licensing generally but also to promote better consistency. London is not unique as it shares characteristics with other large cities that already fall within the national licensing regime.

Provisional proposal 3 - The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver.

Cheltenham Borough Council disagrees with this proposal.

Question 4 - Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence?

No since such a rule would exclude non-motorised vehicles from requiring a licence.

Provisional proposal 5 - Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers.

Cheltenham Borough Council disagrees with this proposal.

Provisional proposal 6 - References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis.

Cheltenham Borough Council agrees. The purpose of the licensing regime is to ensure public protection despite the nature of the operation. The potential risk to public protection does not diminish if a vehicle undertakes a service where they charge separate fares as opposed to normal taxi/PH services. To maintain the integrity of the licensing function, vehicle charging separate fares should not be included.

Further, very few vehicle (non in our area) has taken up this form of operation.

Provisional proposal 7 - The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency.
This proposal will only work if the guidance places a statutory duty on the traffic commissioner to have regard to the guidance. Difference in legislation will ultimately lead to inconsistent decision making unless the guidance is binding.

**Provisional proposal 8** - The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service.

The current position included the element of hire without the need for reward again because the potential risk to public protection does not diminish if a vehicle undertakes work for reward or hire. For this reason, any limitation is scope must be sufficiently wide to ensure the purpose of the licensing regime is not compromised by “grey” areas.

If the Government is minded to limit the scope as per the provisional proposal above, it must ensure it clearly defines what it means by “in the course of a business” i.e. does business only include for financial gain or a wider definition.

**Question 9** - How, if at all, should the regulation of taxis and private hire deal with: (a) carpooling; and (b) members clubs?

Cheltenham Borough Council believes that vehicles used to carry members of the public should be licensable.

**Provisional proposal 10** - The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes.

Cheltenham Borough Council agrees with this proposal provided that robust vetting procedures are put in place to ensure that authorities who apply for such exemptions do so for valid & legitimate reasons.

**Provisional proposal 11** - Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation.

Cheltenham Borough Council agrees with this proposal. As previously stated, the object of the licensing regime must be preserved in the interest of public protection. If services associated with wedding and funerals are available for use by the public, the object of public protection must apply to it too.

Perhaps less stringent rules should apply to these as they are not as regularly used as normal taxi/PHVs.

**Question 12** - Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers' exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse?

No. The repeal of the contract exemption brought into the remit of the legislation, for example, vehicle used to fulfil school contracts. Under the exemption, this type of activity would become unlicensed and therefore unregulated and thereby potentially putting public protection at risk again.
The issues of school contracts is very relevant because if the exemption places this activity outside of the licensing function, drivers will not be required to obtain a licence and will therefore not be medical and criminal checked. Drivers will almost always be working unaccompanied.

We would reiterate that again perhaps less stringent rules should apply to these as they are not as regularly used as normal taxi/PHVs.

**Provisional proposal 13** - Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”.

Cheltenham Borough Council agrees with this proposal.

**Question 14** - Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank?

Cheltenham Borough Council agrees with this proposal. As previously stated, the object of the licensing regime must be preserved in the interest of public protection.

**Provisional proposal 15** - The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:
(a) references to ranking and hailing; (b) a non-exhaustive list of factors indicating plying for hire; and (c) appropriate accommodation of the legitimate activities of private hire vehicles.

Assuming a two-tier system is maintained, Cheltenham Borough Council would welcome a statutory meaning given to the mentioned terms.

The terms are certainly open to interpretation and have caused inconsistent decisions.

**Provisional proposal 16** - The concepts of hailing and ranking should not cover technological means of engaging taxi services.

Cheltenham Borough Council does not agree with this proposal. The principles are the same (despite the means) and the mischief the law seeks to address therefore stays the same.

We can foresee advantage being taken of this “exemption” for example; the use of technology can bypass existing safeguards where a PHV must be dispatched by an operator whereas this exemption can bypass the operator where a driver receives a booking by some means of technology. Currently such a thing will constitute an offence but under the “exemption” it would.

**Question 17** - Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”?

Cheltenham Borough Council considers there to be no advantages to the proposed approach. “Public place” would severely limit the operation to just that and does not take into account areas that are not “public” or hires by other means such as the use of technology. Such a change in approach will raise considerable difficulty with what constitutes a “public place” as is the case with aspects under the Highways Act.
**Provisional proposal 18** - The concept of compellability, which applies exclusively to taxis, should be retained.

Cheltenham Borough Council agrees with this proposal. By plying for hire, there is a legitimate expectation that the vehicle is, and should be, available for use and a fare should not unnecessarily be refuse. This will undermine the purpose of public hire vehicles.

**Provisional proposal 19** - Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked.

If a two-tier system is maintained, Cheltenham Borough Council would agree with this proposal since removing the “pre-booking” element would effectively reduce the system to a one-tier system as “pre-booking” is the only real distinguishing feature between taxi and PHVs.

**Provisional proposal 20** - Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved.

Cheltenham Borough Council agrees. The purpose of the licensing regime is to ensure public protection despite the nature of the operation. The potential risk to public protection does not diminish if a vehicle undertakes a service where they charge separate fares as opposed to normal taxi/PH services. To maintain the integrity of the licensing function, vehicle charging separate fares should not be included.

**Provisional proposal 21** - The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements. (Page 185)

Cheltenham Borough Council agrees with this proposal.

**Provisional proposal 22** - Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned.

Cheltenham Borough Council agrees with this proposal.

**Question 23** - Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion? (Page 186)

Cheltenham Borough Council disagrees with this proposal although we accept that using the said terms in conjunction with terms like “pre-booked” would be acceptable if the operator also dispatch taxis.

If the vehicle/operator solely undertakes pre-booking work, terms such as “taxi” or “cab” might be misleading to the public.

**CHAPTER 15 – A REFORMED REGULATORY FRAMEWORK**

**Provisional proposal 24** - Taxi and private hire services should each be subject to national safety requirements.
Cheltenham Borough Council agrees with this proposal.

**Provisional proposal 25** - National safety standards, as applied to taxi services, should only be minimum standards.

Cheltenham Borough Council agrees with this proposal. Discretion must exist to adapt/apply national standards locally.

**Provisional proposal 26** - National safety standards, as applied to private hire services, should be mandatory standards.

Cheltenham Borough Council agrees with this proposal although we do not see any reason why this should not also apply to taxi (hackney carriages).

**Provisional proposal 27** - Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers.

Cheltenham Borough Council disagrees with this proposal. A knowledge test is essential to ensure public safety and confidence in the licensing regime. Despite the use of technology today, we consider the need for local knowledge to be vital nonetheless. We have numerous example and complaints where technology has not worked, failed, drivers distracted by them and been misguided which renders the driver unable to find the desired location.

Further, our knowledge test also includes elements of law, conditions, literacy, numeracy and Highway Code which we also consider vital.

**Question 28** - Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable?

Cheltenham Borough Council considers signage to distinguish private hire vehicles necessary although we do not consider the requirement to display signage to necessarily be a local decision.

**Question 29** - What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles?

The only substantial obstacle will be where insufficient room for locally set standards has been applied in the national standards.

**Question 30** - Should national conditions in respect of driver safety be different for taxi services compared with private hire services?

No.

**Provisional proposal 31** - The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety.

Cheltenham Borough Council considers there to be a need to also set national standards with regards to vehicle emissions, disability access and vehicle standards.
Provisional proposal 32 - The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement.

Cheltenham Borough Council agrees with this proposal.

Question 33 - What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel?

Cheltenham Borough Council agrees with this proposal. There is a need to consult with manufactures.

Provisional proposal 34 - Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards.

Cheltenham Borough Council agrees with this proposal.

Question 35 - Should there be statutory limits to licensing authorities’ ability to set local taxi standards?

Cheltenham Borough Council agrees with this proposal.

Question 36 - Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators?

Cheltenham Borough Council agrees with this proposal.

Question 37 - Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements?

Cheltenham Borough Council agrees with the former.

Provisional proposal 38 - Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting.

Cheltenham Borough Council agrees with this proposal but only if the option exists rather than a mandatory requirement.

Provisional proposal 39 - Licensing authorities should have the option to create, or remove, taxi zones within their area.

Cheltenham Borough Council agrees with this proposal.

Question 40 - Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority?

Cheltenham Borough Council agrees with this proposal although we consider it useful if such power would also incorporate peak periods that last more than hours – such as special weeks where special events may require more transport services.
Provisional proposal 41 - Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority.

Such a situation would become impossible to enforce/regulate unless there also exist a statutory requirement to combine districts as per Provisional proposal 38.

Provisional proposal 42 - We do not propose to introduce a “return to area” requirement in respect of out-of-area drop offs.

Cheltenham Borough Council agrees with this proposal.

Provisional proposal 43 - Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares.

Cheltenham Borough Council agrees with this proposal.

Question 44 - Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys?

Cheltenham Borough Council agrees with this proposal. This right already exists and we have not had substantial problems with this arrangement.

CHAPTER 16 – REFORM OF DRIVER, VEHICLE AND OPERATOR LICENSING

Question 45 - Should national driver safety standards such as the requirement to be a “fit and proper person” be either:
(a) set out in primary legislation; or
(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions?

Cheltenham Borough Council considers both to be necessary inline with the arrangements under the Licensing and Gambling Acts.

Provisional proposal 46 - Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself.

Cheltenham Borough Council disagrees with this proposal.

Question 47 - Should national vehicle safety standards be either:
(a) set out in primary legislation; or
(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions?

Both as per Question 45.

Provisional proposal 48 - Operator licensing should be retained as mandatory in respect of private hire vehicles.
Cheltenham Borough Council agrees with this proposal.

**Question 49** - Should operator licensing be extended to cover taxi radio circuits and if so on what basis?

No.

**Provisional proposal 50** - The definition of operators should not be extended in order to include intermediaries.

Cheltenham Borough Council agrees with this proposal.

**Question 51** - Should “fit and proper” criteria in respect of operators be retained?

Cheltenham Borough Council agrees with this proposal.

**Provisional proposal 52** - Operators should be expressly permitted to sub-contract services.

Cheltenham Borough Council agrees with this proposal.

**Question 53** - Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply?

Cheltenham Borough Council agrees with this proposal.

**CHAPTER 17 – REFORMING QUANTITY CONTROLS**

**Provisional proposal 54** - Licensing authorities should no longer have the power to restrict taxi numbers.

Cheltenham Borough Council agrees with this proposal. We believe that market forces will naturally regulate numbers.

**Question 55** - What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers?

There is likely be an increase in the number of applications but in the long run, demand for services will naturally regulate numbers.

However, if the proper legislative control measures are not put in place there will be a significant rise in applications where drivers are looking to use vehicles for cross-border hiring. Applicants will seek licences from areas where requirements a less onerous.

**Question 56** - Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period of time, if quantity restrictions are removed?

Cheltenham Borough Council agrees with this proposal.
CHAPTER 18 – TAXI AND PRIVATE HIRE REFORM AND EQUALITY

Question 57 - Should there be a separate licence category for wheelchair accessible vehicles? This could involve:
(1) a duty on the licensee to give priority to disabled passengers; and
(2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles.

Cheltenham Borough Council disagrees with this proposal. We feel the mentioned points can be included in the legislation to apply to all appropriate vehicles.

Question 58 - Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards?

Cheltenham Borough Council disagrees with this proposal because such vehicles does not demand less administration and/or enforcement time otherwise the licensing of this type of vehicle will have to be subsidised by the tax payer.

Question 59 - Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers?

No.

Provisional proposal 60 - We do not propose to introduce national quotas of wheelchair accessible vehicles.

Cheltenham Borough Council disagrees with this proposal. We believe substantial change in this regard will only be realised if direction from central government is set down.

Provisional proposal 61 - National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training.

Cheltenham Borough Council agrees with this proposal.

Provisional proposal 62 - In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority.

Cheltenham Borough Council agrees with this proposal.

Question 63 - What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help?

Cheltenham Borough Council agrees with this proposal. Clear rules and significant penalties would be helpful for local Councils, the trade and the public.

CHAPTER 19 – REFORMING ENFORCEMENT
Question 64 - Should authorised licensing officers have the power to stop licensed vehicles?

Cheltenham Borough Council agrees with this proposal.

Question 65 - What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”.

We don’t have a problem with touting in our district and therefore have no opinion.

Question 66 - Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules?

Cheltenham Borough Council agrees with this proposal although we expect this power only to be used in extreme cases – for example where there is an immediate/serious threat to public safety.

Question 67 - Should licensing authorities make greater use of fixed penalty schemes and if so how?

Cheltenham Borough Council agrees with this proposal. The power to issue FPNs for minor offences would be helpful since the alternative might be a committee hearing or a prosecution.

Provisional proposal 68 - Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas.

Cheltenham Borough Council agrees with this proposal.

Question 69 - Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this?

Cheltenham Borough Council agrees with this proposal.

CHAPTER 20 – REFORM OF HEARINGS AND APPEALS

Provisional proposal 70 - The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence.

Cheltenham Borough Council agrees with this proposal.

Provisional proposal 71 - The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision.

Cheltenham Borough Council disagrees with this proposal. If a licensing authority makes a decision based on facts it is unlikely that it will reverse that decision based on the same facts. This would be the case even if a different committee were to re-consider the case.

Further, it would be necessary for a different committee to hear the appeal which would be difficult if the Council’s full licensing committee heard the initial application.
**Provisional proposal 72** - Appeals should continue to be heard in the magistrates' court.

Cheltenham Borough Council agrees with this proposal.

**Question 73** - Should there be an onward right of appeal to the Crown Court?

Cheltenham Borough Council agrees with this proposal.
Consultation on Reforming the law of taxi and private hire services
Response to the consultation by Mid Sussex District Council

Introduction

Thank you for the opportunity to comment on these proposals. Mid Sussex District Council agrees that the current legislation governing taxis and private hire vehicles requires updating to make it fit for purpose. We are encouraged that the main aim behind the reform is public safety and our responses to the proposals reinforce this objective.

Whilst the consultation requests our comments on 73 proposals and questions we feel it is important that we address the main proposals which we feel are connected and will have the biggest impact for our area.

National minimum safety standards for both taxis and private hire vehicles and Licensing authorities could apply additional local standards above the national standards to taxis only, and not to private hire vehicles. The additional standards for taxis could include topographical knowledge and vehicle requirements.

Overall the proposal to introduce national safety standards for taxis and private hire vehicles is positive. Depending on what is included in the national safety standards, the proposal has the potential to protect the public by ensuring all licensed vehicles meet those standards. It will remove incentives for drivers to try to play the system by being licensed in areas with lower standards, and will help with enforcement of conditions across districts. We would suggest that issues such as signage, regular vehicle testing and a maximum age of vehicles should be included in the national standards for safety. The national standards for taxi and private hire drivers must include medical fitness of drivers.

At present, Mid Sussex District Council sets its own license conditions for both taxis and private hire vehicles which work extremely well. They are the same and cover safety standards as well as appearance to enable the public to differentiate the two types of licensed vehicles. In principal the proposal that in future the Council will continue to be able to set conditions over and above the national standards for taxis is appropriate but in practice the application of additional standards to only taxis, especially in a rural district such as ours, may affect their viability in light of the reduced conditions attached to private hire vehicles and could lead to a decline in their numbers.

Additionally the proposal that a licensed operator and private hire vehicle could work anywhere in the country would make it difficult for a Council to introduce quality standards, as they would not apply to vehicles licensed outside, but operating within, the district and would disadvantage our licensed vehicles. Introducing our own quality standards could encourage the trade to approach a local authority that only sets the national standards, as it could be seen as easier and cheaper. This also impacts the taxi trade, as a Council which sets higher conditions above the national standards (e.g. livery, signage, local knowledge test, dents and scratches policy etc.) could put the trade at a disadvantage financially relative to the private hire trade.

One option to address these issues could be to introduce basic quality standards as part of the national safety standards for all vehicles.
Private hire services should be able to operate on a national basis, with private hire operators no longer restricted to accepting or inviting bookings only within a particular locality, nor to only using drivers or vehicles licensed by the same licensing authority. Subcontracting would be allowed, as is already the case in London.

The Law Commission proposes that once appropriately licensed, a private hire firm could work freely across the country, without geographical or licensing restrictions. This we feel may be an acceptable approach if the Government introduced national fees for licences. Otherwise operators could potentially licence with a Licensing Authority they think is easier and cheaper but operate anywhere in the country. This is likely to lead to an increase in our area cross border activity from very large operators, reducing the small private hire operators and taxi businesses. In a district such as ours there are a number of small operators which work in rural areas providing a valuable transport service to our rural communities. Coupled with the differential approach to regulation of taxis and private hire vehicles (outlined above) an unintended consequence of the reforms seems to give greater opportunities to larger operators in the private hire trade whilst potentially reducing the market share for taxis. Should taxi licences not continue to be an attractive option in rural areas, then the availability of taxis may be affected.

The cost and the practicalities of enforcing such a system would also need clarification. At present across Sussex we have established a Licensing working group which shares best practice and works together on cross border issues. Consideration would need to be given to how this would work nationally. One suggestion could be a national database of licences funded and supported by the Government. This would also help effective enforcement of all licenses. In particular if the proposal to allow operators and drivers to work outside their area is introduced a local authority would need to know the status of a licence e.g. licence has been revoked or suspended in order to take the correct enforcement. This would also be necessary if authorities applied locally set conditions.

Licensing authorities could no longer limit the number of taxi licences.

In Mid Sussex we limit the number of taxi licences to 154. This includes up to 32 wheelchair accessible vehicles. Under the existing legislation a Council that limits the number of licences must conduct an unmet demand survey every 3 years. We last conducted a survey in 2011 at a cost to the taxi trade of approximately £10,000. This is included in the annual fee and collected over three years. Our trade welcome this approach. The proposal to remove this limit would reduce the cost of a taxi licence as they would no longer pay for a survey. On the other hand, it could make their licence plates worthless. The recent unmet demand survey highlighted that there were more taxis than the market required, so it is unclear if this would encourage more taxis into the market.

Limiting the number enables the Council to encourage and control the number of licensed wheelchair accessible vehicles (WAV) and it is not clear how this would be achieved if the limit was removed. Although the proposed reform suggests that a reduction in fee would encourage more drivers to purchase WAV it is unlikely to be a sufficient incentive for taxis in Mid Sussex as our annual fee is relatively low compared to the cost of such a vehicle. It would also mean that either the Council would be out of pocket, creating a burden for local residents, or taxi drivers without WAV would in effect subsidise WAV drivers.

Any reforms proposed must enable Councils to incentivise drivers to provide wheelchair accessible vehicles.
Enforcement powers for licensing officers against out-of-district/borough vehicles and drivers.
The proposal to introduce national safety standards will enable more effective enforcement of out of area licensed vehicles. Where drivers or operators do break the rules, the consultation suggests that improved enforcement powers should be available, including fixed penalty notices and impounding vehicles. Further clarity is needed as to how this could be applied as the proposal to stop and impound vehicles is not considered practical for Licensing Authorities. We would also welcome a national database funded and supported by the Government which would hold the details of all licences issued, suspended or revoked which would be necessary if the private hire operators and drivers could operate outside their licensed area.

Mandatory disability awareness training for drivers.
Providers of transport have a legal obligation not to discriminate against disabled people and the Council has a duty to promote equality in the exercise of its functions. By introducing mandatory disability awareness training for all drivers it will improve accessibility to taxi and private hire vehicle services for disabled passengers.

Weddings and funeral cars would no longer be exempted through primary Legislation.
Within Mid Sussex we have not experienced any problems with misuse or safety of wedding or funeral cars. We would suggest that the Secretary of State set national standards flexible enough to make exclusions from the taxi and private hire licensing regimes for such vehicles.

Allowing the owners of taxis and private hire vehicles to use their vehicles for leisure e.g. family car etc.
At present the licensed vehicle can only be used by a licensed driver for work purposes. In the current economic climate the cost of running two cars for a family can be difficult. However, the proposal to allow the licensed vehicle to be used for leisure purposes by the licensed driver and other family members is fraught with problems. Firstly it would present problems for members of the public as they would be unclear when the vehicle was being used for work. The Council sometimes gets complaints about driver behaviour in licensed vehicles, but if they could also be used for leisure purposes it would not be clear whether the offending behaviour took place when the licensed driver was working, and we may therefore be unable to take enforcement action. How could we tell whether a private hire vehicle parked near a taxi rank was plying for hire or simply waiting to pick up a member of the family? Clarification would be needed on what is considered family and leisure purposes, otherwise it will make enforcement difficult. The consultation suggests that the burden of proof is on the licence holder to prove they are using it for leisure purposes, but in practice it may well be that the local authority has to prove they were working.

Bring more vehicles within the licensing system (including for example Limousines, motorbikes and pedicabs) – but giving the Secretary of State and Welsh Ministers power to make exclusions, and to set separate standards, in respect of different categories of vehicle.
The proposal to extend and set standards for different type of vehicles that can be licensed is positive for public safety. Whilst we have not had any issues in Mid Sussex we may do so in the future. We would suggest that the Secretary of State set national standards flexible enough to make exclusions from the taxi and private hire licensing regimes for such vehicles.
Specifically exclude from the licensing system volunteers and other services where transport is not the main service provided, such as child-minders.

The proposal to exclude from the licensing system volunteers and other services where transport is not the main service provided, such as child-minders, would not present any problems in the district. We would suggest that the Secretary of State set national standards flexible enough to make exclusions from the taxi and private hire licensing regimes for such vehicles/drivers.

**Powers for government to issue binding statutory guidance to create greater consistency in how taxi and private hire legislation is applied.**

We would encourage binding statutory guidance to be applied by the Government to ensure taxi and private hire legislation is applied consistently, given the proposals to allow cross border operations.

List of provisional proposals and question:

**Provisional proposal 1**
Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares.

We are not entirely convinced that there is a need for a two tier system as whatever type of vehicle a member of the public hires we feel that there should be the same level of protection/safety regardless whether they hail it in the street or if they pre-book the vehicle. Public confidence and public safety across the service is paramount. But we understand the Law Commission's view that the two tier system offers a greater level of consumer choice.

**Provisional proposal 2**
London should be included, with appropriate modifications, within the scope of reform.

No Comment

**Provisional proposal 3**
The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver.

Agreed as this will allow novelty vehicles to be licensed if appropriate.

**Question 4**
Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence?

Whilst our district has not experienced pedicabs or other novelty non-motorised vehicles we understand the safety issues that have arisen in other areas. Primary legislation should be used to capture all forms of hire transportation (under 8 capacity) with a view to introducing secondary legislation to further clarify standard of fitness, suitability etc. as appropriate.

**Provisional proposal 5**
Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers.

Agree

Provisional proposal 6
References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis.

Agree

Provisional proposal 7
The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency.

Agree

Provisional proposal 8
The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service.

Agree

Question 9
How, if at all, should the regulation of taxis and private hire deal with:
(a) carpooling; and
(b) members clubs?

Exclusion under primary legislation

Provisional proposal 10
The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes.

Agree. For instance this could be used exclusions for wedding and funeral services.

Provisional proposal 11
Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation.

See proposal 10

Question 12
Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse?

None

Provisional proposal 13
Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”.

No comment
Question 14
Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank?

No comment

Provisional proposal 15
The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:
(a) references to ranking and hailing;
(b) a non-exhaustive list of factors indicating plying for hire; and
(c) appropriate accommodation of the legitimate activities of private hire vehicles.

Agree

Provisional proposal 16
The concepts of hailing and ranking should not cover technological means of engaging taxi services.

Agree

Question 17
Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”?

No

Provisional proposal 18
The concept of compellability, which applies exclusively to taxis, should be retained.

Agree

Provisional proposal 19
Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked.

Agree

Provisional proposal 20
Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved.

See comment above under key proposals.

Provisional proposal 21
The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements.

Agree

Provisional proposal 22
Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned.

Agree

Question 23
Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion?

Should the two tier regime remain it is important that there is a clear distinction on the terms used for the different vehicles to avoid confusing members of the public and to assist with effective enforcement.

Provisional proposal 24
Taxi and private hire services should each be subject to national safety requirements.

Agree

Provisional proposal 25
National safety standards, as applied to taxi services, should only be minimum standards.

Disagree. A Local authority should be able to apply additional quality standards such as signage, livery, appearance, wheelchair accessibility etc. However this could be difficult to apply in practice as any additional standards to taxis, especially in a rural district such as ours, may affect their viability in light of the reduced conditions attached to private hire vehicles and this could lead to a decline in their numbers.

Provisional proposal 26
National safety standards, as applied to private hire services, should be mandatory standards.

Agree

Provisional proposal 27
Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no longer apply to private hire drivers.

Should the proposal to allow operators and drivers to work outside of the area where they are licenced then this would simplify enforcement of the licences. We would like the requirement for basic topographical knowledge to be included or a requirement to have satellite navigation to ensure the member of the public gets to their destination in a safe and timely manner. However, whilst the Commission feel that market forces will improve quality, we are not satisfied that this would adequately protect the public interest. Whilst members of the public pre-booking a private hire vehicle may sometimes know the company and be in a position to exercise choice based on past experience of them, this will not always be the case. We would therefore encourage the safety standards to also include quality issues such as appearance which can be indicative of safety issues e.g. signage for members of the public to identify that it as a licensed vehicle, the appearance of a vehicle such as “dents and scratches” or tyres in such a condition that they are barely legal can be an early warning of poor maintenance affecting the safety of the vehicle.
Question 28
Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable?
Yes. We would suggest that basic topographical knowledge and appearance is included as above if they do not form part of the national standards.

Question 29
What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles?
See proposal 27.

Question 30
Should national conditions in respect of driver safety be different for taxi services compared with private hire services?
No. Safety of the all drivers regardless of vehicle is important.

Provisional proposal 31
The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety.
We would suggest that it should also cover basic quality standards as mentioned above.

Provisional proposal 32
The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (Page 193)
Yes we agree

Question 33
What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? (Page 193)
Yes, a technical advisory should be formed to consider the content of the national safety standards before they go forward for consultation.

Provisional proposal 34
Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. (Page 193)
Yes, but as far as possible they should be subject to national standards to prevent the imbalance between the taxi and private hire trade noted above.

Question 35
Should there be statutory limits to licensing authorities' ability to set local taxi standards? (Page 194)
No. Local Authorities are fully aware of the local environment and what works within their area.

Question 36
Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? (Page 194)
Yes
Question 37
Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements?

At present in Sussex there is generally a lot of cooperation and joint working across district and borough so it is not clear how making it a duty would enhance this arrangement.

Provisional proposal 38
Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting.
Agree

Provisional proposal 39
Licensing authorities should have the option to create, or remove, taxi zones within their area.
Agree

Question 40
Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority?
No comment, as this would not be relevant in our area.

Provisional proposal 41
Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority.
Please refer to our introduction.

Provisional proposal 42
We do not propose to introduce a “return to area” requirement in respect of out-of-area drop offs. (Page 199)
Please refer to our introduction.

Provisional proposal 43
Licensing authorities should retain the ability to regulate maximum taxi fares.
Licensing authorities should not have the power to regulate private hire fares.
At present the Council set the maximum taxi fares as we limit the number of vehicles. However if the proposal to remove the restricted numbers and allow market forces to form the service then fare setting would no longer be appropriate.

Question 44
Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys?
Yes if agreed by the customer.

Question 45
Should national driver safety standards such as the requirement to be a “fit and proper person” be either:
(a) set out in primary legislation; or
(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions?
Option a is preferable.
Provisional proposal 46
Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself.
We would suggest that the owner of the vehicle is subject to the test applied in London i.e. that they are of good character, good business repute and having regard to their financial position are “fit and proper”

Question 47
Should national vehicle safety standards be either:
(a) set out in primary legislation; or
(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions?
Option a is preferable.

Provisional proposal 48
Operator licensing should be retained as mandatory in respect of private hire vehicles.
Agree.

Question 49
Should operator licensing be extended to cover taxi radio circuits and if so on what basis?
No.

Provisional proposal 50
The definition of operators should not be extended in order to include intermediaries.
No comment

Question 51
Should “fit and proper” criteria in respect of operators be retained?
Yes.

Provisional proposal 52
Operators should be expressly permitted to sub-contract services.
No Comment.

Question 5
Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply?
No Comment.

Provisional proposal 54
Licensing authorities should no longer have the power to restrict taxi numbers.
See introduction above. We feel that they should, not least to protect the provision of wheelchair accessible vehicles.

Question 55
What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers?
See introduction above.

Question 56
Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period of time, if quantity restrictions are removed?
Yes.
Question 57
Should there be a separate licence category for wheelchair accessible vehicles? This could involve:
(1) a duty on the licensee to give priority to disabled passengers; and
(2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles.

Consideration must be given to incentivise drivers to provide wheelchair accessible vehicles (WAV) as the proposal to remove restrictions on the number of taxis a Council can licence is likely to see a reduction of WAV in our District (see our notes above in the introduction) Whilst options a and b may on the surface help to promote better access to WAV in practice there would be difficulties for Councils to promote. Firstly how could you enforce option a? With the provision for providing dedicated ranks this could be seen by the trade as limiting their opportunities as it may cause confusion for the public who may think that this rank or vehicle should only be used by a person who is disabled. It should also be noted that provision of taxi ranks is not always within our control and it would require the highways agency to provide and maintain the ranks.

Question 58
Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards?
We do not consider that this is an incentive on its own and nationally consideration should be given to looking at other incentives for drivers to provide wheelchair accessible vehicles e.g. VAT, Road Tax etc.

Question 59
Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers?
See proposal 58

Provisional proposal 60
We do not propose to introduce national quotas of wheelchair accessible vehicles.
If national quotas are not set then consideration must be given to incentivise drivers to provide wheelchair accessible vehicles as numbers will decline.

Provisional proposal 61
National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training.
Agree

Provisional proposal 62
In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority.
Agree

Question 63
What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help?
Yes

Question 64
Should authorised licensing officers have the power to stop licensed vehicles? Yes

Question 65
What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”. Tighter regulation with stronger fines.

Question 66
Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? Desirable yes but practicable no

Question 67
Should licensing authorities make greater use of fixed penalty schemes and if so how? Yes for minor breaches as part of an enforcement policy. However consideration would need to be given to how it would apply to licences issued in another district. Which authority would issue the fixed penalty notice, how would it be recorded, how many notices to be issued before a licence is suspended or revoked.

Provisional proposal 68
Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. Should the proposal that operators and drivers can work outside of the licensed area be adopted then this will be necessary. But without a national database of licences it could prove very difficult. Consideration must be given to who will pay for such enforcement. We would suggest that this could be covered within the licence fee which would need to be set nationally.

Question 69
Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? (Page 226) Yes. See proposal 68

Provisional proposal 70
The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. Agree

Provisional proposal 71
The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. Agree

Provisional proposal 72
Appeals should continue to be heard in the magistrates’ court. Agree

Question 73
Should there be an onward right of appeal to the Crown Court? No
From: john.maxine on behalf of john.adams4
Sent: 03 September 2012 11:07
To: TPH
Subject: PROPOSED CHANGES TO TAXI/PRIVATE HIRE REGULATIONS

Dear Sir,

Re: Proposed Changes to the Taxi/Private Hire Regulations

I write to object to the proposed changes to the present taxi/private hire regulations.

I strongly believe that deregulation should be left to local Councils to control as each geographical location has individual needs and working conditions. It is imperative for the local authority issuing the appropriate licences to remain in charge thereby having a direct and precise first-hand knowledge of the number of vehicles operating and legally registered within their own district.

Private Hire should not be allowed to operate anywhere except within the district boundaries of where their licences were issued, otherwise no control over them would be in operation, leaving them open to abuse, particularly as private hire vehicles do not require the installation of meters which could ultimately lead to fare discrepancies as no legally set pricing control would be in place. Bogus drivers from outside areas could easily appear posing as legal drivers leaving vulnerable persons open to abuse, particularly late at night. Obviously with the current position all local drivers are known to one another and to their Councils.

Yours faithfully,

John Adams
Hackney Carriage Plate Owner (Torbay, Devon)

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Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.
From: Richard Roberts
Sent: 03 September 2012 11:26
To: TPH
Subject: Taxi and Private Hire Services

Dear Sir’s,

I write in response to your consultation document regarding Taxi’s and Private Hire Services.

We are a family owned and run funeral directors based in North Wales, we run a fleet of vehicles purely to provide as part of a service to our clients at their time of need.

14.42 We note that wedding cars could be provided by companies that also provide transport for other occasions which would not give rise to an exemption, for example, stag parties, anniversaries or proms. It is not clear why weddings should be singled out. On the other hand the case for continuing to exclude funeral cars may be stronger because they would usually be provided as part of the broader funeral service and transport may be regarded as an ancillary function.

14.43 Whether wedding and funeral cars should be regulated or not may well be dependent on factual contingencies about the organisation of the industry, which may change over time. We therefore think it is sensible to include these particular situations within the broad scope of the regulatory regime, and then look to the Secretary of State and Welsh Ministers to exercise his or her power to not make substantive provision in relation to them if that is the right approach in accordance with our provisional proposal 10 above.

Provisional proposal 11 - Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation.

As funeral directors we strive to provide a quiet and dignified service to our clients, the marking of our vehicles with both stickers and licencing plates would be in our view totally degrading for the deceased and their bereaved families, not to mention the cost implications to many family businesses and their clients.

Could you please also explain how we would distinguish between which of our vehicles would need to be considered? The hearse? Saloon cars which carry family & priests etc…

I would strongly ask that you pay particular attention to the funeral industry please, as many of us only use our vehicles for funeral use.

Many thanks

Richard Roberts
Roberts Bros Funeral Directors

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APPENDIX A
LIST OF PROVISIONAL PROPOSALS AND QUESTIONS

CHAPTER 13 - OVERVIEW OF PROVISIONAL REFORM PROPOSALS
Provisional proposal 1

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. *(Page 160)*

Agreed

CHAPTER 14 – REFORM OF DEFINITIONS AND SCOPE
Provisional proposal 2

London should be included, with appropriate modifications, within the scope of reform. *(Page 162)*

Yes but fears that such a proposal would reduce standards. London vehicle standards and administrative processes would have to be raised to standards outside London.

Provisional proposal 3

The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. *(Page 164)*

Vehicles for hire with more than 8 passenger seats should continue to be operated as Public Service Vehicles and continue to be regulated by VOSA.

Question 4

Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? *(Page 164)*

No there would not because this would prevent some drivers of non motorised hackney carriages.

Provisional proposal 5

Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. *(Page 165)*

Yes.

Provisional proposal 6
References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. *(Page 166)*

Agree.

Provisional proposal 7

The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. *(Page 167)*

Agreed.

Provisional proposal 8

The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. *(Page 168)*

A statutory definition of “volunteer” required and regulations need to provide examples of exemptions i.e. “Any vehicle used for hire and reward must be licensed unless….”. What about the medical health of volunteer drivers and their vehicle standards and vehicle insurance cover. Record keeping such as mileage and hours worked should be required in any case.

Question 9

How, if at all, should the regulation of taxis and private hire deal with:

(a) carpooling; and

(b) members clubs? *(Page 170)*

Carpooling not a problem because no driver provided but member clubs are likely to be set up for hire and reward so should be licensed.

Provisional proposal 10

The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. *(Page 171)*

Yes.

Provisional proposal 11

Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. *(Page 172)*

Disagree. Although there is a need to ensure vehicle safety for the public there have been no problems with them not being licensed.

Question 12
Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers' exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse? 

(Page 174)

No there would not. Exemptions would create many problems and loopholes.

Provisional proposal 13

Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”. 

(Page 175)

Yes, all land where the public have access should be included.

Question 14

Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? 

(Page 177)

No because airports are public places.

Airports need not be obliged to provide a shuttle service for passengers.

Provisional proposal 15

The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:

(a) references to ranking and hailing;

(b) a non-exhaustive list of factors indicating plying for hire; and

(c) appropriate accommodation of the legitimate activities of private hire vehicles. 

(Page 181)

Yes this may help but would like to see it and include “pre-booked” definition. Should be set out in regulation which can then be easily amended in the future.

Provisional proposal 16

The concepts of hailing and ranking should not cover technological means of engaging taxi services. 

(Page 181)

Why can’t customers hail using a text message and could the public text a private hire operator from a private hire vehicle. Need definition or examples of “technological means”.

Question 17

Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”? 

(Page 182)
See Question 13.

Provisional proposal 18

The concept of compellability, which applies exclusively to taxis, should be retained. *(Page 182)*

Yes it should continue but include in regulations examples of in what circumstances a driver can refuse a fare.

Provisional proposal 19

Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked. *(Page 183)*

Yes.

Provisional proposal 20

Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved. *(Page 184)*

No because it would be abused.

Provisional proposal 21

The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements. *(Page 185)*

Yes but consultation on drafting required.

Provisional proposal 22

Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned. *(Page 185)*

This issue should be considered very carefully because the vast majority of the public do not know the difference between a hackney carriage and a private hire vehicle. Prefer to retain hackney carriage and private hire.

Question 23

Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion? *(Page 186)*

No.
CHAPTER 15 – A REFORMED REGULATORY FRAMEWORK

Provisional proposal 24

Taxi and private hire services should each be subject to national safety requirements. (Page 188)

Yes.

Provisional proposal 25

National safety standards, as applied to taxi services, should only be minimum standards. (Page 189)

Yes.

Provisional proposal 26

National safety standards, as applied to private hire services, should be mandatory standards. (Page 189)

Yes.

Provisional proposal 27

Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers. (Page 190)

Disagree. The comfort of vehicles and the ability of drivers to deliver good customer care and have a topographical knowledge of the area is expected by the public.

Question 28

Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? (Page 190)

Yes.

Access from each row of seats in MPV’s to a door should be a minimum standard.

Question 29

What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? (Page 191)

Agreement on the content and wording.

Question 30
Should national conditions in respect of driver safety be different for taxi services compared with private hire services? (Page 192)

No.

Provisional proposal 31

The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety. (Page 192)

No.

Provisional proposal 32

The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (Page 193)

Yes.

Question 33

What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? (Page 193)

Yes.

Provisional proposal 34

Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. (Page 193)

Yes.

Question 35

Should there be statutory limits to licensing authorities’ ability to set local taxi standards? (Page 194)

More clarification required.

Question 36

Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? (Page 194)

Yes.

Question 37

Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? (Page 195)
Not sure how this would work and difficult to put on a statutory footing. Good practice sufficient.

Provisional proposal 38

Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. (Page 196)

Yes.

Provisional proposal 39

Licensing authorities should have the option to create, or remove, taxi zones within their area. (Page 196)

Not used in Preston but should continue to be at discretion of local authorities.

Question 40

Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? (Page 197)

No.

Provisional proposal 41

Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. (Page 198)

They already can accept hires from anywhere !!!

No. They should use drivers and vehicles from the same local authority.

Provisional proposal 42

We do not propose to introduce a “return to area” requirement in respect of out-of-area drop offs. (Page 199)

Disagree unless a booking made in advance from the destination. Further clarification required as we could have vehicles licensed by our neighbouring local authorities waiting in Preston after dropping off fares.

Provisional proposal 43
Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares. (Page 200)

Agreed.

Question 44

Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? (Page 200)

No.

CHAPTER 16 – REFORM OF DRIVER, VEHICLE AND OPERATOR LICENCING

Question 45

Should national driver safety standards such as the requirement to be a “fit and proper person” be either:

(a) set out in primary legislation; or

(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 203)

(b)

Provisional proposal 46

Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. (Page 204)

Disagree.

Question 47

Should national vehicle safety standards be either:

(a) set out in primary legislation; or

(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 205)

(b)

Provisional proposal 48

Operator licensing should be retained as mandatory in respect of private hire vehicles. (Page 207)

Yes.

Question 49
Should operator licensing be extended to cover taxi radio circuits and if so on what basis? (Page 208)

Yes.

Provisional proposal 50

The definition of operators should not be extended in order to include intermediaries. (Page 209)

Agree although one result could be travel operators withdrawing transport services to airports.

Question 51

Should “fit and proper” criteria in respect of operators be retained? (Page 210)

Yes.

Provisional proposal 52

Operators should be expressly permitted to sub-contract services. (Page 210)

Yes to another licensed operator.

Question 53

Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? (Page 210)

Yes and there should be a requirement to produce a receipt.

CHAPTER 17 – REFORMING QUANTITY CONTROLS

Provisional proposal 54

Licensing authorities should no longer have the power to restrict taxi numbers. (Page 213)

No because to remove this discretion would create problems such as rank provision.

Question 55

What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? (Page 213)

Extra enforcement

Extra rank provision
Question 56

Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period of time, if quantity restrictions are removed?  
(Page 215)

No because want quantity controls retained.

CHAPTER 18 – TAXI AND PRIVATE HIRE REFORM AND EQUALITY

Question 57

Should there be a separate licence category for wheelchair accessible vehicles? This could involve:

(1) a duty on the licensee to give priority to disabled passengers; and

(2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles.  
(Page 217)

No, already a requirement for local authorities to provide accessible licensed vehicles.

Question 58

Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards?  
(Page 217)

No, leave it to the discretion of local authorities.

Question 59

Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers?  
(Page 217)

A wider range of private hire vehicles.

Compulsory consultation with disability groups.

Reduced road tax or VAT on vehicles at source.

Provisional proposal 60

We do not propose to introduce national quotas of wheelchair accessible vehicles.  
(Page 218)

Agree.

Provisional proposal 61

National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training.  
(Page 219)

Yes.
Provisional proposal 62

In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. *(Page 219)*

Agree, perhaps on receipts.

Question 63

What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help? *(Page 220)*

It already is a requirement outside London!!

CHAPTER 19 – REFORMING ENFORCEMENT

Question 64

Should authorised licensing officers have the power to stop licensed vehicles? *(Page 222)*

Clarification required as not sure if it means to take appropriate enforcement action against any licensed vehicle or to jump out in the street with hand up to stop the vehicle!

Question 65

What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”. *(Page 223)*

Not a problem in Preston.

Question 66

Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? *(Page 223)*

Desirable but not sure if practicable.

Would prefer Section 68 to be amended to allow immediate removal of vehicle ID plates.

Question 67

Should licensing authorities make greater use of fixed penalty schemes and if so how? *(Page 225)*

Yes, make all offences optional to FPN and some should be endorsable.

Provisional proposal 68
Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. *(Page 225)*

Yes, some action but suspensions and revocations should be implemented by issuing authority. But unsafe vehicles allow Stop Notices.

Question 69

Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? *(Page 226)*

CHAPTER 20 – REFORM OF HEARINGS AND APPEALS

Provisional proposal 70

The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. *(Page 230)*

Yes

Provisional proposal 71

The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. *(Page 231)*

No.

Provisional proposal 72

Appeals should continue to be heard in the magistrates’ court. *(Page 232)*

Yes.

Question 73

Should there be an onward right of appeal to the Crown Court? *(Page 233)*

No.
From: Vincent Konetske
Sent: 03 September 2012 11:51
To: TPH
Subject: FW: Reform taxi law concerns
to; Law Commission

Dear Law Commissioners

If you read this observation and you are honest in your submissions, you must realise the dangerous implication, in all major cities of UK by just increasing traffic volume by 1%

Your plans will take this higher! You have asked the trade to send you reasons why we do not need more vehicles. This is definitely a major one to be considered, as it affects every city and major town in UK! You all need to earnestly consider this information. It is crucial to the safety and well-being of the civilian everyday life of the population

Yours sincerely
VINCENT.P.KONETSKE

Please reply to v

----- Original Message ----- 
From: letu letu
Sent: 09/02/12 07:55 PM
To: 

Hi,
I have sent this email to the law commission and I believe this is the route to go down. Please forward and get people to put it into their own words. regards

From: gary9page
To: tph@lawcommission.gsi.gov.uk
Subject: Reform taxi law concerns
Date: Sat, 1 Sep 2012 03:13:27 +0000

Hi, I have sent this email to the law commission and I believe this is the route to go down. Please forward and get people to put it into their own words. regards

From: 
To: tph@lawcommission.gsi.gov.uk
Subject: Reform taxi law concerns
Date: Sat, 1 Sep 2012 02:59:57 +0000

**Responding to taxi law proposals.**

To whom it may concern,

I am writing to officially raise my concerns to the proposals to change some of the taxi laws. In particular the laws that would affect traffic congestion such as cross border hiring, baton passing and in particular de restricion of hackney carriage vehicles on the grounds of public safety.

I was once a front line emergency paramedic responding to daily 999 emergencies. Each and every call is graded by a dispatcher and is based on certain responses to
questions. For example a person suffering a fracture could be graded as a **green call** and an immediate response is not necessary due to it not being an immediate life threatening emergency.

Other more life threatening calls such as a cardiac arrest, where a person is not breathing and no pulse would be graded a **Red call** and requires an **immediate response** because it is a real life threatening condition and on this particular emergency drugs, defibrillation and efficient CPR is needed before the brain starts to die after 4 minutes.

The government set out targets for emergency ambulances to reach a patient from time of call to arrival of a paramedic and a **Red call currently is for 98% of emergencies to have medical professionals to reach a patient within 4 minutes from time of call.**

The police and Fire brigade have similar targets to reach victims and crime and it is my fear that all emergency service vehicles will be affected, worsening at peak times affecting public safety and lives will be lost. Congestion is a major factor affecting targets and having an improved taxi service should not be at the expense of our emergency service.

De restrictions to the amount of taxis will increase the numbers of vehicles on our roads, combined with private hire cars increasing and parking on side streets will have an affect on these times. Congestion causes delays and delays causes problems and death. The public and myself and family expect a rapid response should we be unfortunate to need one. These proposals will put a needless strain on our emergency services and I object to them on the grounds of public safety. Please could I receive a response acknowledging my concerns and objections?

yours Sincerely

Gary Page

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VINCENT.P.KONETSKE

This email was received from the INTERNET and scanned by the Government Secure Intranet anti-virus service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisation’s IT Helpdesk. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.
I have only commented on those of the 73 questions I feel I can contribute. An area that I think has been omitted and is crucial to public safety is that all licenced vehicles should be plated with council and number & that it should be mandatory for all drivers to wear their id visibly when working. Currently private hire vehicles in London have a private hire sticker without a reference number so easily open to forgery. Also some so called executive cars are omitted from plates this should be discontinued so authorities can easily identify unlicenced vehicles at airports and on New Year’s Eve for example.

1. Taxis do supply a unique role as they can be hired on the spot and this should be retained.
2. Why should London be exempt, is it right that they can discriminate against outsiders to protect their own interests, witness the restrictions around the Olympics.
3. Artificial limits on vehicle type reduce choice and do not allow for innovation or technological advances which may protect the environment and public safety.
4. A driver of a motorised vehicle requires a licence and therefore has universal ID, to allow rickshaws would not be as easily controlled.
5. Public Service Drivers have different rules, in some ways more stringent vehicle checks but if you want more than 8 seats you hire a bus and that should be regulated separately. Drivers do not necessarily undergo CRB checks either. Something you may wish to consider is the fact that some coach operators use cars and MPV’s to pick clients up from home should these not be licenced and not being operated under their bus licence.

Proposal 7 Limo’s should be licenced especially as they carry young people and a consistent approach across authorities can only be a good thing helping operators and the public.

Proposal 8 is good as why should my wife who is a childminder who takes some children to a school by car because it is unsafe to walk require herself and her vehicle to be licenced. Thankfully our council do not require her to be so, but this should be the same across the country. £2.50 an hour for a child is hardly going to cover the cost of licencing a vehicle at £2000 pa.

Question 14 if Airports wish to make life difficult for other providers they should have to provide a shuttle at their expense, they are after all already collecting around £7 an hour for Parking.
Proposal 19 seems to make good sense as mobile phones/email allow almost instant pre-booking.

Proposal 20 is something I have long wanted, going back to my wife who currently has to be licenced to occasionally drive the car to the garage or shops or while we are away on Holiday. She will never drive a taxi for work and costs around £250 a year.

Proposal 23 my council do not allow cab or taxi or any inference to taxi for any private hire companies neighbouring councils do this is discrimination, but as you cannot afford to take your council to court you are competitively disadvantaged. I believe it is better to only allow taxis to use words such as cab and Taxi.

Proposals 24 to 26 all standards should be mandatory across the country and London, so that if tinted glass is banned, tip seats prohibited manufacturers will make the changes and everyone can remain licenced when they move to another district, without expensive modifications.

Proposal 27 with the advent of smarter sat navs is topographical knowledge for any driver fair, however perhaps there should be a mandate to keep maps up to date.

28. Local signage differs everywhere, I think signs with the council logo and stating must be prebooked would be good but to allow councils to continue their scattergun policies just serves to confuse the public.

29. Safety standards should be common for all vehicles carrying the public why should hackney or private hire have different standards.

30. We need to have the highest safety driver standards for both.

31. National standards must only relate to safety or we will give one or two manufacturers/ suppliers a monopoly.

32/33 this could be cumbersome and costly we need small committees to meet regularly and decide things a technical panel would be sensible.

34/36 Is this just another level of interference surely national standards are more transparent.

37/38 Cooperation is good but rural areas have different problems than large metropolitan areas so local arrangements would be preferable.
39 I fail to see how taxi zones help the public

40 How does this help, the costs for peak time operation are the same as normal operation are insurers going to offer discounts if you only work a few hours I doubt it.

41. This idea could reduce emissions as there is the potential to reduce empty returns. It may also reduce prices to the end user.

42. Sensible, only wastes fuel.

43. Why change what works well so yes

44. The only time more than a metered fare should be charged is where damage or soiling occurs.

45. Primary legislation so all drivers have been checked to national standards reassuring the public.

46. Vehicle Owners may not be the user of the vehicle so this alone would be an unreasonable burden.

47. Primary legislation would be to slow and vehicles advance much more quickly.

48/49 Any operator who takes bookings and then allocates vehicle/driver should they be taxi or private hire should be mandatory licensed so proper records are kept and can be checked should a complaint occur or to help police.

50. Assuming the intermediary is purely an interface and does not take the booking directly they should not be licensed.

51 Is this necessary or just an extra financial burden on the operator

52 Why not, it will encourage better pricing for consumers, fewer empty journeys so reducing environmental damage.

53. If you take an advance booking you must properly document it or log it with your operator otherwise taxi drivers can operate without the costs of operating licences further discriminating against the private hire industry.

54 to 56 No comment.
57 I see no advantage to separate licencing for wheelchair accessible vehicles, some ranks do need reviewing as they allow insufficient width to safely load wheelchairs.

58/59 If discounts lead to more vehicles maybe a good idea to allow advertising only on accessible vehicles may also help offset their higher initial cost and slightly higher running costs.

61. I agree in principle, as long as training is affordable, readily available and consistent.

62. Absolutely, to drive up standards we need to engage with the public.

63. This is where 62 is essential, if it can be reasonably shown that a driver ignored such a fare they should be suspended for 1 month for first offence, 3 months for subsequent offences

64. Any clearly identifiable officer should have the power to stop licensed vehicles.

65. Touting is disgusting, so penalties for getting caught should include a criminal record, a fine of £1000 minimum and immediate impounding of vehicle for at least 7 days.

66. Careful here, a bulb can blow at any point so would not want to see impounding for this but for safety defects such as tyres, brakes yes & only release to a recognised garage.

67 to 69 I believe enforcement should be nationwide, however penalty schemes need to be standard and sensible.

70. Only those who are directly affected should have the right to appeal.

71/72. Local licensing then magistrates seems logical.

73. No, crown courts have enough to do now.
From: Peter Yeoman
Sent: 03 September 2012 14:21
To: TPH
Subject: Proposals for Wedding Cars

Dear Sir / Madam

We are a small wedding car company comprising four vehicles, all of which are of Classic status and therefore not in the `Taxi ' style. I do object to the proposals I have read that all owners of `interesting vehicles' will have to submit the cars for tests twice a year and themselves for testing in whatever way. The main reason we exist is that Wedding couples like something that is not a Taxi or Funeral Car.

Please register my objection

Thank you

Peter L Yeoman

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THE ASSOCIATION OF GREATER MANCHESTER AUTHORITIES (AGMA) – LICENSING MANAGERS REPONSE:

LIST OF PROVISIONAL PROPOSALS AND QUESTIONS

CHAPTER 13 - OVERVIEW OF PROVISIONAL REFORM PROPOSALS

Provisional proposal 1

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. (Page 160)

The group disagree - a one tier system would both assist the public and enforcement by removing confusion as is currently experienced with the two tier system.

CHAPTER 14 – REFORM OF DEFINITIONS AND SCOPE

Provisional proposal 2

London should be included, with appropriate modifications, within the scope of reform. (Page 162)

The group thinks London should be included within the reform, the circumstance and difficulties experienced with the industry are the same.

Provisional proposal 3

The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. (Page 164)

The group agree with this statement.

Question 4

Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? (Page 164)

The group don’t agree to restrict the licence to motor vehicles only; there are other modes of transport that can be used for the carriage of passengers for hire and reward and theses need to be included within the licensing structure.

Provisional proposal 5
Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. (Page 165)

The group agree to the limit of eight passenger seat, however there are concerns regard the gap between current standard levels between PCV and private hire and hackney carriage.

**Provisional proposal 6**

References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. (Page 166)

The group agree this should no-longer feature due to confusion.

**Provisional proposal 7**

The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. (Page 167)

The group agree and would welcome a quick resolution in this area.

**Provisional proposal 8**

The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. (Page 168)

The group agree however there does need to be a very clear definition within the legislation. There are some concerns with individuals who transport the young and vulnerable where no CRB/background or medical checks are completed and statutory guidance is needed.

**Question 9**

How, if at all, should the regulation of taxis and private hire deal with:

(a) carpooling; and

(a) the group does not think this group should be included

(b) members clubs? (Page 170)

(b) the group believes this group should be included

**Provisional proposal 10**

The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. (Page 171)

The group agree.
Provisional proposal 11

Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. (Page 172)

The group agree they should not be excluded.

Question 12

Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse? (Page 174)

The group does not agree that the contract exemption should be reintroduced.

Provisional proposal 13

Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”. (Page 175)

The group agree.

Question 14

Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? (Page 177)

The group does not agree there is a case for special provisions.

Provisional proposal 15

The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:

(a) references to ranking and hailing;

a) the group agree but this is subject to the retention of a two tier system

(b) a non-exhaustive list of factors indicating plying for hire; and

b) the group agree

(c) appropriate accommodation of the legitimate activities of private hire vehicles. (Page 181)

c) the group agree

Provisional proposal 16

The concepts of hailing and ranking should not cover technological means of engaging taxi services.
Don’t understand the question.

**Question 17**

Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”? (Page 182)

The group believes that this would not be applicable if a one tier system is introduced, however if a two tier system is retained then for private hire the change in definition from “plying for hire” to “arrangements made in a public place” would assist with clarifying and understanding the offence.

**Provisional proposal 18**

The concept of compellability, which applies exclusively to taxis, should be retained. (Page 182)

The group agree with the current definition, but would like to add only if the passenger can be conveyed safely.

**Provisional proposal 19**

Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked. (Page 183)

The group agree if the two tier system is retained, but there is a real need to ensure up to date guidance and regulations are regularly provided to cover advances in technology.

**Provisional proposal 20**

Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved. (Page 184)

The group agree but add that the vehicle must only be driven by a licensed private hire or hackney carriage driver.

**Provisional proposal 21**

The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements. (Page 185)

The group agree.

**Provisional proposal 22**
Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned. (Page 185)

The group doesn't agree. The general public regard a taxi as both a hackney carriage and a private hire vehicle. However, if the two tier system is removed then there is no need to have separate definitions.

Question 23

Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion? (Page 186)

The group don’t agree that private hire should be able to use the terms taxi or cab.

CHAPTER 15 – A REFORMED REGULATORY FRAMEWORK

Provisional proposal 24

Taxi and private hire services should each be subject to national safety requirements. (Page 188)

The group agree.

Provisional proposal 25

National safety standards, as applied to taxi services, should only be minimum standards. (Page 189)

The group agree.

Provisional proposal 26

National safety standards, as applied to private hire services, should be mandatory standards. (Page 189)

The group agree.

Provisional proposal 27

Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers. (Page 190)

The group disagree; there is a need for local input both in training and in the knowledge base for both private hire and hackney carriage.

Question 28

Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? (Page 190)
The group agree.

**Question 29**

What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? (Page 191)

The group does not feel there would be any obstacles.

**Question 30**

Should national conditions in respect of driver safety be different for taxi services compared with private hire services? (Page 192)

The group doesn’t agree that there should be different standards for hackney carriage and private hire service.

**Provisional proposal 31**

The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety. (Page 192)

The group does not agree, the powers should cover all aspects of the industry.

**Provisional proposal 32**

The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (Page 193)

The group agree.

**Question 33**

What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? (Page 193)

The group agree and suggests advisory/technical groups would have a useful input.

**Provisional proposal 34**

Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. (Page 193)

The group agree that LA should retain power to set local standards.

**Question 35**

Should there be statutory limits to licensing authorities’ ability to set local taxi standards? (Page 194)

Yes.
Question 36

Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? (Page 194)

Yes.

Question 37

Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? (Page 195)

The group agree that the LA powers should be on a statutory footing.

Provisional proposal 38

Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. (Page 196)

The group agree on the option of combining areas.

Provisional proposal 39

Licensing authorities should have the option to create, or remove, taxi zones within their area. (Page 196)

The group disagree.

Question 40

Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? (Page 197)

The group disagree LA should not have powers to issue peak time licences.

Provisional proposal 41

Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality;

The group agree PHO’s should be allowed to accept/invite bookings outside their locality.

nor to only using drivers or vehicles licensed by a particular licensing authority. (Page 198)

The group disagree the PHO should only use drivers and vehicles from the same LA.

Provisional proposal 42

We do not propose to introduce a “return to area” requirement in respect of out-of-area drop offs. (Page 199)
The group agree.

Provisional proposal 43

Licensing authorities should retain the ability to regulate maximum taxi fares.

The group disagree.

Licensing authorities should not have the power to regulate private hire fares. (Page 200)

The group agree; however the fares must be transparent and clear to customers, setting out what the fares are and all vehicles have calibrated meters.

Question 44

Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? (Page 200)

The group agree; but only if the terms are made very clear to the customer at the time of booking.

CHAPTER 16 – REFORM OF DRIVER, VEHICLE AND OPERATOR LICENSING

Question 45

Should national driver safety standards such as clear to customer as the requirement to be a “fit and proper person” be either:

(a) set out in primary legislation; or

(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 203)

b) the group agree this should be included in general powers.

Provisional proposal 46

Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. (Page 204)

The group agree.

Question 47

Should national vehicle safety standards be either:

(a) set out in primary legislation; or

(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 205)

b) the group agree this should be included in general powers.
Provisional proposal 48

Operator licensing should be retained as mandatory in respect of private hire vehicles. (Page 207)

The group agree; however this is subject to the retention of the two tier system.

Question 49

Should operator licensing be extended to cover taxi radio circuits and if so on what basis? (Page 208)

The group agree that hackney carriage radio circuits should be licensed to enable accountability for pre booked journeys inline with that of private hire.

Provisional proposal 50

The definition of operators should not be extended in order to include intermediaries. (Page 209)

The group agree.

Question 51

Should “fit and proper” criteria in respect of operators be retained? (Page 210)

The group agree it should be retained.

Provisional proposal 52

Operators should be expressly permitted to sub-contract services. (Page 210)

The group agree PHO’s should be permitted to sub-contract.

Question 53

Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? (Page 210)

The group agree that record-keeping should apply.

CHAPTER 17 – REFORMING QUANTITY CONTROLS

Provisional proposal 54

Licensing authorities should no longer have the power to restrict taxi numbers. (Page 213)

The group agree.

Question 55

What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? (Page 213)
Impact on ranking provisions; road/traffic infrastructure problem with potential increase in numbers.

**Question 56**

Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period of time, if quantity restrictions are removed?  
(Page 215)

The group agree; this would allow LA to assess.

**CHAPTER 18 – TAXI AND PRIVATE HIRE REFORM AND EQUALITY**

**Question 57**

Should there be a separate licence category for wheelchair accessible vehicles? This could involve:

1. a duty on the licensee to give priority to disabled passengers; and
2. a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles. (Page 217)

The group agree; but the provision should exist within the private hire and hackney carriage legislation.

**Question 58**

Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards? (Page 217)

The group disagree; this could be reflect through tax relief e.g. road tax

**Question 59**

Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? (Page 217)

The group has no further suggestions.

**Provisional proposal 60**

We do not propose to introduce national quotas of wheelchair accessible vehicles. (Page 218)

The group note this statement; however would ask that local discretion for quotas on wheelchair accessibility apply in consultation with appropriate groups.

**Provisional proposal 61**

National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. (Page 219)

The group agree; there is a real need to provide this type of training.
Provisional proposal 62

In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. (Page 219)

The group agree; and many vehicles within the AGMA area already provide contact details within the vehicle on the vehicle identification.

Question 63

What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help? (Page 220)

The group are unable to provide a resolution; this is a very difficult matter to prove and provides real enforcement issues.

CHAPTER 19 – REFORMING ENFORCEMENT

Question 64

Should authorised licensing officers have the power to stop licensed vehicles? (Page 222)

The group agree AO’s should have the powers.

Question 65

What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”. (Page 223)

The group suggest there are a range of offences where fixed penalties could be issued this includes touting.

Question 66

Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? (Page 223)

The group agree provided that specific guidance is given and cost could be recovered.

Question 67

Should licensing authorities make greater use of fixed penalty schemes and if so how? (Page 225)

The group agree and suggest fixed penalties could be used for breach of conditions, offences under private hire and hackney carriage legislation and some road traffic act offences.

Provisional proposal 68
Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. (Page 225)

The group agree that EO’s (AO’s) should have the power to enforce, in particular when dealing with vehicles and the suspension of vehicle licences.

**Question 69**

Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? (Page 226)

The group agree and this could be achieved with inter-authority authorisations/authorised officer by primary legislation.

**CHAPTER 20 – REFORM OF HEARINGS AND APPEALS**

**Provisional proposal 70**

The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. (Page 230)

The group agree.

**Provisional proposal 71**

The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. (Page 231)

The group disagree.

**Provisional proposal 72**

Appeals should continue to be heard in the magistrates’ court. (Page 232)

The group agree.

**Question 73**

Should there be an onward right of appeal to the Crown Court? (Page 233)

The group disagree.
Consultation Response

Law Commission – Reforming the Law of Taxi and Private Hire Services

Date 22nd August 2012

Public Health & Protection
Community Safety & Protection Directorate
### Provisional Proposal 1:
Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares.

It is accepted that there are fundamental differences between the way in which the taxis and private hire vehicles work and generally agree that they should be retained. However, it is also noted that often the general public are not aware that there are two types of market, if the two tier system is maintained then the public need to be made more aware.

### Provisional Proposal 2:
London should be included, with appropriate modifications, within the scope of reform.

Cornwall Council does not believe that London should be treated differently as this could be confusing to the general public and tourists. Therefore it agrees that London should be included so that the same licensing regime applies to London as it does to the rest of the Country.

### Provisional Proposal 3:
The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver.

Cornwall Council agrees with this concept. There will be forms of transport which the public use which, due to the current definitions, do not require licensing. This means un-tested vehicles and “drivers” who may not be “fit and proper” people to convey the public. The definition within London legislation which reads “any carriage for the conveyance of passengers” would be more appropriate”.

### Q4:
Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence?

Using this approach would make it easier for national regulators because it would reduce the number individual sets of national standards for each type of vehicle – as referred to in section 14.13 of the consultation document. However, this would still leave some forms of transport to be exempt from regulation which could as a result leave passengers at risk from an un-checked driver or a badly maintained vehicle. It is suggested that licensing authorities should be permitted to set there own standard for a type of “vehicle” that is not subject to a national standard. Local authorities should, in these circumstances, be required to notify the Dept for Transport when they do this so that the Dept could consider whether a national standard for that type of “vehicle” should be published.
<table>
<thead>
<tr>
<th>Provisional Proposal 5:</th>
<th>Cornwall Council agrees with this. The definitions do cause an overlap which can be confusing and open to interpretation. However, there is concern that drivers of public service vehicles do not have to undergo criminal record checks and therefore this does need to be reviewed.</th>
</tr>
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<tr>
<td>Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers.</td>
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<td>Provisional Proposal 6:</td>
<td>Cornwall Council agrees with this. The term &quot;stage coach&quot; is very out dated and in generally referred to now as a public service vehicle.</td>
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<td>References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis.</td>
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<td>Provisional Proposal 7:</td>
<td>Cornwall Council would welcome national guidance that would assist in determining whether an individual limousine should be regulated as either a private hire vehicle or a public service vehicle.</td>
</tr>
<tr>
<td>The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency.</td>
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<tr>
<td>Provisional Proposal 8:</td>
<td>Whilst it is accepted that in the majority of cases that it would appear excessively onerous to require volunteers to be licensed, volunteers do carry passengers who should be adequately protected and safeguarded. The driver may well be subject to criminal records checks if they carry children or vulnerable persons but they are not subject to a medical to see if they meet the Group 2 standards. We have been approached by the taxi &amp; private hire trade with concerns about the health of volunteer drivers. The trade also allege that drivers who used to work for them leave to do volunteer driving as they say it earns them more money! This is an issue for our licensing compliance team to investigate and determine if they are actually &quot;in business&quot;. However, for genuine volunteers there are still concerns about whether drivers are indeed fit and proper and whether their vehicles are properly insured and maintained to an appropriate standard for the carriage of passengers. However, in general, the major voluntary groups that supply volunteer drivers are well aware of the issues and would insist on seeing certificates of insurance and they also provide CRB checks. Any</td>
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further loss of volunteer drivers will have a drastic impact on residents trying to get to hospital appointments etc when there is no public transport. Given this effect, Cornwall Council feels that regulations to regulate their use should be stand alone and not connected with the business sector in anyway.

Cornwall Council, in relation to activities where transport is ancillary, believes that any exemptions from licensing need to be defined in regulation. There should be a power to be able to add to the list of exemptions, or removal, as appropriate depending on any risks identified or not.

There is already knowledge of the types of activities affected as a result of the removal of the contract exemption that now require licensing although this was not the intention of Government.

There are some that may warrant an exemption as they will require criminal record checking due to the clients they look after. This would include health care workers, who for example visit clients in their home and also take them out shopping or to medical appointments, and child minders who take the child or children out on excursions as part of the service they deliver.

There will be others that may still need licensing. For example, vehicles provided by night clubs to encourage more clientele. People, in particular females who maybe intoxicated by alcohol, should have peace of mind that the vehicle and driver conveying them have been vetted and approved.

**Q9:** How, if at all, should the regulation of taxis and private hire deal with:
(a) carpooling; and
(b) members clubs?

Car pooling should be exempt from licensing provided it meets the concept explained in sections 14.31 to 14.33 of the consultation document.

However, club membership and access to private hire services should be licensable. This is more likely to be in the course of business and may also mean collecting people intoxicated with alcohol if it relates to a club that has an authorisation under the Licensing Act 2003.

**Provisional Proposal 10:**
The power of the Secretary of State and Welsh

Cornwall Council agrees that there should be power to do this. It could cover the
<table>
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<tr>
<th>Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes.</th>
<th>matters mentioned in response to Provisional Proposal 8 above. Any intention to issue an exemption should be consulted on before any final decision is made.</th>
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<tr>
<td><strong>Provisional proposal 11:</strong> Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation.</td>
<td>Cornwall Council agrees with this. All vehicles that are provided in the course of business with a driver to convey passengers should be subject to licensing. Many of these businesses will have limousines and as such consideration should be given to the merits to allow, or not, any grandfather rights or other transition arrangements to bring them into the licensing regime.</td>
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<td><strong>Q12:</strong> Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse?</td>
<td>The contract exemption should not be re-introduced as it was. As mentioned, in response to Provisional Proposal 8 above, there were activities previously exempt which now fall within the licensing regime even though that was not the intention of Government. Cornwall Council is of the opinion that there should be power to exempt certain types of activity, which we also explained in response to Provisional Proposal 8, rather than introduce the contract exemption in the terms that it existed previously.</td>
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<tr>
<td><strong>Provisional proposal 13:</strong> Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”.</td>
<td>Cornwall Council agrees with the comments in section 14.55 of the consultation document that “public safety applies no differently whether services to the public are being provided on public or private land”. Therefore regulation should not just be limited to “streets”.</td>
</tr>
<tr>
<td><strong>Q14:</strong> Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank?</td>
<td>Airports are entitled to tender for taxi and or private hire companies to operate from the land that the airport operates from. However, airports should have adequate and sufficient facilities available for taxis and private hire vehicles to pick up / drop off their clients who have chosen to pre-book with an operator who does not have a contract with the airport. Newquay airport in Cornwall is in a rural area and the nearest taxi rank is some miles away in Newquay town centre. However, travellers may wish to go to another Town.</td>
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and could result in a requirement for more than one shuttle bus given the rural location. This may, therefore, be considered too onerous and unreasonable in certain areas.

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<tr>
<td>(a) references to ranking and hailing;</td>
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<tr>
<td>(b) a non-exhaustive list of factors indicating plying for hire; and</td>
</tr>
<tr>
<td>(c) appropriate accommodation of the legitimate activities of private hire vehicles.</td>
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Cornwall Council agrees with the inclusion of (a) and (b) for taxis.

Currently, private hire vehicles can stop in a street and this could result in a customer approaching the vehicle. If the driver agrees to take the passenger then this is illegal plying for hire.

If, instead, the driver requests that the customer uses their mobile phone to ring the private hire operator and book a vehicle and the vehicle that has stopped in the street is allocated that booking, then this is not illegal plying for hire. However, the examples given in the consultation document for (c) would appear to include this scenario and it would also equate to illegally plying for hire.

Therefore, the “statutory version” that is suggested should be created needs to be very clear as to whether parking in a street which could attract a booking is, or is not, a legitimate activity for a private hire vehicle.

Cornwall Council regularly receives complaints from the taxi trade that private hire vehicles are making themselves available for hire by parking in towns, sometimes close to taxi ranks.

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<th><strong>Provisional proposal 16:</strong></th>
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<td>The concepts of hailing and ranking should not cover technological means of engaging taxi services.</td>
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Cornwall Council agrees with this proposal.

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Cornwall Councils does not see any advantage in this as using “arrangements made in a public place” would still cause issues, particularly in defining what is meant by “public place”. Also, would this mean that an arrangement made on private land is not therefore subject to any regulation?

<p>| <strong>Provisional proposal 18:</strong> |</p>
<table>
<thead>
<tr>
<th>Provisional proposal 19:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked.</strong></td>
</tr>
<tr>
<td>Cornwall Council agrees with this proposal.</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Provisional proposal 20:</th>
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</thead>
<tbody>
<tr>
<td><strong>Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved.</strong></td>
</tr>
<tr>
<td>Cornwall Council often receives enquiries as to whether a plate/licence can be suspended in order that it may be used privately. The proposal as set out in the consultation document would be acceptable for private hire. This would also assist with the fact that there is no exemption from the requirement for a driver to be licensed even if they are a mechanic, for example, testing the vehicle. However, Cornwall Council does not believe that the proposal should apply to taxis. Taxis should still require a licensed driver at all times due to the concept of compellability which applies exclusively to taxis and which, it has also been suggested, be retained. This is because there would be an expectation that the driver (even if driven by an unlicensed driver) would be required to carry a passenger if hailed.</td>
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<thead>
<tr>
<th>Provisional proposal 21:</th>
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</thead>
<tbody>
<tr>
<td><strong>The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements.</strong></td>
</tr>
<tr>
<td>This approach works well with the Licensing Act 2003 and the Gambling Act 2005. Statutory guidance can be departed from if the Council has good reasons for doing so and they should be required to state why they have done so if that is the case.</td>
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<thead>
<tr>
<th>Provisional proposal 22:</th>
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<tbody>
<tr>
<td><strong>Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned.</strong></td>
</tr>
<tr>
<td>Cornwall Council agrees with this proposal.</td>
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<tr>
<th>Q23:</th>
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<tbody>
<tr>
<td><strong>Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided Cornwall Council has a draft unified set of conditions for private hire vehicles which is subject to consultation. It does include a condition that prohibits private hire vehicles</strong></td>
</tr>
</tbody>
</table>

| The concept of compellability, which applies exclusively to taxis, should be retained. |
| Cornwall Council agrees that this should be retained. |

| Cornwall Council agrees that this should be retained. |

| Cornwall Council agrees that this should be retained. |

| Cornwall Council agrees with this proposal. |

| Cornwall Council agrees with this proposal. |
they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion?

from putting any words such as taxi, cab etc or any derivative thereof. Some of the former District Councils in Cornwall also had this prohibition. Therefore Cornwall Council would suggest that “taxi” or “cab” should not be used on private hire vehicles.

### OVERVIEW OF PROVISIONAL REFORM PROPOSALS

<table>
<thead>
<tr>
<th>Provisional proposal 24:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taxi and private hire services should each be subject to national safety requirements.</td>
</tr>
<tr>
<td>Cornwall Council supports this concept as it will ensure a level playing field across the Country and limit any conflicts for enforcement where there is cross border operating.</td>
</tr>
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<table>
<thead>
<tr>
<th>Provisional proposal 25:</th>
</tr>
</thead>
<tbody>
<tr>
<td>National safety standards, as applied to taxi services, should only be minimum standards.</td>
</tr>
<tr>
<td>No, there should be national safety standards for both taxis and private hire vehicles. The content may well be different for taxis as opposed to private hire since they operate differently.</td>
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<table>
<thead>
<tr>
<th>Provisional proposal 26:</th>
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<tbody>
<tr>
<td>National safety standards, as applied to private hire services, should be mandatory standards.</td>
</tr>
<tr>
<td>Agree, but there should also be a national mandatory safety standards for taxis.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Provisional proposal 27:</th>
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<tbody>
<tr>
<td>Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers.</td>
</tr>
<tr>
<td>The consultation document does not make it clear as to whether there are any proposals to allow the licensing authority to apply standards that do not relate to safety. Examples would include driver conduct or dress codes. There are other matters besides safety that are likely to need control measures to be in place. Having said that, then surely these too should be applied through national standards. Cornwall Council agrees that topographical knowledge tests are not required for private hire.</td>
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<tr>
<th>Q28:</th>
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<tbody>
<tr>
<td>Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable?</td>
</tr>
<tr>
<td>If the intention is to have a level playing field for private hire vehicles then surely advertising restrictions, or prohibitions, should also be regulated nationally.</td>
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<tr>
<th>Q29:</th>
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<tbody>
<tr>
<td>What practical obstacles might there be to</td>
</tr>
<tr>
<td>The main obstacle could be the volume of the types of vehicles that the standards...</td>
</tr>
</tbody>
</table>

Page 9 of 20
<table>
<thead>
<tr>
<th><strong>Q30:</strong> Should national conditions in respect of driver safety be different for taxi services compared with private hire services?</th>
<th>It would appear from the consultation document that attacks on drivers or abusive passengers are more likely in a taxi than a private hire vehicle. This may be because for a taxi the driver does not need to record the name or address of the hirer. It is also noted that in some areas of the country that occurrences of this are low and therefore the extra requirements for separation from the passenger and / or CCTV may be an unreasonable cost for the operator. In areas where there is a high occurrence then, rather than regulating this nationally, perhaps operators should be encouraged to install CCTV and buy vehicles that do have separation between the driver and passengers.</th>
</tr>
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<tr>
<th><strong>Provisional proposal 31:</strong> The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety.</th>
<th>There are some conditions that will not relate to safety such as those relating to the use of and testing of taxi meters, driver behaviour, dress and / or conduct. Therefore the national standards should not be limited to safety standards alone.</th>
</tr>
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<thead>
<tr>
<th><strong>Provisional proposal 32:</strong> The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement.</th>
<th>Cornwall Council agrees that the setting of national safety standards should be subject to consultation.</th>
</tr>
</thead>
</table>

<p>| <strong>Q33:</strong> What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? | It would be reasonable to expect technical experts to be involved in setting standards and reviewing them following consultation. Therefore a technical advisory panel would seem to be appropriate. |</p>
<table>
<thead>
<tr>
<th><strong>Provisional proposal 34:</strong> Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards.</th>
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<tbody>
<tr>
<td>It was explained during a presentation by the Law Commission that this proposal would be of benefit to those taxi zones or Council areas that currently have a numerical limitation policy in place. If the ability to have such a policy was removed, then the Council (or taxi zone) would be able to require higher standards locally. An example could be a requirement to have disabled accessible vehicles only for new grants of licences. This would also benefit Councils who have de-regulated and imposed this requirement already. Since taxis can only apply in the Council area (or taxi zone) that issued the licence it would seem appropriate that different standards could be applied.</td>
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<tr>
<th><strong>Q35:</strong> Should there be statutory limits to licensing authorities’ ability to set local taxi standards?</th>
</tr>
</thead>
<tbody>
<tr>
<td>If there were to be a statutory limit then consultation should take place on them. Not aware of any proposed content so it is difficult to comment.</td>
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<thead>
<tr>
<th><strong>Q36:</strong> Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators?</th>
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<tbody>
<tr>
<td>Cornwall Council believes that drivers and operators of private hire vehicles should mirror the proposals for vehicles in that there should also be a mandatory national standard. Likewise for taxis, there should be a minimum national standard but an ability to have a higher standard imposed locally. The national standard should be consulted on before implementation. If an element of the standard is unreasonable then this would have been ironed out through consultation. If this remains the case then the national standard adopted could be subject to judicial review. If an application for a licence is refused then the national standard needs to have full reasons contained in it to explain why a restriction or a control is in place so this can be evidenced or demonstrated on any appeal against refusal.</td>
</tr>
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<tr>
<th><strong>Q37:</strong> Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements?</th>
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<tbody>
<tr>
<td>Cornwall Council believes that this should be encouraged, left to local arrangements and not made statutory.</td>
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<tr>
<th><strong>Provisional proposal 38:</strong> Neighbouring licensing authorities should have the option of combining areas for the purposes</th>
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<tbody>
<tr>
<td>Cornwall Council would agree to this as it currently has six taxi zones.</td>
</tr>
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</table>
of taxi standard setting.

| Provisional proposal 39: Licensing authorities should have the option to create, or remove, taxi zones within their area. | Cornwall Council consulted on whether it should amalgamate its six taxi zones when it became a new unitary authority. This resulted in the retention of the six taxi zones. Part of the consideration was that once amalgamated the zones could never be reinstated. Consultation responses also suggested creating different zones within the County and may well have been considered if that was permissible. Cornwall Council supports the ability to be able to create, or remove, taxi zones in Cornwall. |
|---|
| Q40: Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? The presentation by the Law Commission in relation to this consultation intimated that this would be of benefit where a numerical limit is in place. However, if a numerical limit is still permitted in the new regime, then issuing these licences will increase the number of licences beyond the total set which it is considered sufficient to meet demand. There is no information in the consultation document as to whether an assessment is required to determine the number of licences needed to address gaps at peak times, or how detailed it should be if one is carried out at all. If the application fee is the same for a regular application to licence a full time vehicle, or if they are required to provide a certain type of vehicle (i.e. a disabled accessible vehicle), then this would not encourage applications due to the cost and only being able to use the licensed vehicle for a limited period of time. Cornwall Council agrees that to have this power would be useful to address issues of under supply at peak times, but, is not confident that the taxi trade would have any incentive to make an application for a peak time licence. |
| Provisional proposal 41: Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. Cornwall Council would recommend that applications to licence a Private Hire Operator should be made to the Council in whose area the operator’s main base is situated. In addition, that any application for a Private Hire Vehicle is made to the Council in whose area the Operator that will be mainly taking bookings for the vehicle is based. This would allow the local Council to be the main regulator for operators in its area. |

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and the vehicles operated by operators in its area. This will be particularly relevant if the Councils are to retain the power to regulate matters such as signage on the private hire vehicle.

In relation to drivers, Cornwall Council would suggest that the applicant applies for their licence to drive a private hire vehicle to the Council in whose area they are resident. This is regardless of where they intend to drive private hire vehicles.

This would allow Councils to provide and maintain the appropriate level of resource as it would have a good idea of the number of applications it will need to process and the number of operators / vehicles it will be regulating.

If they could apply anywhere then the Council could be altering there level of resources, particularly officers, up and down on a regular basis which in turn will have a detrimental effect on the level of service provided by the Council.

<table>
<thead>
<tr>
<th>Provisional proposal 42:</th>
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<tbody>
<tr>
<td>We do not propose to introduce a “return to area” requirement in respect of out of area drop offs.</td>
</tr>
<tr>
<td>Cornwall Council agrees with this proposal.</td>
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<tr>
<th>Provisional proposal 43:</th>
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<tbody>
<tr>
<td>Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares.</td>
</tr>
<tr>
<td>Cornwall Council agrees with this proposal.</td>
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<tr>
<th>Q44:</th>
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<tbody>
<tr>
<td>Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys?</td>
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<tr>
<td>In principle, an operator should really have a private hire vehicle for this purpose. Allowing taxis to be able to charge like a private hire vehicle for pre-booked journeys could reduce the number of taxis available for hire at ranks and for hailing in the local area. This would be a particular issue where numerical limitation policies are retained. Cornwall Council would suggest that this could be allowed occasionally but should not be the norm. However, it would be difficult to enforce “occasional” and perhaps therefore this proposal should not be permitted.</td>
</tr>
<tr>
<td>Q45: Should national driver safety standards such as the requirement to be a “fit and proper person” be either: (a) set out in primary legislation; or (b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions?</td>
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<tr>
<td><strong>Provisional proposal 46:</strong> Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself.</td>
</tr>
<tr>
<td>Q47: Should national vehicle safety standards be either: (a) set out in primary legislation; or (b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions?</td>
</tr>
<tr>
<td><strong>Provisional proposal 48:</strong> Operator licensing should be retained as mandatory in respect of private hire vehicles.</td>
</tr>
<tr>
<td>Q49: Should operator licensing be extended to cover taxi radio circuits and if so on what basis?</td>
</tr>
<tr>
<td><strong>Provisional proposal 50:</strong></td>
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<tr>
<td>The definition of operators should not be extended in order to include intermediaries.</td>
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<tr>
<td><strong>Q51:</strong> Should “fit and proper” criteria in respect of operators be retained?</td>
</tr>
<tr>
<td><strong>Provisional proposal 52:</strong> Operators should be expressly permitted to sub-contract services.</td>
</tr>
<tr>
<td><strong>Q53:</strong> Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply?</td>
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**REFORMING QUANTITY CONTROLS**

| **Provisional proposal 54:** Licensing authorities should no longer have the power to restrict taxi numbers. | Cornwall Council reviewed its policy to limit taxis in 3 of its 6 taxi zones in 2010 and retained them. Therefore Cornwall Council, having decided recently to retain the policy, disagrees with this proposal. |

| **Q55:** What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? | When Cornwall Council resolved to retain its policy to limit numbers it took into account a wide range of information as a result of consultation that took place. The Committee report and associated documents, which include the recommendation to full Council, of the relevant Committee can be found here:-

https://democracy.cornwall.gov.uk/ieListDocuments.aspx?CId=606&MId=2867&Ver=4

Cornwall Council endorsed the Committee’s recommendation. The Committee when considering the matter also had regard to a report by the Department for Transport published in September 2005. This report contained detailed reasons from Councils which had resolved to retain numerical limitation policies. The reasons shown in the report had also been suggested to Cornwall Council through the consultation process and through presentations to the Committee. |
<table>
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<tr>
<th>Q56: Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period of time, if quantity restrictions are removed?</th>
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<tr>
<td>Yes. It has been usual practice for an officer to recommend when Cornwall Council, and when the former District Councils in Cornwall, conducts a review on numerical limitation policies that any removal of them, should that be the decision, are removed gradually through an agreed transition period.</td>
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<tr>
<th>TAXI AND PRIVATE HIRE REFORM AND EQUALITY</th>
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<tr>
<td>Q57: Should there be a separate licence category for wheelchair accessible vehicles? This could involve: (1) a duty on the licensee to give priority to disabled passengers; and (2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles.</td>
</tr>
<tr>
<td>Cornwall Council agrees that there should be a separate category. However, there will need to be some incentive to encourage applicants for this category of vehicle. The licensing authority would need to assured that introducing special ranks at a cost would in fact be the best use of finance. Applicants may wish to obtain a licence at a cheaper rate and then use the licensed vehicle for private work in the form of pre-bookings and contract work with the passenger transport service of the Council.</td>
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<tr>
<th>Q58: Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards?</th>
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<tr>
<td>Setting a quota, as explained in the consultation document, could be problematic to implement. Encouraging applications for this type of vehicle would be more likely if the application fee were to be lower than a standard application. Cornwall Council supports the concept of a lower application fee but would expect some safeguards to be in place, as explained in the response to question 57 above.</td>
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<tr>
<th>Q59: Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers?</th>
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<tbody>
<tr>
<td>If numerical limits are permitted to be retained then there are legal provisions available in the Equality Act which would not allow the Council to refuse an application for certain disabled accessible vehicles.</td>
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<thead>
<tr>
<th>Provisional proposal 60: We do not propose to introduce national quotas of wheelchair accessible vehicles.</th>
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<tr>
<td>Cornwall Council agrees with this proposal due to the practical difficulties of implementing and regulating them.</td>
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<tr>
<th>Provisional proposal 61: National standards for drivers of both taxis and</th>
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<tbody>
<tr>
<td>Cornwall Council agrees with this proposal. However, there should be a range of</td>
</tr>
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</table>
private hire vehicles should include recognised disability awareness training.

providers with reasonable charges for the training. Cost is a major concern with applicants who are trying to get licensed in order to gain employment. Perhaps funding streams should be made further available in order to allow both new and renewal applicants to gain the required standard. Consideration should be given as to whether qualifications already gained and training already undertaken can be accepted as evidence that the new standard has been achieved.

**Provisional proposal 62:**
In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority.

In Cornwall we already require the majority of private hire vehicles, and in some of our taxi zones, a requirement to provide information on who to complain to. This could be amended to make a specific reference to complaints about allegations of discrimination.

**Q63:**
What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help?

Cornwall Councils view is that disabled persons should be treated the same as everyone else; however they deserve some help and protection. Cornwall Council would support the proposal of an obligation to stop, if reasonable and safe to do so, in specified circumstances. We feel that failure to comply should receive a suitably stringent punishment.

**REFORMING ENFORCEMENT**

**Q64:**
Should authorised licensing officers have the power to stop licensed vehicles?

Cornwall Council are of the view that Licensing officers should have the power to stop licensed vehicles, however in practical terms this may be difficult as a police officer is easily identified because of his uniform. It may also carry very serious risks to the officer.

**Q65:**
What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”.

Legislation could make this offence much clearer and the offence more specific. Cornwall Council also feel that punishments should be increased to make such an offence financially unviable and a deterrent to the commission of such offences

**Q66:**
Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules?

Cornwall Council feels that it would certainly not be practical to impound vehicles due to lack of storage facilities that are secure and the cost implications of utilising a private facility.
<table>
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<tr>
<th>Q67: Should licensing authorities make greater use of fixed penalty schemes and if so how?</th>
<th>Yes. Particularly regarding offences in relation to No Smoking.</th>
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<tbody>
<tr>
<td><strong>Provisional proposal 68:</strong> Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas.</td>
<td>Cornwall Council feel that this would be a useful tool as neighbouring vehicles often come into the County in particular Private Hire operators.</td>
</tr>
<tr>
<td>Q69: Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this?</td>
<td>Cornwall Council feels that suspensions and revocations should be dealt with by the relevant Authority either through delegated powers to officers or Licensing Committees. Evidence can always be provided by way of witness statement from the enforcement officer in the authority area where the offence is witnessed.</td>
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**REFORM OF HEARINGS AND APPEALS**

<table>
<thead>
<tr>
<th><strong>Provisional proposal 70:</strong> The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence.</th>
<th>Cornwall Council agrees with this proposal.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Provisional proposal 71:</strong> The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision.</td>
<td>Cornwall Council disagrees with this. If the Council were to reconsider decisions then it is suggested, in the majority of cases, that the decision will remain the same. Decisions to refuse an application are not taken lightly. If this became a mandatory stage then the applicant faces a long wait before an appeal can take place in the Court. Applicants who have been turned down tend to prefer the Court to decide as this is seen as independent review of the decision. If in the event the Council did make an error it is open to it now, in the event of new information coming to light, to re-consider an application. Alternatively, the applicant could also be encouraged to complete a new application form so that any new information that comes to light can be taken into account.</td>
</tr>
<tr>
<td><strong>Provisional proposal 72:</strong> Appeals should continue to be heard in the magistrates’ court.</td>
<td>Cornwall Council agrees with this proposal.</td>
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<tr>
<td><strong>Q73:</strong> Should there be an onward right of appeal to the Crown Court?</td>
<td>There isn’t an onward appeal to the Crown under the Licensing Act 2003 and this has not caused any issues in Cornwall, therefore Cornwall Council would not insist on it.</td>
</tr>
</tbody>
</table>
Dear sirs,

I run 4 classic cars for weddings, the cost of licensing the and the drivers would be total disaster to my very small income and would put me out of work and on the dole or sickness benefits.

I would like to lodge my objection to the proposed changes in legislation.

Simon Driver & Theresa Driver
From: Hodgson, Phil  
Sent: 03 September 2012 18:30  
To: TPH  
Subject: FW: proposed change of law on wedding hire cars  

Attachments: DSCF0136.JPG; DSCF0137.JPG

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From: Mike Toms [mailto]  
Sent: 03 September 2012 18:21  
To: Hodgson, Phil  
Subject: proposed change of law on wedding hire cars

Hi my brother-in-law Jim McCall who has a wedding hire business has asked me to send the attachments to you reference the proposed change in the law for wedding hire cars, this law will affect his business greatly especially as it is a small business. Also his cars are all vintage ones from 1935 to 1965 and are very expensive to upkeep. My brother-in-laws address is James McCall. To return any emails please send them to me thanks.

This email was received from the INTERNET and scanned by the Government Secure Intranet anti-virus service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.)
In case of problems, please call your organisation’s IT Helpdesk.
Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.
STOP PRESS

This may affect you as a Classic Car owner if you your use your car for weddings – even occasionally!

Law Commission Consultation Paper No 203

REFORMING THE LAW OF TAXI AND PRIVATE HIRE SERVICES

SEE: http://lawcommission.justice.gov.uk/consultations/1804.htm

We have just learnt that the Law Commission is proposing that all wedding car and funeral car operators should have to become licensed operators. This will have an impact both on wedding car providers in particular and taxi operators as a consequence.

In the proposal, wedding cars will fall under the control of the local licensing authority. Wedding cars, in common with taxis, will have to be inspected every 10 weeks (depending on the authority); all drivers, including casual drivers, will require medicals and criminal record checks plus a need to sit additional driving assessments although many may have been driving for decades.

Most wedding car providers are semi-retired and have cars that are insured to do “less than 3,000 miles a year, their owners merely supplementing the cost of their older and vintage cars.

Based on current local authority prices, the cost for a single car/driver could be about £700 with an additional £250 per extra car and £300 per extra driver. It will, I am sure, put many of us out of business.

Considering that most of our cars do less than 3000 miles a year (which includes not just the wedding hire but personal use), subjecting us to stringent requirements of a taxi is just not acceptable.

Wedding cars are predominantly operated during six months of the year at weekends, with the cars sitting in the garage and producing no income on weekdays or at all during winter months. However, the proposals make no allowance for this, putting wedding on the same footing as taxis that are used on a daily basis.

The clause concerning wedding cars is well hidden in the proposed legislation on page 172 but makes their position quite clear, namely ‘to include funeral and wedding cars in the revision of regulations controlling private hire vehicles’.

You have a very short period of time to make representations to the Law Commission at tph@lawcommission.gsi.gov.uk and also to your local MP.

See: http://www.classicandvintage.co.uk/blog/death-knell-for-classic-and-vintage-wedding-cars/

Our thanks go to the owners of the above site who have gone to the trouble to write and print on their site details of the proposals.

If you are concerned, have a look at the legislation and make up your own minds. You may then care to make representation to the Law Commission and to your own MP. Contact:

phil.hodgson@lawcommission.gsi.gov.uk
According to the new Localism Act councils will be able to work creatively to meet local needs without having to wait agreement from the centre to get things done.

“When one size fits all solutions are dispensed from the centre, it’s not surprising they so often fail local communities. We’re going to give local councils much more power and responsibility. We’ve got to recognise that the central state can’t have the imagination and flexibility to tailor all its services to local needs.

I am convinced that if we have more local discretion more decisions made and money spent at local level – we’ll get better outcomes.” (David Cameron)

In Brixham, part of Torbay, where I have worked for twenty years we have one taxi rank with official space for seven vehicles. We manage to squeeze in ten. Seventeen taxis work Brixham rank thirty-two drivers are employed nearly all on a full time basis. One taxi license No: 121 employs four drivers.

Licenses change hands on the open market in regulated areas. This acts like a Bond when the owner stops he cashes in his Bond when his original outlay is more or less returned to him. There is some abuse of the system and I believe the registered owner should be obliged to drive the vehicle a minimum of twenty hours a week.

The vast majority are owner driven. The original outlay ensures plate holders are more committed and often employ drivers.

The advantage of hackney carriage taxis is that they have passengers coming to them on taxi ranks.

PHVs on the other hand are compelled to run a fetch and carry service because they must be pre-booked. This can be very time consuming.

Taxis in regulated areas because they employ more than one driver adhere to strict shift patterns covering ranks in less busy periods.

The system works because taxi and PHVs complement and compete with each other.

If quota restrictions are lifted most PHVs become taxis, flood ranks causing chaos. Drivers employed previously put their own cars on ranks adding to the problem. Taxis would drive around aimlessly not able to access taxi ranks polluting the atmosphere and blackening the sky.

Rank space is limited. Local licensing officers should be allowed to judge local conditions to determine whether more taxi plates should be issued. They don’t need unmet demand surveys. Authorities should be trusted with a “general power of competence.”
Responding to taxi law proposals.

To whom it may concern,

I am writing to officially raise my concerns to the proposals to change some of the taxi laws. In particular the laws that would affect traffic congestion such as cross border hiring, baton passing and in particular de restriction of hackney carriage vehicles on the grounds of public safety.

I know a front line emergency paramedic responding to daily 999 emergencies. Each and every call is graded by a dispatcher and is based on certain responses to questions. For example a person suffering a fracture could be graded as a green call and an immediate response is not necessary due to it not being an immediate life threatening emergency. Other more life threatening calls such as a cardiac arrest, stroke, where a person is not breathing and no pulse would be graded a Red call and requires an immediate response because it is a real life threatening condition and on this particular emergency drugs, defibrillation and efficient CPR is needed before the brain starts to die after 4 minutes.

The government set out targets for emergency ambulances to reach a patient from time of call to arrival of a paramedic and a Red call currently is for 98% of emergencies to have medical professionals to reach a patient within 4 minutes from time of call.

The police and Fire brigade have similar targets to reach victims and crime and it is my fear that all emergency service vehicles will be affected, worsening at peak times affecting public safety and lives will be lost. Congestion is a major factor affecting targets and having an improved taxi service should not be at the expense of our emergency service.

De restrictions to the amount of taxis will increase the numbers of vehicles on our roads, combined with private hire cars increasing and parking on side streets will have an affect on these times. Congestion causes delays and delays causes problems and death. The public and myself and family expect a rapid response should we be unfortunate to need one. These proposals will put a needless strain on our emergency services and I object to them on the grounds of public safety.

Please could I receive a response acknowledging my concerns and objections?

yours Sincerely

Alan Lucy
Sent from my iPhone

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From: Mike Gibson
Sent: 03 September 2012 20:22
To: TPH
Subject: wedding car legislation

Dear Sir

I am retired and run a small business with two cars of 1927 and 1934 vintage for weddings covering no more than twenty five weddings per annum.

It is my understanding the law Commission proposes to no longer exclude wedding cars (including vintage cars) from private hire legislation and I wish to object to these proposals for the following reasons.

1) The costs involved for the owner - initially £660 and annually probably £300

2) The costs for my drivers who are only used two to three times a year on double bookings, again probably up to £200 per year. I do not believe my drivers would be willing to pay this amount themselves, a cost I would need to absorb and with two drivers this represents £400

3) Set in the context of each wedding costing £280 the above figures represent a considerable unnecessary cost to the business

4) As the proposals stand I would need to consider closing my business with the following effects:
   a) Couples would be denied the experience of riding in a vintage car and this is something they absolutely love.
   b) As I would sell the cars I would no longer require the services of local trades and craftsmen, in the last few years I have paid many thousands of pounds out for restoration and repair work thus aiding employment

5) There are many small operators such as myself who would cease their operations, the value of their cars would be reduced considerably when sold.

I trust you will review the current proposals and enable small businesses such as mine to carry on without these additional costs being imposed

I am yours faithfully
Michael G. Gibson

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The Law Commission
Consultation Paper 203

Reforming The Law of Taxi and Private Hire Services
Consultation Response

I was informed of this Law Commission Consultation by Chris Smallwood of The London Pedicab Operators Association (LPOA). He invited me to put forward the opinion of a pedicab operator based in the UK outside of London. As the founder of Oxon Carts, “Oxford’s friendly green rickshaw company” in December 2006, I am delighted to contribute by doing two things:

1. Adding my name in full support of the August 2012 submission by Chris Smallwood on behalf of LPOA
2. Retelling the most pertinent elements of my experience.

The experience of pedicabs in Oxford

Oxford is certainly a very different business environment for pedicabs than London, which is the focus of LPOA’s activities. The sad irony is that under the present legal framework, it is much harder to operate a profitable pedicab business in Oxford than it is in London despite the obvious suitability of pedicabs to Oxford with its compact, popular and bicycle-friendly city centre.

Oxon Carts has been operating for five and a half years, offering a range of environmentally-friendly transport services to Oxford and the local area (ranging from wedding transport, guided tours, group event hire, to taxi journeys and deliveries), but the company’s growth has been hampered by the legal obligation for all of our work to be pre-booked. Pedicabs are visually striking and the most “natural” way for them to play a useful role in a city is to be able to be hailed and hired in an impromptu fashion. Nevertheless, as outlined by Chris Smallwood’s submission, if pedicabs act in this function (“plying for hire”) outside of London in the UK, they are breaking the law unless licensed as a hackney carriage. In the first twelve months of being in business, I thought
that Oxford City Council would have the ability to change its regulations and/or pass by-laws in order to facilitate the success of pedicabs in Oxford, so I put a significant amount of effort into petitioning the council and its officers.

Having decided in the summer of 2006 that I would set up a pedicab company in Oxford, I started a dialogue with Oxford City council and was faced with an extremely negative Taxi Licensing department (led at the time by [redacted] with [redacted] in assistance). I was told that there had actually been a pedicab company in Oxford before, the Oxford Rickshaw Company owned by [redacted] (http://www.independent.co.uk/news/uk/home-news/enter-st-erica-of-the-rickshaw-1337295.html). Mr [redacted] had been on one of those pedicabs and “didn’t feel safe” so in 2006 he was still set against the idea. Here are a couple of excerpts from emails sent to me by the taxi licensing department:

9th November 2006

I have still not found an Authority that actually has rickshaws/pedicabs up and running although I have found a couple who say that they put in regulations to allow it but that the Operator then did not carry on with the venture. We are doubtful that the regulations they put in would stand close scrutiny in a court.

The Public Carriage Office is currently seeking a declaratory judgment from the High Court to clarify the matter of how pedicabs should be licensed and we would be wise to await the result of this application.

14th November 2006

As the declaratory judgment is for the PCO we would not know their timetable or when it has/will be in court. There may be more information on the PCO web-site for you to access.

As this authority’s vehicle conditions stand pedicabs do not conform, therefore a report would have to be written for the Licensing Committee, but until the judgment we will not know if the Hackney or Private Hire conditions have to be changed (once the committee has agreed to the principle of pedicabs).

The next committee is on the 4th January 2007 and unless there is judgment before the 1st December a report could not be written for that committee. The next committee after that is the 10th May 2007.

You will not be able to start your business until new licensing conditions have been set.

Not only is this tone unnecessarily negative about the prospect for pedicab operations in general, the 14th November email contains a direct claim about my business which was
factualy incorrect: “you will not be able to start your business until new licensing conditions have been set.” This pattern was set to continue through all my interactions with the taxi licensing department and the licensed hackney carriage drivers. Based on my experience [redacted] and [redacted] were effectively acting as the agents of the licensed drivers.

In early 2007 when we thought that accepting donations was a way to avoid falling foul of the restrictions on accepting fares, we were reprimanded by [redacted] again:

5th January 2007

We have received complaints in this office that your vehicles are operating without a licence.

I have already informed you that it was my opinion that accepting 'donations' is just another way of charging for the service and I have had this opinion verified by this Council's legal services. If this continues we will have little option but to take enforcement action.

We are still not in a position to license your vehicles as we cannot see any way to overcome the legal problems presented by the need to license them as hackney carriages.

Two avenues of enquiry are being pursued at the moment but frankly I am not very hopeful of success.

Again this email shows the taxi licensing department going beyond what one might consider reasonable lengths to inform me of their opinion about the way that my employees were contravening a licensing restriction. They are pessimistic about the hope for change and overly menacing.

Having discussed the situation with numerous supportive city councillors, On 22nd January 2007 I submitted a petition to a full meeting of Oxford City Council, which led to the licensing of pedicabs being discussed at the General Purposes Licensing Committee on 29th March 2007. [redacted] again responded aggressively:

25th April 2007

You will understand from the meeting you attended earlier this week that the matter of Rickshaw licensing will be looked at by the Environment Scrutiny Committee.

I feel that I should to confirm with you that until the Committee have reported and unless you are licensed to do so you still must not charge fares or collect donations from any passenger you carry.

On 12th November 2007 the Rickshaw and Taxi Licensing Review Group produced a report to the Environment Scrutiny Committee titled “Rickshaw and Taxi Licensing Scrutiny Review
Report”. It was a sober analysis of the legal status quo, the arguments for and against pedicabs and it included several recommendations, including:

- The Council lobbies government and local MPs to introduce a national scheme for licensing pedicabs
- The Council places on record support for rickshaws in Oxford
- The Council introduces a voluntary code of practice for pedicab operators and drivers

This was a positive milestone for the pedicab industry in Oxford, because the council went on record in support of the rickshaws, going so far as to put its name to the LPOA’s voluntary code of conduct. At this point it was clear to me that without new legislation at the national level, it would not be possible for pedicabs to “ply for hire” legally in Oxford. Chris Smallwood and LPOA were already spearheading this process in London, so since June 2008 (when [redacted] sent me the Oxford Council-branded pedicab operator and pedicab driver codes of conduct and practice) I have concentrated my efforts on growing Oxon Carts without “plying for hire”. We have since been operating as a responsible adherent of the code of practice and conduct.

Summary

Oxon Carts has proven in its five and a half years that there is a demand for pedal-powered transport solution in Oxford, despite the overly restrictive legal framework which bars pedicabs from “plying for hire”. We have glowing reviews from customers and have a near-universal positive response from members of the public when we are out and about. The taxi driver lobby (including taxi drivers and the Oxford City Council taxi licensing department) is the only group which has been consistently opposed to pedicabs in the city.

All that is now needed is for LPOA’s long campaign for a change in legislation to be successful — cities throughout the UK would benefit from a regulatory framework which facilitates responsibly-run pedicab operations that are free to pick up passengers with and without prior booking. That way the whole country (at least the cities where pedicabs are appropriate) will be able to benefit from a fun and environmentally-friendly transport solution.

Ted Maxwell

Founder
Oxon Carts
From: Phil Jordan  
Sent: 03 September 2012 21:08  
To: TPH Cc: NTA Administration; ttoada; paulbrent  
Subject: REFORMING THE LAW OF TAXI AND PRIVATE HIRE SERVICES RESPONSE ON BEHALF OF TRAFFORD TAXI OWNERS' AND DRIVERS' ASSOCIATION  

It is my intention to make this submission as concise as possible. There are six issues which we in Trafford feel need to be particularly addressed. I shall leave the most complex of them until last.

1. As there is no evidence of any problem in the use of wedding or funeral cars, and their operation is adequately covered by existing primary legislation, they should not be licensed within the context of this exercise.

2. The licensing function should be left under the control of licensing authorities, with the existing three types of licence being continued, ie Operator, Driver, and Vehicle.

3. It would appear that there is an intention to allow minimum standards for hackney carriages to be increased by licensing authorities, yet this is not the case for PHV's. This is grossly unfair, and does not allow competition on an equal basis.

4. When licensing drivers, it is absolutely essential that local knowledge and written English tests are applied to BOTH hackney and PHV. Whilst the age of the satnav may be upon us, the instructions given by these devices are not foolproof, and can be manipulated by the unscrupulous.

5. In 1992, a Green Paper was issued on the subject of Integrated Public Transport. In the succeeding twenty years, the hackney carriage trade has been driven backwards from the sensible proposals that were put forward in that document. There should be free and unfettered access to railway stations, transport interchanges, airports, and to any "private land" which has unrestricted public access (in our area the situation at the Trafford Centre is utterly disgraceful, we are denied access to the front of the building to set down wheelchair users). The situation at Leeds/Bradford Airport where it costs £2 to set down passengers is beyond belief.

6. It is essential that we retain the two tier licensing system, and within that system a licensing authority MUST retain the right to limit the number of hackney carriages in its area. There may well be places where the concept of a free and open market works, and the local authority are best placed to judge this. However, one has only to consider the disastrous situation which arose in Liverpool in the 1970's, and which drove the Chief Constable of Merseyside Police to describe the oversupply of taxis as potentially dangerous to the public. Liverpool re-regulated soon afterwards. More recently Cardiff, Wirral, and Sheffield have taken the same action. Ironically Sheffield were one of the models used by the Office of Fair Trading in their ill-advised report some years ago. Taxis and private hire vehicles are supposed to figure in Local Transport Plans, but are often omitted. If licensing authorities were more firmly compelled to include them, numerical controls would be more easily achievable. An argument was put forward by Richard Percival of the Law Commission in a trade meeting some months ago that if there were thirty grocers in a town, a level would be found. This may work for shops but does not work for taxis. Let us imagine that there are thirty shops in that town, and every one of them is, in fact, a grocery store. What happens to the thirty first aspiring grocer? He can't start out in business because he has no premises! Now let us consider Trafford, where 143 taxis are allocated approximately 90 rank spaces. There are not really any more viable locations for ranks - we could really benefit here from extending some of the more popular ones, but space does not permit. What would happen if 50 more taxis were licensed? The resulting congestion and pollution caused by taxis cruising for hire, or over-ranking, would cause major problems similar to those in Liverpool described previously.

A mechanism which forced licensing authorities to allocate town centre rank spaces equivalent to not less than two thirds of licensed taxis would greatly solve this problem - but only if numerical controls are retained. I hope these views will be of help in achieving a sensible balance when the Law Commission finalise their plans. PHIL JORDAN Secretary
From: Phil Robertson
Sent: 03 September 2012 21:18
To: TPH
Subject: Taxis, private hire cars and wedding cars. Reference number: LCCP203

Dear sirs,

My attention has recently been drawn to your proposals in the paper reference LCCP203.

Whilst I agree with the proposals relating to the control of Taxis and private hire cars that ply for hire or are available for booking 7 days a week and covering high annual mileages, the removal of the current long standing exemption from closer control for Classic and Vintage wedding cars and funeral cars would destroy the choice to have such vehicles available for such occasions.

My main concern is the Classic and Vintage wedding hire cars. As mentioned in your Question 11.

1. By virtue of what they are, cars built from the beginning of the motor industry until about 20 years ago would be ruled out of use by the age limit set by a number of Councils for minicabs and Taxis. Often I understand 5 years old or less.

2. It would not be possible to modify these vehicles to comply with modern standards relating to seat belts, crash worthiness, disabled access etc. In practice, wedding hire journeys are usually very short and carried out at low speeds therefore the high safety standards built into modern cars are not necessary. Anyway, how could you fit even seat belts to a car with a wood framed body? Can you fit an A.B.E.SO. braking system to a cable or rod braking system?

3. The general Vintage wedding car is usually driven by the owner who has had intimate knowledge of the working and driving techniques of his particular car through long ownership, often by rebuilding the car himself and spending considerable amounts of his own money on it. Therefore he is not going to hazard the car by reckless or inappropriate driving, let alone endanger the passengers!

4. Many people like myself, as a Vintage car owner, offer the car for rental - with driver, for wedding hire to help defray the cost of the cars rebuild and ongoing maintenance. Usually hiring for only 3-4 weddings per year and covering a few hundred miles. It would therefore be totally uneconomic for me to licence my car and carryout all the other legislative requirements for such a low level of "trade".

5. Therefore in your efforts to protect the public from an infinitessimal "risk", your proposal to abolish the wedding car concession would immediately remove a whole area of choice in the matter of the unique car a bride would like to arrive at the church in!

6. Currently all Vintage cars are subject to the MOT annual inspection of their simpler systems. After November 2012 common sense suggests that anyone involved in wedding hire with such a car will continue to submit the car for such an annual inspection by a third party for their own protection. The MOT covers all safety items on these cars. So there would be no need to subject the cars to a more complex and expensive test - there is nothing more to test!

7. Currently Classic car insurance specialists agree to cover wedding use, often at nil or minimum cost, merely covering administration. This in itself suggests that there is very little risk historically in this type of use.

Please therefore, allow the wedding car concession to remain as it is outside the hire car legislation.

Yours faithfully

P N W Robertson
MIRTE (Retired)
From: Patrick Russell-Jones
Sent: 03 September 2012 22:01
To: TPH
Subject: Taxi and Private Hire Services consultation
Public Law Team (Taxi and Private Hire)

Dear Sirs

Reference your key proposed change 1.9 (9) “Weddings and funeral cars would no longer be exempted through primary legislation”. Do you intend that the present exemption for classic cars to be used for weddings be removed?

The use of classic cars for weddings would probably not be viable if this change were made, depending on the extent and cost of regulation. For example, my insurance company is prepared to provide insurance cover for 10 weddings a year for one vehicle. This could not therefore provide a lot of income to cover regulatory costs, given that 10 events is a maximum and a lower number is more likely. I take it from the insurance company’s view that any more than 10 events would look like private hire to them under the current arrangements. The use of classic cars for weddings potentially provides some contribution to the upkeep of old vehicles, but does not amount to serious income.

The current plan to drop the requirement for MOTs for pre 1960 cars does however raise the issue of how one might demonstrate the roadworthiness of such vehicles being used for weddings under the current arrangements. A compromise might therefore be to continue the current exemption but require that vehicles used for weddings (other than private use) have a current MOT.

It would be a shame if the proposed change was to result in classic cars not being available for weddings.

yours faithfully

Patrick Russell-Jones
National Union of Rail, Maritime & Transport Workers

RMT response to the Law Commission consultation on Reforming the Law of Taxi and Private Hire Services
Introduction

The National Union of Rail, Maritime and Transport Workers (RMT) welcomes the opportunity to respond to the Law Commission consultation on Reforming the Law of Taxi and Private Hire Services.

The RMT is the largest specialist transport union and organises 80,000 members across all sectors of the transport industry. We negotiate on behalf of our members with some 150 employers, in addition to representing a large number of licensed taxi drivers.

RMT believes that the primary objective for the Law Commission should be to ensure that London’s taxi service remains a regulated, quality and safe public service and is not subject to unfair competition from a lightly regulated industry such as the private hire industry.

Whilst licensed taxi drivers are faced with constantly increasing costs due to regulations such as age limit on vehicles and additional vehicle requirements, the predominately deregulated private hire industry unfairly competes and damages the income of licensed taxi drivers. This jeopardises the licensed taxi trade as a self-funding and high quality public service. Already, according to IBIS “revenue is forecast to decline an annualised 0.1% to reach £8.85 billion in 2012-13”.

Given the current government’s repeated public statements relating to support for small business, RMT is appalled by the fact that the livelihoods of tens of thousands of skilled, self-employed workers are being put in jeopardy by the Law Commission. In England and Wales alone there are 78,000 licensed taxi drivers.

The current government has made repeated statements about the importance of small business for the economy. However, it is becoming increasingly clear that self-employed small business people are being deliberately excluded from the government’s plans for economic growth, with the proposals of the Law Commission on taxi and private hire vehicles, along with the treatment of taxi drivers throughout the Olympic period, some obvious examples of this.

According to the IBIS World Business Report published in January 2012 total revenue is estimated at £1.4 billion per year. The Law Commission duly recognises that the taxi and private hire industries are “a significant contributor to the UK economy”.

2
RMT is deeply concerned that the Law Commission has been engaged to undertake this work in order for the potentially catastrophic consequences for thousands of taxi drivers to be considered at arm’s length from government. It is the opinion of the RMT that the entire exercise should take place within Parliament and the relevant civil service department.

RMT fully agreed with the Transport Select Committee when they stated that “The Government wants to refer the matter to the Law Commission. We believe a more effective approach would be for the Government to work with the trade, local authorities and user groups to develop and bring forward new legislation within the lifetime of this parliament”.

RMT would like to draw the Commission’s attention to the submissions which have been made by the Leicester Taxi Branch of the RMT, and in particular the detailed submission of the London Taxi Drivers Branch of the RMT.

**Executive Summary**

RMT believes that in the interest of public safety, and the provision of a public service, the highest possible level of regulation should be applied to both the taxi industry and the private hire industry. We believe that the Law Commission now has the opportunity to establish real regulation of both industries.

This regulation must fully distinguish between both industries.

That would be best achieved by:

- a) defining plying for hire in statute
- b) defining “fit and proper” person in statute
- c) regulating the identity of vehicles used as taxis and those used as private hire vehicles, including disability access
- d) maintaining the two tier system
- e) establishing a rigorous enforcement policy

**Defining plying for hire in statute**

RMT believes that this definition should:

- Confirm the distinction between the working practices of the licensed taxi and private hire trades
- Remove confusion between the two types of vehicle by ensuring they are distinct
and easily identifiable.

- Clearly define the boundary between legislation and local licensing policy.
- Simplify enforcement of the new regulations.
- Confirm that only licensed taxis can ply-for-hire

Additionally any such definition should be accompanied in law by clarifications relating to the various issues previously experienced such as:

- inviting and attracting customers for immediate hire whilst driving around.
- the use of taxi ranks to pick up customers.
- stopping on a street to attract customers.
- the display of a vehicle for hire.

**Defining “fit and proper” person in statute**

RMT believes that a complaints procedure must be created which can be applied uniformly to all licensed taxi drivers. This procedure should also contain a definition of a ‘fit and proper’ person. Similar sanctions should also apply to private hire drivers, under a similar complaints procedure.

Licensed taxi drivers should be allowed legal representation, and the right to be accompanied by a person of their choosing, at all stages of the complaints procedure.

**Regulating the identity of vehicles used as taxis and those used as private hire vehicles, including disability access**

The importance of the distinction between taxis and private hire vehicles is well documented. For example, John Mason director of London Taxi and Private Hire, part of Transport for London (TfL), which oversees all Knowledge examiners says: “The Knowledge has a reputation as the hardest taxi driver test in the world. It is an incredibly difficult test that’s steeped in tradition and history. It’s also a big investment. It’s about making sure every taxi driver is up to the highest possible standard. Customers have very high expectations.”

Such high expectations can only be met when the system in place is clear. RMT therefore propose that, in London, all newly licensed taxis are black and all newly licensed private hire vehicles must be of a uniform light colour. Additionally, it should not be possible for the
same type of vehicle to be licensed as either a taxi or a private hire vehicle. The vehicles themselves must be distinctive to one of the two industries. The identity of vehicles must be regulated by statute.

Furthermore, RMT maintains that the manoeuvrability requirement is a essential component of the London CoF and one which should not be removed.

**Maintaining the two tier system**

Maintaining the two tier system must be central to any approach decided upon by the Law Commission. The two tier system ensures choice for the passenger and also protects the very substantial investment of time and resources which has been made by taxi drivers in their trade.

Without the two tier system, and the clear distinctions outlined above, London’s taxi trade and private hire industries will both be susceptible to takeover by monopolies and the level of competition that currently exists will be drastically reduced.

**Establishing a rigorous enforcement policy**

RMT believes that the enforcement policies currently in place are wholly inadequate.

The Law Commission now has the opportunity to establish an enforcement policy which is enforceable. This must see the resources dedicated to enforcement increase in line with any managed growth of either the taxi or private hire industries.

Such an enforcement policy must be the responsibility of local authorities. However, those local authorities must also be held accountable and their policies regulated in relation to taxis.

Additionally, RMT note that there has been a lack of awareness of the consultation amongst those involved in the enforcement of the regulations, in particular local police forces and would encourage the Law Commission to fully engage with those groups in order to better establish the difficulties currently being experienced in enforcing the existing regulations.

**Managed growth**

RMT believes that there should be managed growth of the taxi industry and the private hire industry.
Broadly speaking, in London, the Knowledge requirement manages the growth of the licensed taxi industry. The growth of the licensed taxi industry is dwarfed by the growth of the deregulated private hire industry which sees an average of 17000 private hire licenses issued each year.

Elsewhere in Britain, it should be noted that the trend has developed, and been heightened by recent government cuts to local authorities, where taxi licensing has been used as a cash cow for cash-strapped local authorities with no regard shown to managing growth.

Growth should only take place where there is proven unmet demand, established through multiple surveys undertaken with a rigorous methodology.

Furthermore, growth should be managed in line with the availability of resources for enforcement to ensure that the regulations are properly enforced for both the taxi industry and the private hire industry.

It is important to note that enforcement need not be at cost to the public purse and can be self-financing.

**Conclusion**

For the reasons outlined above RMT believes that it is absolutely essential for the livelihoods of thousands of taxi drivers, for the safety and well-being of passengers, public safety and for the economy as a whole that any proposals made by the Law Commission recognise the high level of training, investment and commitment to the trade of licensed taxi drivers and work to ensure that the licensed taxi trade is remains distinct, highly regulated and safe.
CHAPTER 13 - OVERVIEW OF PROVISIONAL REFORM PROPOSALS

Provisional proposal 1

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. *(Page 160)*

The Council agrees that the two-tier system should continue as this best serves the needs of the Trade and the public, and provides for the most practical protection of consumers.

CHAPTER 14 – REFORM OF DEFINITIONS AND SCOPE

Provisional proposal 2

London should be included, with appropriate modifications, within the scope of reform. *(Page 162)*

The Council agrees that all reforms should include London to ensure national consistency.

Provisional proposal 3

The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. *(Page 164)*

The Council agrees that the regulation of Taxi & Private Hire vehicles should be wide-ranging, but that non-standard vehicles be issued with separate national standards to ensure national consistency and guidance.

Question 4

Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? *(Page 164)*

The Council holds the opinion that the licensing of Taxis and Private Hire vehicles should be restricted to motor vehicles that require a driving licence, and that other types of vehicles should be covered by separate legislation as detailed in the Law Commission proposals. As such, a Local Authority would then have the ability to judge each case (i.e. Pedicabs, Rickshaws, etc) on their own merit and make decision based locally.

Provisional proposal 5

Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. *(Page 165)*

The Council agrees that the proposal would be consistent with current practice.
Provisional proposal 6

References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. (Page 166)

The Council regulates the number of taxis and opposes any reforms that may affect the regulated numbers.

Provisional proposal 7

The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. (Page 167)

The Council supports any guidance that would lead to clarity in the licensing of such vehicles.

Provisional proposal 8

The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. (Page 168)

The Council supports this proposal in order to prevent unnecessary red tape from hindering this sector of the market.

Question 9

How, if at all, should the regulation of taxis and private hire deal with:

(a) carpooling; and

(b) members clubs? (Page 170)

The Council believes that both “carpooling” and “members clubs” should be exempt from these regulatory reforms.

Provisional proposal 10

The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. (Page 171)

The Council supports this proposal and any such exempt schemes could then be judged at a local level. However it would assist matters if national standards were put in place for such exclusions before determination as to whether any such scheme would be locally desired.
Provisional proposal 11

Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. (Page 172)

The Council is not aware that such vehicles represent a specific problem in Oxford that would require them to be licensed. However, we are happy to consider this proposal in light of what other responses the Law Commission receive nationally with regard to this matter.

Question 12

Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse? (Page 174)

The Council believes that the setting of criteria by the client should be determined by the client still. If the client uses only licensed taxi & private hire drivers and vehicles this would avoid concerns re: abusing the system or bypassing necessary checks.

Provisional proposal 13

Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”. (Page 175)

The Council agrees to this proposal in order to promote consistent best practice throughout the Trade.

Question 14

Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? (Page 177)

The Council believes that the requirements made for taxis and private hire vehicles at airports should be consistent with all other procedures relating to taxi and private hire services.

Provisional proposal 15

The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:

(a) references to ranking and hailing;

(b) a non-exhaustive list of factors indicating plying for hire; and

(c) appropriate accommodation of the legitimate activities of private hire vehicles. (Page 181)
The Council agrees that these measures would provide clear guidance to the Trade and Local Authorities and the general public, and provide a transparent legal definition of these matters.

Provisional proposal 16

The concepts of hailing and ranking should not cover technological means of engaging taxi services. *(Page 181)*

The Council agrees that the use of technology should be encouraged, allowing the consumer more choice and allowing the Trade a wider range of opportunities to engage with the public.

Question 17

Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”? *(Page 182)*

The Council believes that in order to safeguard public interests, all bookings for private Hire should be arranged via an Operator. This will remove any doubt about an offence of plying for hire. The Council is satisfied that it’s current definition of plying for hire, which was developed with the National Private Hire Association, is more than adequate:

*The offence is making one’s vehicle available for public hire whilst using a licensed Private Hire vehicle. It is not appropriate for Private Hire drivers to park in prominent positions (i.e. where people are likely to congregate, locations with a high level of footfall, or near a taxi rank), without a pre-booked journey having been provided by the Private Hire Operator.*

Provisional proposal 18

The concept of compellability, which applies exclusively to taxis, should be retained. *(Page 182)*

The Council is committed to tackling all forms of discrimination and therefore agrees that the concept of compellability applicable to taxis be retained.

Provisional proposal 19

Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked. *(Page 183)*

The Council concurs with this approach as it provides the best safeguards to the public / consumer.
Provisional proposal 20

Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved. (Page 184)

The Council believes that the burden of proof should rest with the vehicle proprietor to maintain all necessary records to a high quality in order that it may be documented as to when the vehicle is used for licensable duties or non-licensable duties and who is driving the vehicle at all times, in order to provide transparency and aid any necessary enforcement investigations.

Provisional proposal 21

The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements. (Page 185)

The Council believes that such a proposal is very much needed and cites the Guidance issued for other licensing functions as examples of how such information can be utilised by Authorities to ensure consistent practices.

Provisional proposal 22

Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned. (Page 185)

Hackney Carriage whilst referred to by the Trade can be seen as outdated to the public. However educating the public as to the differences between taxis and private hire is essential to combat plying for hire offences.

Question 23

Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion? (Page 186)

The Council believes that operators should not be able to use the terms “taxi” or “cab” on the actual private hire vehicle, but that it is acceptable to use these terms in their advertising or paperwork if they employ the services of Hackney Carriages.

CHAPTER 15 – A REFORMED REGULATORY FRAMEWORK

Provisional proposal 24
Taxi and private hire services should each be subject to national safety requirements. (Page 188)

The Council believes that uniform National standards will provide consistency and a continual modernisation of these services.

Provisional proposal 25

National safety standards, as applied to taxi services, should only be minimum standards. (Page 189)

The Council concurs with this proposal and welcomes the ability it will have to impose additional standards specific to our locality and customer expectations.

Provisional proposal 26

National safety standards, as applied to private hire services, should be mandatory standards. (Page 189)

The Council agrees with this proposal and hopes that it will ensure high levels of public safety, and alignment within Local authorities as to how to work to “Best Practice”. It will also provide clear guidance to the Private Hire trade.

Provisional proposal 27

Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers. (Page 190)

The Council would seek to retain Local Knowledge Tests for Private Hire and Hackney Carriage Drivers as predominately their work will be local. Whilst it is accepted that technology may assist drivers, clearly a good working knowledge of the area within which a driver works is essential to the provision of good customer service.

Question 28

Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? (Page 190)

Vehicle signage is a very useful tool to allow Officers and the public to clearly identify a taxi or private hire vehicle. The Council also believes that age limits should be permitted to be imposed on all vehicles to ensure a continual improvement in line with safety standards, emission levels and the image of the City.

Question 29

What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? (Page 191)
The Council would wish to retain its current requirement that all taxis are "purpose built nationally recognised Hackney Carriages", and these vehicles cater for wheelchair users and those seeking immediate hiring. Authorities that allow any vehicle to be a Hackney Carriage will struggle to meet the need for ensuring an adequate fleet of wheelchair accessible vehicles, and we would propose that our model be the national model, and allow other Authorities a period of grace to meet such standards.

Another potential obstacle is that some Authorities have been very proactive in modernising the trade and the vehicles they drive, whereas others have been less so. Therefore a further period of grace may be considered to all the trade in those regions to meet with the proposed National Standards.

Question 30

Should national conditions in respect of driver safety be different for taxi services compared with private hire services? (Page 192)

We believe that the standards should be the same for both elements of the trade, but that the Authority may impose additional standards in relation to its locality in order to meet customer expectations.

Provisional proposal 31

The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety. (Page 192)

The Council believes that the standards should not only cover safety, but also behaviour, customer service and an understanding of disability awareness – this should be a minimum standard for all drivers.

Provisional proposal 32

The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (Page 193)

We concur that there should be a statutory consultation regarding this matter.

Question 33

What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? (Page 193)

The Council believes that the standards imposed over the last 2 years would be a very strong base for the Law Commission to utilise as the National standards, and our proposals are included with this submission.

Provisional proposal 34
Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. *(Page 193)*

The Council agrees that Licensing Authorities are best placed to determine further conditions above those set at a National level in relation to taxi services.

**Question 35**

Should there be statutory limits to licensing authorities’ ability to set local taxi standards? *(Page 194)*

The Council is satisfied that in Oxford the taxis are clearly distinguishable from private hire vehicles through an already imposed local condition. We should very much like to maintain our ability to ensure that the two trades are clearly identifiable, and that we can react to and support transport needs specific to our locality.

**Question 36**

Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? *(Page 194)*

Individual conditions should be permitted to be placed on drivers, proprietors and operators either by the Licensing Authority or the Courts in response to specific issues in the interest of public safety.

**Question 37**

Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? *(Page 195)*

We believe that such cooperation is best left to local arrangements, but the Council would welcome guidance on the matter to ensure consistency between Authorities.

**Provisional proposal 38**

Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. *(Page 196)*

The Council agrees with this proposal, however, there would need to be joint agreement between the Authorities to raise standards to a maximum level to ensure broad consistency throughout the relevant districts.

**Provisional proposal 39**

Licensing authorities should have the option to create, or remove, taxi zones within their area. *(Page 196)*

The Council would welcome this option.
Question 40

Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? (Page 197)

Whilst the Council understands the reasoning for this proposal, it may place an unnecessary burden on the role of the Licensing officers to regulate this scenario, and it would require clear and identifiable records be fastidiously maintained by those providing such a peak time service.

Provisional proposal 41

Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. (Page 198)

The Council supports this proposal however we would like to see an end to the out-of-district Hackney Carriage services being utilised by Private Hire Operators, who simply wish to obtain more vehicles to carry out work within Oxford. These Hackney Carriages appear to work predominantly as Private Hire Vehicles within Oxford. The drivers and their vehicles are not of the same quality as those licensed by this Council.

Provisional proposal 42

We do not propose to introduce a "return to area" requirement in respect of out-of-area drop offs. (Page 199)

We agree to this proposal in relation to Private Hire, but would refer you to our comments relating to out-of-district Hackney Carriages in our response to PP41.

Provisional proposal 43

Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares. (Page 200)

The Council agrees with this proposal in order to ensure that the public are not exploited.

Question 44

Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? (Page 200)

If the booking is taken via a Private Hire Operator, then the Council sees no reason why the vehicles should not operate for that journey at the rate agreed by the Operator with the customer.

CHAPTER 16 – REFORM OF DRIVER, VEHICLE AND OPERATOR LICENSING

Question 45
Should national driver safety standards such as the requirement to be a “fit and proper person” be either:

(a) set out in primary legislation; or

(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 203)

The Council believes that these standards should be set out in primary legislation to ensure that the Licensing Sub-Committee and the Courts may be reliant on the legislation to support their decisions.

Provisional proposal 46

Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. (Page 204)

The Council agrees with this proposal, but would like the Law Commission to consider whether a vehicle owner who continually fails to maintain his or her vehicles should be permitted to obtain such a licence.

Question 47

Should national vehicle safety standards be either:

(a) set out in primary legislation; or

(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 205)

The Council holds the view that the National Safety standards should be included within the Secretary of State and Welsh Minister’s general powers to set such conditions.

Provisional proposal 48

Operator licensing should be retained as mandatory in respect of private hire vehicles. (Page 207)

The Council agrees with this proposal, on the grounds that it protects the customer and assists with public safety.

Question 49

Should operator licensing be extended to cover taxi radio circuits and if so on what basis? (Page 208)

The Council believes that Taxis that are provided with work by Operators should be included in the proposal in order to ensure accurate records of bookings and journeys are maintained.
Provisional proposal 50

The definition of operators should not be extended in order to include intermediaries. (Page 209)

The Council agrees with this proposal.

Question 51

Should “fit and proper” criteria in respect of operators be retained? (Page 210)

The Council firmly believes that checks are required for those proposing to run such companies, in order to protect customers.

Provisional proposal 52

Operators should be expressly permitted to sub-contract services. (Page 210)

The Council agrees with this proposal, but would refer the Law Commission to our comments relating to out-of-district Hackney Carriages as detailed in our response to PP41.

Question 53

Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? (Page 210)

The Council is of the opinion that all pre-booked jobs should be recorded, in order to ensure accurate records journeys are maintained, and to safeguard the interests of the public.

CHAPTER 17 – REFORMING QUANTITY CONTROLS

Provisional proposal 54

Licensing authorities should no longer have the power to restrict taxi numbers. (Page 213)

We disagree. The Council believes that it is best placed to determine the transport needs of it’s locality. We say this as our knowledge of local services, roads, transport facilities and the needs of those who live, work and visit Oxford is extensive.

Question 55

What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? (Page 213)

Deregulation would lead to traffic congestion, pollution, illegal parking (due to limited rank space) and less compliance by the Trade who are all seeking to earn money in a harsh financial climate. We believe this will lead to disputes amongst drivers.
Question 56

Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period of time, if quantity restrictions are removed? *(Page 215)*

Should the Government proceed with deregulation, then the Council would wish to impose our current requirement that all taxis are “purpose built nationally recognised Hackney Carriages” in order to ensure the highest quality and most adaptable vehicles provide such a service. This in itself would prevent a sharp increase in numbers as the purchase cost of such vehicles are higher than of those for standard private hire vehicles.

By permitting prudent vehicle age limits a Local Authority can ensure high standards, and prevent the issues arising as detailed in our response to Q55.

**CHAPTER 18 – TAXI AND PRIVATE HIRE REFORM AND EQUALITY**

Question 57

Should there be a separate licence category for wheelchair accessible vehicles? This could involve:

(1) a duty on the licensee to give priority to disabled passengers; and

(2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles. *(Page 217)*

If a requirement for all Taxis is that they are all purpose built nationally recognised taxis, then every Local Authority will be able to ensure a good quota of wheelchair accessible vehicles and a widely accessible service to meet customer needs.

Oxford already operates conditions relating to taxi drivers giving due assistance to disabled passengers and that a driver may not refuse a fare requested by such a customer.

Question 58

Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards? *(Page 217)*

The licence fee should be calculated on administration, material and enforcement costs, any discounts given would give the impression that it costs less to carry out such a service.

Question 59

Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? *(Page 217)*

The Council refers the Law Commission to our comments in response to Q57.

Provisional proposal 60
We do not propose to introduce national quotas of wheelchair accessible vehicles. (Page 218)

The Council agrees to this proposal but asks the Law Commission to consider our comments in response to Q57.

Provisional proposal 61

National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. (Page 219)

The Council already requires all new applicants to undertake a Disability Awareness Course, and therefore we support this proposal.

Provisional proposal 62

In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. (Page 219)

The Council agrees with this proposal, as many customers only complain to the driver or operator and do not realise that the Licensing Authority has the power to investigate and take enforcement measures.

Question 63

What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help? (Page 220)

The Council approves this idea, however enforcing the matter may not be so easy.

CHAPTER 19 – REFORMING ENFORCEMENT

Question 64

Should authorised licensing officers have the power to stop licensed vehicles? (Page 222)

The Council believes that it’s Licensing officers should be given such powers in order to tackle issues of non-compliance on the spot.

Question 65

What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”. (Page 223)
If touting is carried out in a licensed vehicle, the power to remove the licence plate and immediately suspend both the driver and vehicle until determined by the Sub-Committee would assist greatly.

Question 66

Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? *(Page 223)*

The Council believes that such actions would create additional work and potentially loss of revenue, and therefore believe that failures to meet with the requirements of the rules should be dealt with via Enforcement Policies such as our own (included with our submission).

Question 67

Should licensing authorities make greater use of fixed penalty schemes and if so how? *(Page 225)*

The Council supports such a possibility, and would hope that the issue of fixed penalties would lead to greater compliance within the Trade.

Provisional proposal 68

Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. *(Page 225)*

The Council supports this proposal but believes that the matter should be referred back to the authority who issued the licence in order that they carry out such actions.

Question 69

Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? *(Page 226)*

The Council believes that our response to PP68 would be the best approach in this matter.

**CHAPTER 20 – REFORM OF HEARINGS AND APPEALS**

Provisional proposal 70

The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. *(Page 230)*

The Council supports this proposal and does not see why this option should be available to other parties.

Provisional proposal 71

The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. *(Page 231)*
The Council supports this proposal, but would require different Members to sit on the Sub-Committee that determined an appeal. This would also be more cost effective for Local authorities.

Provisional proposal 72

Appeals should continue to be heard in the magistrates’ court. (Page 232)

The Council supports the view that further appeals should be heard in the Magistrates Court, and would advise other Authorities to ensure that their Policies are clearly defined in order that the Courts may refer to them.

Question 73

Should there be an onward right of appeal to the Crown Court? (Page 233)

The Council believes there should be an onward right of appeal to the Crown Court, especially in test cases.
APPLICATION PACK FOR:

HACKNEY
CARRIAGE &
PRIVATE HIRE
DRIVER LICENCE
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INTRODUCTION

It is important that you read this application pack in full before applying for a Hackney Carriage or Private Hire Drivers Licence. This application pack should be kept for future reference so that you are fully aware of the procedures for obtaining or renewing your licence, and the guidelines, criteria, conditions and regulations of the licence.


Appointments
Due to the high volume of drivers, vehicles, and new applicants, all applications to obtain or renew a licence must be made by way of a pre-booked appointment with the Licensing Officer.

Licence
Licences are currently issued annually, subject to the Licensing Authority being satisfied that the applicant is “fit and proper” to be issued with the licence. The Licensing Authority issues 2 types of driver licences:
- Hackney Carriage & Private Hire Driver (Dual) Licence
- Private Hire Driver Licence

Fit and Proper Person: A person who poses no threat to the general public, has a good knowledge of the City, is healthy, and is of a good character (including driving record) will be deemed fit and able to hold a licence.

Renewal of Licence
It is the responsibility of the licence holder to apply for the renewal of the licence at the appropriate time. Under no circumstances will licences be issued without full and satisfactory checks having first been carried out, including Medical Reports, DVLA Disclosure and Enhanced Criminal Records Bureau Disclosure. To avoid delay, applicants are advised to submit an application no later than 6 weeks before the expiry of their current licence, by way of a pre-booked appointment with the Licensing Officer.

If you do not book an appointment before your current licence expires, a period of 12 months is permitted to allow you to reapply for a licence without having to undertake the requirements for New Applicants. However, you will be required to renew your Enhanced Criminal Bureau Disclosure, DVLA Disclosure and Medical Report.

Suitability
The Council reserves the right to require any applicant or existing licence holder to provide additional DVLA Disclosures, Enhanced Criminal Record Bureau Disclosures or full Medical Reports if the Licensing Officer has reason to believe that such a persons circumstances may have changed since the application was made.

The Licensing Authority may get information about you from third parties, or give information to them to check the accuracy of information. This is to prevent or detect crime, or to protect public funds in other ways, permitted by legislation. These third parties include other local authorities and government departments.

The legislation states that the Council may grant a licence ONLY if it is satisfied that the person is fit and proper – the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.

Issuing / Suspending / Revoking / Withdrawing or Refusing to Renew a Licence
It must be clearly understood that the Hackney Carriage or Private Hire Drivers Licence is issued in good faith, and should any information supplied by the applicant prove to be false or misleading, the licence may be suspended. The licence may also be suspended if the drivers Department of Transport drivers licence is suspended or revoked by a Court of Summary Jurisdiction. Any caution, conviction or pending prosecution of any nature must be reported to the Licensing Officer regardless of nature, penalty or outcome immediately. The attention of drivers and applicants for a Drivers Licence is drawn to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, whereby a District Council may suspend, revoke, or refuse the renewal of a licence where the driver has been convicted of any offence involving dishonesty, indecency, violence or any other reasonable cause. The Council reserves the right to consider other matters which do not amount to a conviction but which they feel are likely to be relevant to whether or not the applicant is a fit and proper person. These considerations also apply when considering whether to renew a licence.

Ability to Work in the UK
The Council has a duty to ensure that only those persons who are entitled to work in the UK are issued a licence to drive a licensed vehicle. For this reason all applicants (new and those applying to renew their existing licence) must provide evidence to show that they are entitled to work in the UK (without restriction; those persons who have restricted ability to work in the UK will NOT be granted a licence). If you are granted full entitlement to work for 12 months at a time, you will be required to resubmit your documents every 12 months to show that your entitlement has been renewed/extended. If, at any time, your entitlement is removed, your licence will be revoked. Further information regarding what documents you can submit with your application to show your entitlement are given later in this document, ‘Prevention of Illegal Working’, and can be obtained from the website: www.bia.homeoffice.gov.uk.

DVLA Disclosure
The grant / renewal of a licence is subject to a check being made with the Driver & Vehicle Licensing Agency (DVLA) in respect of any relevant driving convictions. This DVLA check is carried out annually or sooner if the Licensing Officer has reason to believe that it should be.

Enhanced Criminal Records Bureau Disclosure
The grant / renewal of a licence is subject to an Enhanced Criminal Records Bureau (CRB) check. The CRB check is carried out every 3 years or sooner if the Licensing Officer has reason to believe that it should be.

Medical Certificate
Before a licence can be issued the applicant must be certified fit to be a Hackney Carriage or Private Hire driver by his or her GP/Doctor. The approved form to be used for this purpose is included in this pack. Your GP/Doctor may charge a fee for this examination. Applicants are required to undergo a medical examination for periods according to the following age groups:
- Aged to 65: every 6 years; Aged 65 or over: annually

CONTACT DETAILS:

Licensing Team, Oxford City Council
NEW APPLICANT INFORMATION

A new applicant is a person who has not previously held a licence with this authority or whose licence had expired for
12 months or more before the application form was received by the Licensing Officer.

First time applicants must at the time of application:

- Have held a current licence to drive a motor vehicle (not being a provisional licence) issued in accordance with the Road
Traffic Acts, for a period of not less than 24 months prior to the date of application.
- Demonstrate competency in written and oral comprehension of the English Language before the grant of a Hackney
Carriage or Private Hire Drivers Licence. This must include a recognised qualification in the English language.
- Have undertaken, and be able to provide evidence that they have passed the Driver Standards Agency Assessment for
Hackney Carriage and Private Hire vehicles.
- Undertake the Council’s Disability Awareness Course.
- Undertake and pass the Council’s Local Knowledge Test (relevant to the licence that they are applying for)

NOTE: A person already licensed by the Authority as a Private Hire Driver, who wishes to acquire a licence to drive Hackney
Carriage vehicles, shall be subject to the criteria applicable to New Applicants, irrespective of what information is currently held
regarding such a person by the Licensing Authority. Therefore any DVLA Disclosure, Enhanced Criminal Records Bureau
Disclosure or Medical Report obtained whilst the applicant carried a Private Hire Driver licence, will not be accepted as the
applicants means to prove his or suitability for a licence to drive Hackney Carriage vehicles, as the grant of such a licence is
deemed to be the grant of a new licence.

CRITERIA FOR NEW APPLICANTS TO PROVE THEIR SUITABILITY

ENGLISH LANGUAGE COMPETENCY CRITERIA

It is a requirement of the Licensing Authority that you have an adequate knowledge of both written and spoken English, and
must show proof of your competency by means of a relevant certificate / qualification at the time of submitting your application.
For example a GCSE English Examination Certificate, a Certificate from a Language School, etc. However, if the Licensing
Officer is not satisfied with your spoken and written standard of the English language during your appointment, this may require
you to gain a further certificate of competency from an English Language School, before your application can be considered
further.

We are aware that not everyone will necessarily have a relevant qualification, or may not be able to find their Certificate. In
order to assist you in meeting our criteria, please read the notes below:

a) If you have a recognised qualification in the English Language, but cannot find your Certificate, please visit the National
Consortium for Examinations Results website: https://www.ncer.org/LostCerts.aspx where you will find information as
to how to obtain duplicate certificates or a “Statement of Results”.

b) For persons who are already fully competent in the English Language but do not have a Certificate to prove their
competency, you may wish to contact the Oxfordshire County Council Adult Learning: Skills for Life Centre in Blackbird
Leys on 01865 778474 to find out how to undertake a short programme (minimum of nine hours tuition) aimed at native
English speakers and fluent speakers of English who wish to brush up their English and Maths skills. Visit the Skills For
Life pages of the Oxfordshire County Council website: http://www.oxfordshire.gov.uk/cms/content/skills-life for further
details.

if you do not have any qualification in the English Language, you may wish to contact ESOL at Oxfordshire County
Council Adult Learning on 01865 778827 to enrol in an English Language Course where you will be assessed as to your
current level of competency, and informed of which course to enrol on, in order to become qualified. Visit the Skills For Life
pages of the Oxfordshire County Council website: http://www.oxfordshire.gov.uk/cms/content/skills-life for further
details. The Licensing Authority will accept “ESOL English: Entry Level 2” as a recognised qualification.

d) Alternatively, you may wish to make your own arrangements with a School of Languages of your own choice; however, it
is advisable to check the level of competency that you must attain.

DRIVER STANDARDS AGENCY (DSA) ASSESSMENT CRITERIA

It is a requirement that all new applicants pass the Driver Standards Agency (DSA) Assessment for Hackney Carriage and
Private Hire Vehicles prior to submitting an application to the Council to become a licensed driver. The standard of the Hackney
Carriage (taxi) or Private Hire vehicle assessment is set at a level suitable for a full driving licence holder. It is therefore higher
than the learner driver test. Full details as to what the assessment consists of can be found online at the DSA’s website:
http://www.dft.gov.uk/dsa, and you will also find a PowerPoint presentation that provides further information about the

To book your DSA Hackney Carriage and Private Hire Assessment visit the DSA website, or call 0300 200 1122. You will
be given a choice of times, dates and locations when you book your assessment.

DVLA & ENHANCED CRIMINAL RECORDS BUREAU DISCLOSURE CRITERIA

Oxford City Councils prime consideration is to the safety of the travelling public and part of the enquiries that the Licensing
Officer is required to make before a Hackney Carriage or Private Hire Driver licence may be granted are to carry out checks on
both of your driving licence and to check for any previous criminal convictions.

A Hackney Carriage or Private Hire Drivers Licence will not be issued to any new applicant who has not held a full United
Kingdom driving licence carrying the applicants current address, for a minimum of 24 months, or held a licence from another
EEA state for a minimum of 24 months together with a DVLA counterpart showing the applicants current address. You must
also provide a copy of your driving record in English to include motoring convictions. Applicants who hold a DVLA driving
licence are required to agree to the provision of a check on their driving history, and the approved form is included in this
Application Pack.
If the DVLA driving licence of an applicant is revoked with six or more penalty points during the first two years of passing the driving test, then a period of 24 months following the restoration of the licence must have passed before a Hackney Carriage or Private Hire driving licence can be considered.

You should also note that new applicants are normally not considered if they have more than 3 penalty points in the previous 12 months or in the previous 2 years have been convicted of a single offence carrying 5 points or more or offences totalling more than 6 points. Licences will not normally be granted until 2 years after any period of disqualification has expired.

You are required to complete an Enhanced Disclosure form from the Criminal Records Bureau. If you have not been a resident in the UK for 5 years you will need to provide proof that you do not have a criminal record, such as a Certificate of Good Conduct from the country in which you have been resident (which must be in English) for the period you lived outside the UK.

The Criminal Records check can take up to six weeks even when all the forms are correctly completed. The DVLA check usually takes approximately 3 weeks. Oxford City Council has a Code of Practice in respect of checks made through the Criminal Records Bureau which will be made available upon request. The Enhanced Criminal Records Bureau form can be obtained by contacting the Licensing Team.

Applicants who have been resident in the UK for less than five years from the date of application are required to provide a CRB, Certificate of Good Conduct or an equivalent document from all countries in which they have lived within the previous five years, this is to be in English, at their own expense and in addition the Enhanced CRB check. Any documentation produced must be verifiable, and sufficient to enable the Head of Environmental Development to make a decision in respect of the applicant’s suitability to hold a Hackney Carriage or Private Hire drivers licence.

If you have been previously convicted of either criminal or motoring offences, that may not necessarily prevent you from being granted a licence, as it will depend upon what the offences were for, and how long ago they occurred. However, you should note that it is an offence not to declare such information on your application to the Council. In cases where the Licensing Officer is unable to determine the grant of the licence, the matter will be referred to the Hackney Carriage and Private Hire Licensing Sub-Committee.

You may wish to refer to the Policy on the Relevance of Warnings, Offences, Cautions and Convictions (which can be found within this Application Pack), which states the guidelines that Licensing Authority and the Courts will have regard to when determining an application.

**MEDICAL REPORT CRITERIA**

Before a licence can be issued the applicant must be certified fit by his or her GP/Doctor to be a Hackney Carriage or Private Hire driver. The approved Medical Report form to be used for this purpose is included in this Application Pack.

**DISABILITY AWARENESS COURSE CRITERIA**

New applicants are requested to attend a “Disability Awareness” training course held by the Council, or demonstrate that they have attended a similar course. The cost of this course is £45.00. This course must be attended prior to any licence being granted.

**KNOWLEDGE TEST CRITERIA**

New applicants must also undertake a Knowledge Test. The test is devised so that applicants can prove that they have sufficient knowledge of the City of Oxford, the conduct required of licensed drivers and local traffic regulations. You are required to obtain a minimum mark of 80% (the test questions differ somewhat depending upon which driver licence is applied for).

**SECTION**

<table>
<thead>
<tr>
<th>A. Identification of Roads &amp; Streets</th>
<th>HPD</th>
<th>PHD</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. Identification of Buildings &amp; Locations</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>C. Rules &amp; Regulations</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>D. Correct Routes</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>E. Equal Opportunities Awareness</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>F. Disability Awareness</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td><strong>TOTAL NUMBER OF QUESTIONS</strong></td>
<td>60</td>
<td>50</td>
</tr>
</tbody>
</table>

A minimum of 80% in each section is required to pass the test. The test last for 90 minutes and sections C,E and F are multiple choice. This means that you are given a number of possible answers to each question and you must decide the correct answer. If you fail the test you will be invited to take the test again after a further test fee has been paid, and then allocated a retest date.

**LEARNING THE KNOWLEDGE**

The City Council conducts the tests, it does not teach the knowledge, however to assist you a list of all rules and regulations and a summary of other law applicable to Hackney Carriage and Private Hire can be found within this Application Pack. Details as to the roads and landmarks that may be included in the Private Hire Driver Knowledge Test can be found on the Councils website at: www.oxford.gov.uk/taxilicensing

**GRANT OF LICENCE TO NEW APPLICANT**

Upon receipt of satisfactory DVLA, Enhanced CRB and Medical Report checks, and you having passed the Knowledge Test, undertaken the Disability Awareness Course, paid the full fee at your appointment with the Licensing Officer, and that all of your other documents were found to be satisfactory, you will be issued with a licence and badge (posted to your home address).

If any information that you have not previously declared on your application form is found to have come to light upon receipt of the DVLA and / or CRB check, you may be refused a licence.

Should you wish to proceed with your application to become a licensed driver, you should refer to the section “Procedure for New Hackney Carriage / Private Hire drivers licence” which will give further information on what to do next.

What happens if my licence has not been issued 6 months after I apply?

You will have to apply for another CRB and DVLA check at your own expense.

What happens if my licence hasn’t been issued 12 months after I apply?

Your application will be null and void and you will need to reapply.
FEES AND CHARGES
Fees once paid will on no account be refunded, and fees and charges may also be amended from time to time to meet the reasonable cost of issue and administration.

Payment must be made at the time of the pre-booked appointment with the Licensing Officer. Payment must be by way of Debit / Credit card, Postal Order or Cheque only. Please note that any failure to pay the appropriate fee, may result in the driver licence being suspended, until such time as payment has been made.

### FEES & CHARGES: PAYABLE TO OXFORD CITY COUNCIL

#### DRIVER LICENCE FEES

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>NEW HACKNEY CARRIAGE DRIVER LICENCE</td>
<td>£303.00</td>
</tr>
<tr>
<td>RENEWAL OF HACKNEY CARRIAGE DRIVER LICENCE</td>
<td>£123.00</td>
</tr>
<tr>
<td>NEW PRIVATE HIRE DRIVER LICENCE</td>
<td>£289.00</td>
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<tr>
<td>RENEWAL OF PRIVATE HIRE DRIVER LICENCE</td>
<td>£109.00</td>
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#### ADDITIONAL DRIVER CHARGES

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
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<tbody>
<tr>
<td>DVLA DISCLOSURE</td>
<td>£8.00</td>
</tr>
<tr>
<td>ENHANCED CRIMINAL RECORDS BUREAU DISCLOSURE</td>
<td>£50.00</td>
</tr>
<tr>
<td>KNOWLEDGE TEST / RETEST (NEW APPLICANT)</td>
<td>£75.00</td>
</tr>
<tr>
<td>DISABILITY AWARENESS (NEW APPLICANT)</td>
<td>£45.00</td>
</tr>
<tr>
<td>REPLACEMENT BADGE</td>
<td>£10.00</td>
</tr>
<tr>
<td>DUPLICATE LICENCE</td>
<td>£2.00</td>
</tr>
<tr>
<td>RETURNED CHEQUE FEE</td>
<td>£30.00</td>
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</tbody>
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#### VEHICLE LICENCE FEES

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>NEW HACKNEY CARRIAGE VEHICLE LICENCE</td>
<td>£450.00</td>
</tr>
<tr>
<td>RENEWAL OF HACKNEY CARRIAGE VEHICLE LICENCE</td>
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<tr>
<td>NEW PRIVATE HIRE VEHICLE LICENCE</td>
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<tr>
<td>RENEWAL OF PRIVATE HIRE VEHICLE LICENCE</td>
<td>£262.00</td>
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#### VEHICLE ADMINISTRATION CHARGES

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<tr>
<th>Service</th>
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<tbody>
<tr>
<td>PLATE DEPOSIT (NEW VEHICLE)</td>
<td>£50.00</td>
</tr>
<tr>
<td>CHANGE OF VEHICLE FEE</td>
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<tr>
<td>TRANSFER OF OWNERSHIP FEE</td>
<td>£100.00</td>
</tr>
<tr>
<td>REPLACEMENT TEMPORARY VEHICLE FEE</td>
<td>£75.00</td>
</tr>
<tr>
<td>EXEMPTION NOTICE FEE (PRIVATE HIRE VEHICLE)</td>
<td>£50.00</td>
</tr>
</tbody>
</table>

#### ADDITIONAL VEHICLE CHARGES

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>EXEMPT VEHICLE INTERNAL PLATES (PAIR)</td>
<td>£25.00</td>
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<tr>
<td>HCV INTERNAL PLATE</td>
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<tr>
<td>HCV FARE CHART</td>
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<tr>
<td>REPLACEMENT EXTERNAL PLATE</td>
<td>£25.00</td>
</tr>
<tr>
<td>DUPLICATE LICENCE</td>
<td>£2.00</td>
</tr>
<tr>
<td>RETURNED CHEQUE FEE</td>
<td>£30.00</td>
</tr>
</tbody>
</table>

**VEHICLE LIVERY CHARGES PAID TO COWLEY MARSH DEPOT (APPLICABLE TO ALL VEHICLES)**

- **HCV REAR QUARTER NUMBERS / REPLACEMENT**: £10.00
- **PHV INTERNAL STICKER / REPLACEMENT**: £5.00
- **PHV DOOR STICKERS (PAIR) / REPLACEMENT**: £35.00

Full details as to all of the charges made by the Cowley Marsh Depot can be found in the Hackney Carriage & Private Hire Vehicle Application Pack, which can be obtained from Reception at St. Aldate’s Chambers or from our website.
PROCEDURE FOR RENEWING A HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE

1. Once you have obtained your DSA Certificate and are able to provide evidence of your recognised qualification in the English Language (both written and oral) you will need to book an appointment with the Licensing Team, on: 01865 252115.

2. **At this appointment, you must bring with you:** (if you fail to bring any of the following, you will need to rebook your appointment. If you arrive late for your appointment you will not be seen and you will need to make another appointment.):
   - The necessary documents to complete the CRB check
     - Passport
     - DVLA licence
     - National Insurance number card or other document
     - 2 x proofs of address
   - Proof of your recognised qualification in written and spoken English
   - Proof that you have passed the Driver Standards Agency assessment for taxis and Private Hire vehicles.
   - The completed application form
   - The completed DVLA mandate
   - The completed CRB mandate
   - The completed Medical Report (certified by your GP / Doctor)
   - 4 x passport standard sized photographs
   - Evidence that you are entitled to work in the UK (unrestricted) usually passport or visa
   - DVLA licence
   - Payment for the full application fees

3. If all of the above documents are valid, and you make your payment in full, you will be booked on the next available Knowledge Test and Disability Awareness Course. You will be given confirmation of the time and date for the Test and Course at your appointment; and the Licensing Team will send your completed DVLA Mandate and CRB Disclosure to the relevant authorities to carry out their necessary checks.

4. It may be that you take the Knowledge Test and Disability Awareness Course before these checks are returned to us. However, the grant of a licence is dependent upon the Licensing Officer being satisfied with the results of the CRB and DVLA checks. Should you not pass the Knowledge Test, you are able to apply to retake the test (please be aware that questions set for the Tests are changed monthly).

5. Upon receipt of your satisfactory DVLA, CRB and Medical Disclosures, and upon the passing of the Knowledge Test and sitting of the Disability Awareness Course, your licence will be granted for a maximum period of one year. Should the Licensing Officer have any concerns over you being deemed “fit and proper” to hold a licence, the matter will be referred to the Hackney Carriage and Private Hire Licensing Sub-Committee to be determined. The Sub-Committee may determine that the licence not be granted, or that it be granted for a period of less than one year.

6. If you are granted a licence, your licence and badge will be posted by First Class post to your home address.

**NOTE:** A person already licensed by the Authority as a Private Hire Driver, who wishes to acquire a licence to drive Hackney Carriage vehicles, shall be subject to the criteria and procedure applicable to New Applicants.

PROCEDURE FOR RENEWING A HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE

1. You will be sent a “Reminder Letter” approximately 3 months before the expiry of your current drivers licence. The letter will include an application pack. You will then need to book an appointment for at least 6 weeks before your licence is due to expire with the Licensing Team on: 01865 252115. If you do not book an appointment to renew you licence before it expires, you will need to meet with the relevant criteria detailed on Page 1 of this pack in the section “Renewal of Licence”.

2. **At this appointment, you must bring with you:** if you fail to bring any of the following, you will need to rebook your appointment. If you arrive late for your appointment you will not be seen and you will need to make another appointment.:
   - The necessary documents to complete the CRB check (if applicable)
     - Passport
     - DVLA licence
     - National Insurance number card or other document
     - 2 x proofs of address
   - The completed application form
   - The completed DVLA mandate
   - The completed CRB mandate (if applicable)
   - The completed medical certificate " (if applicable)
   - 2 x passport standard sized photographs
   - Evidence that you are entitled to work in the UK (unrestricted) usually passport or visa
   - DVLA Licence
   - Payment for the full application fees
   - (The medical certificate can be one of the last documents you provide with reference to your application. It does not have to be submitted on the day of application but in the case of a new applicant would be required before a licence could be issued.)

3. If all of the above documents are valid, and you make your payment in full, the Licensing Team will send your completed DVLA Mandate and CRB Disclosure to the relevant authorities to carry out their necessary checks.

4. Upon receipt of your satisfactory DVLA check, and if required your CRB and Medical checks, your licence will be granted for a maximum period of one year. Should the Licensing Officer have any concerns over you being deemed “fit and proper” to hold a licence, the matter will be referred to the Hackney Carriage and Private Hire Licensing Sub-Committee to be determined. The Sub-Committee may determine that the licence not be granted, or that it be granted for a period of less than one year.
HACKNEY CARRIAGE & PRIVATE HIRE DRIVER (DUAL) LICENCE: CONDITIONS

The Council attaches the following conditions to a driver’s license: In these conditions “the Council” means the Oxford City Council, “Driver” means a person holding a drivers licence issued by the Council. “Vehicle” means a vehicle licensed by the Council. Any requirements of legislation, which affect the operations carried out under the terms of a licence, shall be regarded as if they were conditions of that licence.

A licence holder has a right of appeal to a Magistrate’s Court against the imposition of the Conditions attached to a licence, by virtue of Section 300 – 302 of the Public Health Act 1936

1. The Driver shall behave in a civil and orderly manner at all times when carrying out his or her duties, and not act in a manner to a passenger, member of the public or other licence holder that may:
   - Cause any person to take offence at their actions
   - Cause any person to believe their actions are inappropriate
   - Cause any person to fear for their physical safety
   - Cause any person to doubt their integrity
   - Bring in to dispute the integrity of the Council for having issued a licence to such person

2. The Driver shall be clean and presentable in appearance, and if one is supplied wear the uniform provided by the employer.

3. The Driver shall wear on his or her person, the badge issued by the Council for that purpose in a position clearly visible to passengers, and if requested produce it on demand to the passenger or Authorised Officer.

4. The Driver shall not at any lend or give his or her badge or licence to any other person, save for the copy of the licence that is required by these conditions to be given to the Private Hire Operator.

5. The Driver shall report the loss of the licence and/or badge to the Council as soon as such loss becomes known, and arrange an appointment with the Licensing Officer for the issue of any replacement.

6. The Driver shall not at any time drive a vehicle if he or she no longer holds, has had suspended or is disqualified from holding a DVLA driving licence for that type of vehicle.

7. The Driver shall, before commencing to drive the vehicle, deposit a copy of his Hackney Carriage and / or Private Hire Driver’s licence with their Private Hire Operator for retention by the Operator until such time as he ceases to be permitted or employed to drive the vehicle or any other vehicle used by the same operator.

8. The Driver shall only drive vehicles licensed by Oxford City Council, unless he or she is appropriately licensed to use a vehicle licensed by another Authority.

9. The Driver shall not drive a vehicle if he or she is not insured to do so.

10. The Driver shall not drive a licensed vehicle without the licence plate securely attached to the rear bumper or rear bodywork of the vehicle (save for those vehicles that have been granted an Exemption Notice).

11. The Driver shall when driving or in charge of a vehicle, wear a seat belt at all times and understand that the Driver is only exempt from wearing a seatbelt when actually carrying passengers for hire or reward.

12. The Driver shall ensure that the passengers wear a seat belt throughout the duration of the journey.

13. The Driver shall when driving the vehicle take all reasonable precautions to ensure the safety of passengers and other road users.

14. The Driver shall drive the vehicle with full regard to the speed restrictions in force on any roads travelled.

15. The Driver shall drive the vehicle with full regard to the conditions of the road and all climate hazards.

16. The Driver shall ensure that before the vehicle is used, that a copies of the Certificate of Insurance, Certificate of Compliance and Ownership Document (V5 Log Book) are available within the vehicle, so as to be available to an Authorised Officer upon request.

17. The Driver shall if it has been agreed, or whose employer has agreed, to attend a certain time and place, (unless delayed or prevented by some reasonable cause) attend with the vehicle as agreed.

18. The Driver shall report the loss of the licence and/or badge to the Council as soon as such loss becomes known, and arrange an appointment with the Licensing Officer for the issue of any replacement.

19. The Driver shall not carry more people in the vehicle than the number of persons permitted by the vehicle licence (or as stated on the vehicle licence plate).

20. The Driver shall when asked by a passenger, indicate the route they are going to take.

21. The Driver shall:
   - Take a reasonable amount of luggage including wheelchairs and children’s pushchairs;
   - Give reasonable assistance in loading and unloading luggage;
   - Give reasonable assistance in removing luggage to or from the entrance of any building, station or place at which he or she takes up or sets down passengers.
   - Give reasonable assistance to elderly, vulnerable or disabled persons with entering or alighting from the vehicle, and any other reasonable assistance during the course of the journey.

22. The Driver shall deliver the passenger to their chosen destination as agreed when the booking was made, unless he or she has exceptional cause to do so, or is otherwise directed by the hirer.

23. The Driver shall deliver the passenger to their chosen destination as agreed when the booking was made, unless he or she has exceptional cause to do so, or is otherwise directed by the hirer.
24. The Driver of a vehicle which has been hired, by or on behalf of a blind or partially sighted person, or a disabled person who is accompanied by his / her assistance dog, or by a person who wishes such a blind or partially sighted person, or a disabled person to accompany him / her in the vehicle shall, carry the passenger and his dog, allow it to remain with the passenger and not make any additional charge for doing so. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption. The driver is not compelled to convey any other type of animal.

25. The Driver shall if the hirer of a vehicle is accompanied by any animal(s) make sure that it is securely contained to the satisfaction of the driver, if he deems fit, carry the passenger and his animal(s) and not make any additional charge for doing so. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption.

26. The Driver shall ensure that any animal(s) transported in the licensed vehicle are placed in the rear seating compartment of the vehicle.

27. The Driver shall, when carrying children aged 1 to 14 years ensure that they be transported in the rear of the vehicle, using a child seat or booster cushion, together with a seat belt as appropriate.

28. The Driver shall, if asked to transport an unaccompanied child or if a passenger requests that you wait until they are safely inside the house, agree to such requests.

29. The Driver shall not, without reasonable cause, unnecessarily prolong in distance or time, the journey for which the vehicle was hired.

30. The Driver shall provide a written receipt to the hirer if requested to do so.

31. The Driver shall immediately after the termination of any hiring of the vehicle or as soon after as practicable carefully search the vehicle for any property which may have been accidentally left there.

32. The Driver shall deliver any property which is left in the vehicle as soon as possible and in any event within 24 hours to a Police Station in the Council’s district, and if required to do so, leave it in the custody of a Police Officer having obtained a receipt for it.

33. The Driver shall not sound the vehicle horn when arriving at an address to pick up passengers.

34. The Driver shall respect the request of a passenger should that passenger choose not to engage in conversation.

35. The Driver shall not play any radio or other sound reproducing equipment in the vehicle, except for the purpose of sending or receiving messages, without the express consent of the hirer.

36. The Driver shall not drink or eat in the vehicle whilst a passenger or passengers are on-board.

37. The Driver shall not whilst driving use a handheld mobile phone or any other handheld mobile device, other than a two-way radio, which performs an interactive communication function by transmitting and receiving data.

38. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to stand at any bus stop or in any bus lay-by.

39. The Driver shall not at any time when driving the vehicle permit the vehicle to be driven in any bus lane, with the exception of bus lanes that specifically permit such use.

40. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to stand in a disabled bay without displaying the appropriate badge or other lawful authority.

41. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be parked in such a position so as to cause an unnecessary obstruction or be in a dangerous position (e.g. double parked, parked at or close to a road junction).

42. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be driven on or become stationary on a footway.

43. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be stationary on double yellow lines, other than to allow passengers to board or alight from the vehicle.

44. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be stationary on a single yellow line, in contravention of the notices displayed, other than to allow passengers to board or alight from the vehicle.

45. The Driver shall not travel on any restricted road within the Oxford City boundary, unless he or she is either carrying a passenger, or travelling to collect a passenger.

46. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to make any illegal manoeuvre so as to contravene any traffic laws, regulations, orders or guidance outlined in the current highway code.

47. The Driver shall not drive a vehicle while having use of illegal drugs or misused legal drugs (including alcohol).

48. The Driver shall notify the Licensing Officer in writing, within 7 days, of any change in his or her details that have occurred since the most recent application made to the Licensing Officer (i.e. home address, telephone number, etc).

49. The Driver shall notify the Council in writing as soon as possible and in any event within 14 days of any illness or injury affecting his fitness to act as a driver, and if requested by an Authorised Officer must agree to a Medical Examination being carried out to ensure such illness / injury would not give rise to concerns for public safety.

50. The Driver shall notify the Council in advance, in writing, if he or she is to be away from the address shown on the licence (and recorded as the home address on the records of the Licensing Authority) for a period of more than 28 days.
51. The Driver shall declare all relevant motoring endorsements, and all offences, cautions and convictions on any application to renew the licence. No caution or conviction should be omitted from any application.

52. The Driver shall if arrested, released on Police Bail, charged or convicted of an offence (including motoring endorsements) or accepts a caution, he or she must (within seven days of the conviction) give full details of it to the Council in writing.

53. The Driver shall not wilfully obstruct any Authorised Officer, or fail to comply with any requirement made by such a person without reasonable cause, or fail to give any such person any other assistance or information such person may reasonably require in the performance of his or her duties.

54. The Driver shall when driving or in charge of a Private Hire vehicle shall record in a suitable book, with bound consecutively numbered pages, provided by the proprietor of that Private Hire vehicle, the following particulars at the start of each shift:
   - her/his name and badge number prior to the commencement of each hiring;
   - the date and time the hiring was allocated to that vehicle;
   - the name of the hirer;
   - the time and place of pick-up;
   - the destination.
   - And upon completion of each hiring, the fare charged.
   And shall make such book available for inspection on request by an authorised officer of the Council or a Police Officer and shall keep such records for a minimum period of 12 months.

55. The Driver shall not whilst driving or in charge of a Private Hire vehicle ply for hire or otherwise tout or solicit on a road or other public place any person to hire or be carried in any Private Hire vehicle; or permit any other person to do so.

56. The Driver shall not whilst driving or in charge of a Private Hire vehicle offer the vehicle for immediate hire whilst the driver is on a road or other public place except where such an offer is first communicated from the Private Hire Operator to the driver by telephone, radio, or other such apparatus fitted to the vehicle.

57. The Driver shall not whilst driving or in charge of a Private Hire vehicle park in a “prominent position” (i.e. where people are likely to congregate, locations with a high level of footfall, near a taxi rank), and be in attendance of the vehicle without a booking having been made for him or her to be at such a location, that may encourage any person to approach the vehicle in the belief that that the driver and the vehicle are available for immediate public hire.

58. The Driver shall not whilst driving or in charge of a Private Hire vehicle, contact the Private Hire Operator to request a booking be made on behalf of any person.

59. The Driver shall not whilst driving on in charge of a Private Hire vehicle park on a taxi rank.

60. The Driver of a vehicle equipped with a taximeter shall ensure that the table of fares is displayed in a clearly visible position in the vehicle, and provide an explanation of the table of fares if so requested by the passenger.

61. The Driver shall when driving a vehicle equipped with a taxi-meter ensure that during any hiring the face of the taxi-meter is at all times plainly visible to the passengers.

62. The Driver shall when driving a vehicle equipped with a taxi-meter set the meter into operation when the hirer starts her or his journey unless the hirer asks the hiring to engage the vehicle by time, or at the time pre-arranged for the journey to start as requested by the hirer.

63. The Driver shall when driving a Private Hire vehicle, equipped with a taxi-meter, ensure that a Table of Fares as issued by the Private Hire Operator is kept within the vehicle and made available to any passenger or Authorised Officer who so requests.

64. The Driver shall if the vehicle is involved in an accident, inform the vehicle proprietor immediately, in order that the vehicle proprietor may contact the Licensing Officer.

65. The Driver shall if the vehicle is involved in an accident, and is requested to do so, give his or her name and address and any other reasonable details, and the vehicle proprietors name and address and the number of the vehicle to any injured party or Authorised Officer.

66. The Driver shall if the vehicle is involved in an accident and if any other party is injured and is requested to do so give the details of the vehicle insurance to any injured party or Authorised Officer.

67. The Driver of a Hackney Carriage does not have to accept journeys that end outside the City of Oxford boundaries. If the journey is accepted the fare or rate for the journey should be agreed between the driver and the hirer before the start of the journey. Where no such agreement takes place the charge should be the correct tariff for the time of day.

68. The Driver shall when driving a Hackney Carriage to a taxi rank and finding that the taxi rank is occupied by the full number of Carriages authorised to do so, proceed to another stand, and not park on or near a taxi rank that is full.

69. The Driver shall when driving a Hackney Carriage on arriving at a rank that is not fully occupied station the vehicle immediately behind the last Hackney Carriage so as to face in the same direction. When the Hackney Carriage immediately in front of the vehicle being driven by the Driver moves forward, the Driver shall also move forward to allow more Hackney Carriages to join the rank.

70. The Driver shall when driving a Hackney Carriage not cause an obstruction when parked on a taxi rank and when the vehicle is the first vehicle on the rank be in constant attendance and be ready to hire at once by any person.

71. The Driver shall when driving a Hackney Carriage not park on a rank for any purpose other than for standing for hire.

72. The Driver shall carry a copy of these conditions within the vehicle and make them available for inspection by the hirer or any passenger, or Authorised Officer upon request, and be familiar with the conditions of the Driver licence and of the Enforcement Procedures as detailed in the Councils Policy on the Relevance of Warnings, Offences, Cautions and Convictions.
PRIVATE HIRE DRIVER LICENCE: CONDITIONS

The Council attaches the following conditions to Private Hire driver’s licenses: In these conditions “the Council” means the Oxford City Council, “Driver” means a person holding a Private Hire drivers licence issued by the Council and acting as a Private Hire driver, “Vehicle” means a Private Hire vehicle licensed by the Council. Any requirements of legislation, which affect the operations carried out under the terms of a licence, shall be regarded as if they were conditions of that licence.

A licence holder has a right of appeal to a Magistrate’s Court against the imposition of the Conditions attached to a licence, by virtue of Section 300 – 302 of the Public Health Act 1936

1. The Driver shall behave in a civil and orderly manner at all times when carrying out his or her duties, and not act in a manner to a passenger, member of the public or other licence holder that may:
   - Cause any person to take offence at their actions
   - Cause any person to believe their actions are inappropriate
   - Cause any person to fear for their physical safety
   - Cause any person to doubt their integrity
   - Bring in to disrepute the integrity of the Council for having issued a licence to such person

2. The Driver shall be clean and presentable in appearance, and if one is supplied wear the uniform provided by the employer.

3. The Driver shall wear on his or her person, the badge issued by the Council for that purpose in a position clearly visible to passengers, and if requested produce it on demand to the passenger or Authorised Officer.

4. The Driver shall not at any lend or give his or her badge or licence to any other person, save for the copy of the licence that is required by these conditions to be given to the Private Hire Operator.

5. The Driver shall report the loss of the licence and/or badge to the Council as soon as such loss becomes known, and arrange an appointment with the Licensing Officer for the issue of any replacement.

6. The Driver shall not at any time drive a vehicle if he or she no longer holds, has had suspended or is disqualified from holding a DVLA driving licence for that type of vehicle.

7. The Driver shall, before commencing to drive the vehicle, deposit a copy of his Hackney Carriage and / or Private Hire Driver’s licence with their Private Hire Operator for retention by the Operator until such time as he ceases to be permitted or employed to drive the vehicle or any other vehicle used by the same operator.

8. The Driver shall only drive vehicles licensed by Oxford City Council, unless he or she is appropriately licensed to use a vehicle licensed by another Authority.

9. The Driver shall not drive a vehicle if he or she is not insured to do so.

10. The Driver shall not drive a licensed vehicle without the licence plate securely attached to the rear bumper or rear bodywork of the vehicle (save for those vehicles that have been granted an Exemption Notice).

11. The Driver shall when driving or in charge of a vehicle, wear a seat belt at all times and understand that the Driver is only exempt from wearing a seatbelt when actually carrying passengers for hire or reward.

12. The Driver shall ensure that the passengers wear a seat belt throughout the duration of the journey.

13. The Driver shall when driving the vehicle take all reasonable precautions to ensure the safety of passengers and other road users.

14. The Driver shall drive the vehicle with full regard to the speed restrictions in force on any roads travelled.

15. The Driver shall drive the vehicle with full regard to the conditions of the road and all climate hazards.

16. The Driver shall ensure that before the vehicle is used, that a copies of the Certificate of Insurance, Certificate of Compliance and Ownership Document (V5 Log Book) are available within the vehicle, so as to be available to an Authorised Officer upon request.

17. The Driver shall if it has been agreed, or whose employer has agreed, to attend a certain time and place, (unless delayed or prevented by some reasonable cause) attend with the vehicle as agreed.

18. The Driver shall not carry more people in the vehicle than the number of persons permitted by the vehicle licence (or as stated on the vehicle licence plate).

19. The Driver shall not carry any other person in the vehicle without the permission of the hirer.

20. The Driver shall when asked by a passenger, indicate the route they are going to take.

21. The Driver shall:
   - Take a reasonable amount of luggage including wheelchairs and children’s pushchairs;
   - Give reasonable assistance in loading and unloading luggage;
   - Give reasonable assistance in removing luggage to or from the entrance of any building, station or place at which he or she takes up or sets down passengers.
   - Give reasonable assistance to elderly, vulnerable or disabled persons with entering or alighting from the vehicle, and any other reasonable assistance during the course of the journey.

22. The Driver shall not charge a higher price for any journey, for a person with a disability than would otherwise be charged for a person without such a disability for the same journey.
23. The Driver shall deliver the passenger to their chosen destination as agreed when the booking was made, unless he or she has exceptional cause to do so, or is otherwise directed by the hirer.

24. The Driver of a vehicle which has been hired, by or on behalf of a blind or partially sighted person, or a disabled person who is accompanied by his / her assistance dog, or by a person who wishes such a blind or partially sighted person, or a disabled person to accompany him / her in the vehicle shall, carry the passenger and his dog, allow it to remain with the passenger and not make any additional charge for doing so. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption. The driver is not compelled to convey any other type of animal.

25. The Driver shall if the hirer of a vehicle is accompanied by any animal(s) make sure that it is securely contained to the satisfaction of the driver, if he deems fit, carry the passenger and his animal(s) and not make any additional charge for doing so. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption.

26. The Driver shall ensure that any animal(s) transported in the licensed vehicle are placed in the rear seating compartment of the vehicle.

27. The Driver shall, when carrying children aged 1 to 14 years ensure that they be transported in the rear of the vehicle, using a child seat or booster cushion, together with a seat belt as appropriate.

28. The Driver shall, if asked to transport an unaccompanied child or if a passenger requests that you wait until they are safely inside the house, agree to such requests.

29. The Driver shall not, without reasonable cause, unnecessarily prolong in distance or time, the journey for which the vehicle was hired.

30. The Driver shall provide a written receipt to the hirer if requested to do so.

31. The Driver shall immediately after the termination of any hiring of the vehicle or as soon after as practicable carefully search the vehicle for any property which may have been accidentally left there.

32. The Driver shall deliver any property which is left in the vehicle as soon as possible and in any event within 24 hours to a Police Station in the Council’s district, and if required to do so, leave it in the custody of a Police Officer having obtained a receipt for it.

33. The Driver shall not sound the vehicle horn when arriving at an address to pick up passengers.

34. The Driver shall respect the request of a passenger should that passenger choose not to engage in conversation.

35. The Driver shall not play any radio or other sound reproducing equipment in the vehicle, except for the purpose of sending or receiving messages, without the express consent of the hirer.

36. The Driver shall not drink or eat in the vehicle whilst a passenger or passengers are on-board.

37. The Driver shall not whilst driving use a handheld mobile phone or any other handheld mobile device, other than a two-way radio, which performs an interactive communication function by transmitting and receiving data.

38. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to stand at any bus stop or in any bus lay-by.

39. The Driver shall not at any time when driving the vehicle permit the vehicle to be driven in any bus lane, with the exception of bus lanes that specifically permit such use.

40. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to stand in a disabled bay without displaying the appropriate badge or other lawful authority.

41. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be parked in such a position so as to cause an unnecessary obstruction or be in a dangerous position (e.g. double parked, parked at or close to a road junction).

42. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be driven on or become stationary on a footway.

43. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be stationary on double yellow lines, other than to allow passengers to board or alight from the vehicle.

44. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be stationary on a single yellow line, in contravention of the notices displayed, other than to allow passengers to board or alight from the vehicle.

45. The Driver shall not travel on any restricted road within the Oxford City boundary, unless he or she is either carrying a passenger, or travelling to collect a passenger.

46. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to make any illegal manoeuvre so as to contravene any traffic laws, regulations, orders or guidance outlined in the current highway code.

47. The Driver shall not drive a vehicle while having use of illegal drugs or misused legal drugs (including alcohol).

48. The Driver shall notify the Licensing Officer in writing, within 7 days, of any change in his or her details that have occurred since the most recent application made to the Licensing Officer (i.e. home address, telephone number, etc).

49. The Driver shall notify the Council in writing as soon as possible and in any event within 14 days of any illness or injury affecting his fitness to act as a driver, and if requested by an Authorised Officer must agree to a Medical Examination being carried out to ensure such illness / injury would not give rise to concerns for public safety.
50. The Driver shall notify the Council in advance, in writing, if he or she is to be away from the address shown on the licence (and recorded as the home address on the records of the Licensing Authority) for a period of more than 28 days.

51. The Driver shall declare all relevant motoring endorsements, and all offences, cautions and convictions on any application to renew the licence. No caution or conviction should be omitted from any application.

52. The Driver shall if arrested, released on Police Bail, charged or convicted of an offence (including motoring endorsements) or accepts a caution, he or she must (within seven days of the conviction) give full details of it to the Council in writing.

53. The Driver shall not wilfully obstruct any Authorised Officer, or fail to comply with any requirement made by such a person without reasonable cause, or fail to give any such person any other assistance or information such person may reasonably require in the performance of his or her duties.

54. The Driver shall when driving or in charge of a Private Hire vehicle shall record in a suitable book, with bound consecutively numbered pages, provided by the proprietor of that Private Hire vehicle, the following particulars at the start of each shift:
   - her/his name and badge number prior to the commencement of each hiring;
   - the date and time the hiring was allocated to that vehicle;
   - the name of the hirer;
   - the time and place of pick-up;
   - the destination.
   - And upon completion of each hiring, the fare charged.
   And shall make such book available for inspection on request by an authorised officer of the Council or a Police Officer and shall keep such records for a minimum period of 12 months.

55. The Driver shall not whilst driving or in charge of a Private Hire vehicle ply for hire or otherwise tout or solicit on a road or other public place any person to hire or be carried in any Private Hire vehicle; or permit any other person to do so.

56. The Driver shall not whilst driving or in charge of a Private Hire vehicle offer the vehicle for immediate hire whilst the driver is on a road or other public place except where such an offer is first communicated from the Private Hire Operator to the driver by telephone, radio, or other such apparatus fitted to the vehicle.

57. The Driver shall not whilst driving or in charge of a Private Hire vehicle park in a “prominent position” (i.e. where people are likely to congregate, locations with a high level of footfall, near a taxi rank), and be in attendance of the vehicle without a booking having been made for him or her to be at such a location, that may encourage any person to approach the vehicle in the belief that the driver and the vehicle are available for immediate public hire.

58. The Driver shall not whilst driving or in charge of a Private Hire vehicle, contact the Private Hire Operator to request a booking be made on behalf of any person.

59. The Driver shall not whilst driving on in charge of a Private Hire vehicle park on a taxi rank.

60. The Driver of a vehicle equipped with a taximeter shall ensure that the table of fares is displayed in a clearly visible position in the vehicle, and provide an explanation of the table of fares if so requested by the passenger.

61. The Driver shall when driving a vehicle equipped with a taxi-meter ensure that during any hiring the face of the taxi-meter is at all times plainly visible to the passengers.

62. The Driver shall when driving a vehicle equipped with a taxi-meter set the meter into operation when the hirer starts her or his journey unless the hirer asks the hiring to engage the vehicle by time, or at the time pre-arranged for the journey to start as requested by the hirer.

63. The Driver shall when driving a Private Hire vehicle, equipped with a taxi-meter, ensure that a Table of Fares as issued by the Private Hire Operator is kept within the vehicle and made available to any passenger or Authorised Officer who so requests.

64. The Driver shall if the vehicle is involved in an accident, inform the vehicle proprietor immediately, in order that the vehicle proprietor may contact the Licensing Officer.

65. The Driver shall if the vehicle is involved in an accident, and is requested to do so, give his or her name and address and any other reasonable details, and the vehicle proprietors name and address and the number of the vehicle to any injured party or Authorised Officer.

66. The Driver shall if the vehicle is involved in an accident and if any other party is injured and is requested to do so give the details of the vehicle insurance to any injured party or Authorised Officer.

67. The Driver shall carry a copy of these conditions within the vehicle and make them available for inspection by the hirer or any passenger, or Authorised Officer upon request, and be familiar with the conditions of the Driver licence and of the Enforcement Procedures as detailed in the Councils Policy on the Relevance of Warnings, Offences, Cautions and Convictions.
ENFORCEMENT PROCEDURES

It is this Authority’s policy to deal with enforcement matters relating to an applicant or existing licence holders by means of Licensing Officers, the Head of Environmental Development, the Hackney Carriage and Private Hire Licensing Sub-Committee and the Courts. The expectation of the Authority is that any person who seeks the grant of a licence, or who holds a licence, meets with our definition of a “fit and proper” person. Hackney Carriage and Private Hire drivers maintain close contact with the public and are therefore not expected to behave or act in a manner that may:

- cause any person to take offence at their actions
- cause any person to believe their actions are inappropriate
- cause any person to fear of their physical safety
- cause any person to doubt their integrity
- brings in to disrepute the integrity of the Council for having granted such a person a licence
- fail to adhere to the conditions and regulations pertaining to the licence

Any complaints or enforcement measures are dealt with in the first instance by the Licensing Officers by way of a “Warning” system. Any failures on the part of an applicant or existing licence holder to uphold the Licensing Objectives or to adhere to the conditions and regulations pertaining to the licence may result in any of the following actions:

- the issue of a warning (appropriate to the incident reported)
- the issue of a higher level of warning (appropriate to the incident reported and having regard to the history of the licence holder)
- the request for an interview to be held in accordance with the Police and Criminal Evidence Act 1984
- the issue of a Formal Caution
- the referral of the matter to the Head of Environmental Development
- the referral of the matter to the Hackney Carriage and Private Hire Licensing Sub-Committee
- the referral of the matter to the Law and Governance department for consideration of prosecution

You will find details of the Warnings and further actions that the Licensing Authority may take contained within the section entitled “Policy on the Relevance of Warnings, Offences, Cautions and Convictions” that is contained within this Application Pack.

OFFENCES

OFFENCES UNDER SECTIONS 37-68 TOWN POLICE CLAUSES ACT 1847

1. Plying for Hire without Licence. **STALKING** (this can even be parking near a rank or in a prominent position)
2. Driving Hackney Carriage without Hackney Carriage driver’s licence.

OFFENCES UNDER LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

1. Owning unlicensed vehicle used as Private Hire vehicle.
2. Driving a Private Hire vehicle without a Private Hire driver’s licence.
3. Owning licensed Private Hire vehicle driven by unlicensed driver.
4. Operating Private Hire vehicles without operator licence.
5. Operating unlicensed Private Hire vehicles.
6. Operating unlicensed Private Hire vehicles driven by unlicensed drivers
7. Failure to exhibit vehicle licence plate.
8. Failure to notify (in writing within 14 days) transfer of Hackney Carriage or Private Hire vehicle.
9. Failure to produce Hackney Carriage or Private Hire vehicle for testing when required.
10. Failure to report (within 72 hours) accident involving Hackney Carriage or Private Hire vehicle.
11. Failure to produce Hackney Carriage or Private Hire vehicle licence and insurance when requested.
12. Failure to produce Hackney Carriage or Private Hire driver’s licence when requested.
13. Failure to wear Private Hire driver’s badge.
14. Failure of Private Hire operator to keep record of bookings
15. Failure to produce such record when requested.
16. Failure of Private Hire operator to keep records required by local authority
17. Failure to produce such records when requested.
18. Failure to produce Private Hire operator’s licence when requested.
19. Making of false statement or omission of material information in application for any licence.
20. Failure to return, after due notice, licence plate issued in respect of revoked, expired or suspended Hackney Carriage or Private Hire vehicle licence
21. Failure to return, after due notice, driver’s badge issued in respect of suspended or revoked Hackney Carriage or Private Hire drivers licence
22. Unauthorised parking on Hackney Carriage stand
23. Unreasonable prolongation of journeys.
24. Misuse of taximeters.
25. Obstruction of authorised officers.
TRANSPORTING DISABLED PASSENGERS

Customer Care starts from the moment that the customer hires the vehicle. There should be good customer relations between the driver and the customer. Talking to the customer to check what they require will make it quick and easy to give them a better service. Many disabled people have at some time experienced well intentioned but clumsy assistance that has caused them discomfort and pain. The way a driver gives the best possible service to each customer will vary for each customer and the type of disability that they have. Always ask what help (if any) a customer may need. Make sure you are familiar with any access and safety equipment in your vehicle. Ask the customer if they are all right before you start the journey.

If the passenger is in a wheelchair you should always:-

- Pull up as close as possible to the kerb;
- Always use the ramps;
- If necessary, tip up the back seat to give more space to manoeuvre the wheelchair;
- Insist that the passenger travels in the correct position as recommended by the vehicle manufacture. In the case of a London type cab this position will be facing the rear of the vehicle. The wrong travelling position is unsafe;
- Always make sure that the brakes of the wheelchair are on;
- Be polite and ask before touching or moving a passenger;
- Always secure the wheelchair and ask if the passenger needs help to fasten the seat belt provided;
- If it has been raised, lower the back seat if the passenger would prefer it;
- Avoid sudden braking or acceleration;
- Bring the wheelchair out of the vehicle backwards down the ramp and ask if the passenger would like the brakes on once they have be unloaded;
- Leave the passenger in a safe and convenient place, which enables them to move away independently.

When taking a person in a wheelchair up a kerb you should place your foot on one of the tipping levers (which project from the back of the wheelchair at ankle height) and pull the wheelchair onto its back wheels. Pull the wheelchair onto its back wheels so that its front wheels are level with the kerb and follow with the back.

When taking a person in a wheelchair down a kerb, again place your foot on the tipping lever and pull the wheelchair onto its back wheels. Gently lower the wheelchair down the kerb so that both of the rear wheels touch the ground at the same, then lower the front wheels.

This method should only be used for kerbs and single steps; where there is a flight of steps; two people are needed for safety.

Although all Oxford City Council Hackney Carriage vehicles are wheelchair accessible you should be aware that they are not accessible to all wheelchair users. There are a number of wheelchair designs that are either too large for the ramps and to fit through the doorway or are unable to be manoeuvred when inside the vehicle. There are also some passengers whose size and build, or nature of disability (i.e. those passengers requiring extended leg rests) that precludes them from safely using a Hackney Carriage vehicle. However you cannot refuse to take a passenger in a wheelchair if your vehicle can safely take it. It is against the law and the conditions attached to a drivers licence to refuse a wheelchair passenger. It could lead to prosecution and your Hackney Carriage driver's licence being revoked.

HOW TO ENSURE THE SAFETY OF WHEELCHAIR USERS

Both the restraint system for the wheelchair and the safety belt for the passenger must be used on every occasion. Failure to do so may render you liable in the event of an accident and could affect your insurance cover.

- In the interest of the comfort and safety of both the passenger and yourself, the ramps must be used to board a passenger using a wheelchair.
- Passengers using wheelchairs must never travel facing sideways or forward. It is not possible to secure the wheelchair or adequately protect the passenger in either position. They should always travel in the recess of the passenger bulkhead, facing towards the rear of the vehicle.
- The wheelchair restraint mechanism must always be attached to the rearmost main upright tubes on opposite sides of the wheelchair frame in a position that does not allow it to fall off or slide down. The restraint must never be attached to wheels, spokes or footplates.
- The brakes on the wheelchair must always be applied during the journey. You should remember that the brakes alone are not sufficient for wheelchair restraint. They do however give a little lateral stability during the journey, which provides reassurance for passengers.
- The wheelchair restraint mechanism isolating switch must always be in the “off” position before the journey begins. If it is left in the “on” position the wheelchair is still unrestrained.
- It is important to remember that the wheelchair restraint mechanism offers no security to the passenger. It is a legal requirement for passengers to wear seatbelts provided. Unless they hold a medical exemption certificate.
- Wheelchairs must always be taken out of the vehicle backwards.
EQUALITY ACT 2010

HOW DOES THIS AFFECT HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER?
There are some changes in the law which will come into effect in October 2010 which might affect you. The Equality Act 2010 includes provisions relating specifically to Hackney Carriages and Private Hire vehicles and disability. The Government brought into force several provisions of the Act in October 2010; other provisions will come into force later – but not before April 2011.

The information below provides details of the provisions that came into force in October 2010 in relation to Hackney Carriages and Private Hire vehicles, and what the implications will be for Hackney Carriage and Private Hire vehicle drivers; and details of the further measures that are due to be implemented at a future date yet to be determined.

DUTIES ON DRIVERS TO ASSIST PASSENGERS IN WHEELCHAIRS
The Equality Act is due to place duties on the drivers of designated wheelchair accessible Hackney Carriages and Private Hire vehicles to provide physical assistance to passengers in wheelchairs. A further announcement will be made on when the duties will come into force, but it will not be before April 2011.

The duties will apply to the driver of any wheelchair accessible Hackney Carriage and Private Hire vehicles which are on the licensing authority’s list of “designated vehicles”. Oxford City Council will be maintaining a list of designated vehicles and therefore the following duties will apply to you. Before the duties are brought into force, any drivers who suffer from a disability or a condition which would make it difficult for them to provide physical assistance can apply for an exemption from the duties to offer assistance. The opportunity to apply for exemptions started on 1 October 2010.

LISTS OF WHEELCHAIR ACCESSIBLE VEHICLES
Section 167 of the Act allows licensing authorities to maintain a list of “designated vehicles”, that is, a list of wheelchair accessible Hackney Carriages and Private Hire vehicles licensed in their area. The consequence of being on this list is that the driver must undertake the duties in section 165. This section will be commenced at a later date (not before April 2011).

When section 167 comes into force, and the lists of designated vehicles have a statutory effect, it will be possible for the owner of a vehicle to appeal against a licensing authority’s decision to include his or her vehicle on the list. This appeal will also go to the magistrates’ court.

WHAT ARE THE DUTIES PLACED ON HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS?
The duties being placed on the drivers of designated wheelchair accessible Hackney Carriages and Private Hire vehicles are (under Section 165 of The Equalities Act 2010):

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

WHAT DOES MOBILITY ASSISTANCE MEAN?
Mobility assistance essentially means helping passengers who use wheelchairs by providing physical assistance. If the passenger wishes to remain in the wheelchair, the driver must help the passenger to get into and out of the vehicle. If the passenger wants to transfer to a seat, the driver must help him or her to get out of the wheelchair and into a seat and back into the wheelchair; the driver must also load the wheelchair into the vehicle. The driver must also offer to load the passenger’s luggage into and out of the vehicle.

WHAT IF I HAVE A MEDICAL CONDITION WHICH PREVENTS ME FROM CARRYING OUT THESE DUTIES?
The new Act allows for exemptions from the duties on medical grounds or if the driver’s physical condition makes it impossible or unreasonably difficult for him or her to comply with those duties. It is the responsibility of drivers who require an exemption to apply for one from their licensing authority before the duties come into force; they will have at least six months to go through this process.

WHO DECIDES IF A DRIVER IS EXEMPT?
The local licensing authority decides if a driver should be exempt from the duties.

WHAT IF THE LICENSING AUTHORITY SAYS THAT I AM OK TO CARRY OUT THE DUTIES AND I DISAGREE?
The legislation allows a driver to appeal to the magistrates’ court within 28 days if the licensing authority decides not to issue an exemption certificate.

HOW WILL PASSENGERS KNOW THAT I AM EXEMPT FROM THE DUTIES TO ASSIST PASSENGERS?
The Department will be printing and issuing to licensing authorities special Exemption Notices which exempted drivers must display on their vehicles in order that passengers will know that the driver is exempt from duties.

GUIDE DOGS
The other thing that will happen on the 1st of October 2010 is that the duties placed on Hackney Carriages and Private Hire drivers and on Private Hire Vehicle operators to carry guide dogs and other assistance dogs will transfer from the Disability Discrimination Act 1995 to the Equality Act 2010. In practice, the duties will remain exactly the same as they are now. Any person who is currently exempt from the duty to carry an assistance dog on medical grounds will continue to be exempt. That is because we have made a change in the law so that all existing exemption certificates and all existing exemption notices remain in force as though they had been made under the Equality Act 2010.

I HAVE AN EXEMPTION CERTIFICATE WHICH SAYS THAT IT WAS ISSUED UNDER THE DISABILITY DISCRIMINATION ACT 1995 – DO I HAVE TO GET A NEW ONE?
No, you do not have to get a new certificate; the certificate which you have been granted remains valid until its expiry date.

I HAVE A SPECIAL NOTICE IN MY HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE WHICH SAYS THAT I AM EXEMPT FROM CARRYING GUIDE DOGS AND MENTIONS THE DISABILITY DISCRIMINATION ACT 1995 SO WILL I NEED TO GET A NEW ONE?
No, you do not have to get a new exemption notice; the notice which was provided by the licensing authority remains valid until its expiry date.
ENHANCED CRIMINAL RECORDS BUREAU DISCLOSURE INFORMATION

The CRB Disclosure form must be completed before your appointment. However it will be checked at your appointment and you are free to ask any questions that you may have at the appointment.

Confirming your identity
Your identity needs to be confirmed. You need to provide original documentation (no photocopies) to the Licensing Officer.

Which documents do you need to provide?
You must bring to the appointment documents (from the list below) to verify:
- Your name
- Date of birth
- National insurance number
- Driving licence number
- Passport number
- Current address

Acceptable identity documents

Group A
- Valid passport (any nationality)
- UK Driving Licence (either photo card or paper)
- Original UK Birth Certificate (issued within 12 months of the date of birth) (full or short form acceptable)
- Valid photo identity card (EU countries only)
- UK Firearms Licence

Group B
- P45/P60 statement*
- Bank or building society statement**
- Utility Bill*
- Valid TV licence
- Credit Card Statement*
- Store Card Statement*
- Mortgage Statement**
- Valid insurance certificate
- Certificate of British nationality
- British work permit/visa**
- Connexions card
- Child benefit book **
- Exam certificate (e.g. GCSE, NVQ)
- Correspondence or a document from: the Benefits Agency, the Employment Service, the Inland Revenue, or a Local Authority*
- Financial statement**
- Valid vehicle registration document
- Mail order catalogue statement*
- Court summons**
- Valid NHS Card
- Addressed payslip*
- National insurance number card

*less than 3 months old
**issued within past 12 months

Please note that these documents must be from different sources e.g. one bank statement and one Council Tax Bill, not, one bank statement and one credit card bill from the same bank.
PREVENTION OF ILLEGAL WORKING: RIGHT TO WORK IN U.K.

The Council has a duty to ensure that all those individuals it grants a licence to are entitled to work in the UK. For this reason the following documentation must be provided.

List A – documents which show an ongoing right to work. If you can provide documents from list A, you do NOT need to provide any from list B.

1. A passport showing that the holder is a British citizen
2. A passport showing that the holder is a citizen of the UK and Colonies having the right to abode in the UK – passport has a ‘certificate of entitlement to the right of abode’ in it.
3. A passport showing that the holder is a national of a European Economic Area (EEA) country or Switzerland
4. A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office (HO), the Border and Immigration Agency (BIA), a national of an EEA or Switzerland
5. A permanent residence card issued by the HO or BIA to the family member of a national of EEA or Switzerland
6. A Biometric Immigration Document issued by the BIA to the holder which indicates that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK
7. A passport or other travel document endorsed to show that the holder is allowed to stay indefinitely in the UK, has the right of abode in the UK or has no time limit to their stay in the UK

Document combinations – one of the following:
8. An official document issued by a previous employer or Government agency i.e. HM Revenue and Customs, Department for Work and Pensions, Jobcentre Plus, the Employment Service, the Training and Employment Agency (Northern Ireland) or the Northern Ireland Social Security Agency, which contains the permanent National Insurance number and name of the person
   Plus:
   a. An immigration Status Document issued by the HO or the BIA to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK
   Or:
   b. A full birth certificate/full adoption certificate issued in the UK which includes the name(s) of at least one of the holder’s parents
   Or:
   c. A birth certificate/adoptions certificate issued in the Channel Islands, the Isle of Man or Ireland
   Or:
   d. A certificate of registration or naturalisation as a British citizen
   Or:
   e. A letter issued by the HO or the BIA to the holder which indicates that the person named

List B – Documents which show a right to work for up to 12 months (where this is applicable the applicant will have to prove their right to work annually otherwise their licence will be revoked) (If you can provide documents from list B, you do NOT need to provide any from list A). You will need to provide either 1 or 2, with a combination of the following i.e. 3 + a or 3 + b; 4 or 5; 6; 7 or 8:

1. A passport or travel document endorsed to show that the holder is allowed to stay in the UK and is allowed to do the type of work in question, provided that it does not require the issue of a work permit
2. A Biometric Immigration Document issued by the BIA to the holder which indicates that the person named in it can stay in the UK and is allowed to do the work in question.

Document combinations – first combination:
3. A work permit or other approval to take employment issued by the HO or BIA with:
   a. A passport or another travel document endorsed to show the holder is allowed to stay in the UK and is allowed to do the work in question
   Or:
   b. A letter issued by the HO or the BIA to the holder or the employer or prospective employer confirming the same

Second combination – must be checked by the BIA Employer Checking Service:
4. A certificate of application issued by the HO or the BIA to or for a family member of a national of an EEA country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old
   Or:
5. An application registration card issued by the HO or the BIA stating that the holder is permitted to take employment

Third combination:
6. A document issued by a previous employer or Government agency e.g. HM Revenue and Customs, the Department for Work and Pensions, Jobcentre Plus, the Employment Service, the Training and Employment Agency (Northern Ireland) or the Northern Ireland Social Security Agency, which contains the National Insurance number and name of the holder

One of the following must be provided, if a document showing your National Insurance number has previously been provided:
7. An Immigration Status Document issued by the HO or the BIA to the holder with an endorsement indicating that the person named in it can stay in the UK and is allowed to do the type of work in question
   Or:
8. A letter issued by the HO or BIA to the holder or the employer or prospective employer, which indicates that the person named in it can
POLICY ON THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS


Introduction

Hackney Carriage and Private Hire have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside “normal hours” of operation such as in the evenings or on Sundays). The Hackney Carriage/Private Hire vehicles play an integral part in the dispersal of people to support the night time economy.

It is the Council’s wish to facilitate well-run and responsible businesses which display sensitivity to the wishes and needs of the general public. Its purpose, therefore, is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to cause distress, harm or suffering to any passenger or other person.

It is important that the Council’s powers are used to ensure that Hackney Carriages and Private Hire vehicles in the City are safe and comfortable and that the powers are exercised in compliance with the European Convention on Human Rights.

Licensing Objectives

The Licensing Authority will carry out its Hackney Carriage and Private Hire licensing functions with a view to promoting the following licensing objectives:

- Safety and health of drivers and the public;
- The promotion of a professional and respected Hackney Carriage and Private Hire trade;
- To prevent crime and disorder and to protect consumers;
- Improve the local environment, economy and quality of life; and
- To promote the aims and vision of Oxford City Council and it’s Partners.

The aim of the licensing process, in this context, is to regulate the Hackney Carriage and Private Hire trade in order to promote the above objectives. In promoting these licensing objectives the Authority will expect to see licence holders and applicants continuously demonstrate they can meet or exceed specifications set by the Council.

Status

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out above. Notwithstanding the existence of this policy and any other relevant Council policy, each case will be considered on its own merits.

Where it is necessary for the Authority to depart substantially from this policy, clear and compelling reasons will be given for doing so. The purpose of this document is to formulate guidelines which detail the Council’s current stance on the relevance of warnings, offences, cautions and convictions in respect of applications for the grant of new licences, and the renewal of existing Hackney Carriage and Private Hire vehicle driver’s, operator’s and proprietor’s licences, and the maintaining of such licences.

The Council expects licence holders to comply with the conditions and regulations pertaining to the licence immediately. It is acknowledged, however, that certain provisions may place financial obligations on existing licence holders and accordingly the Council is prepared to permit a transitional period which will be determined by officers acting under delegated powers, during which necessary changes must be made.

The aim of the licensing regime to which these guidelines relate is not to punish the applicant twice for an offence (which includes a caution or a conviction), but to ensure that public safety is not compromised. The objective of the licensing regime is to ensure that, so far as possible, those licensed to drive Hackney Carriages and Private Hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, and honest; and that they are persons who would not take advantage of their position to abuse, assault or defraud customers.

These guidelines will be taken into account by the Licensing Officers when processing applications.

Enforcement Procedures

It is this Authority’s policy to deal with enforcement matters relating to an applicant or existing licence holders by means of Licensing Officers, the Head of Environmental Development, the Hackney Carriage and Private Hire Licensing Sub-Committee and the Courts. The expectation of the Authority is that any person who seeks the grant of a licence, or who holds a licence, meets with our definition of a “fit and proper” person. Hackney Carriage and Private Hire drivers maintain close contact with the public and are therefore not expected to behave or act in a manner that may:

- cause any person to take offence at their actions;
- cause any person to believe their actions are inappropriate;
- cause any person to fear of their physical safety;
- cause any person to doubt their integrity;
- brings in to disrepute the integrity of the Council for having granted such a person a licence;
- fail to adhere to the conditions and regulations pertaining to the licence.

Any complaints or enforcement measures are dealt with in the first instance by the Licensing Officers by way of a “Warning” system. Any failures on the part of an applicant or existing licence holder to uphold the Licensing Objectives or to adhere to the conditions and regulations pertaining to the licence may result in any of the following actions:

- the issue of a warning (appropriate to the incident reported);
- the issue of a higher level of warning (appropriate to the incident reported and having regard to the history of the licence holder);
- the request for an interview to be held in accordance with the Police and Criminal Evidence Act 1984;
- the issue of a Formal Caution;
- the referral of the matter to the Head of Environmental Development;
- the referral of the matter to the Hackney Carriage and Private Hire Licensing Sub-Committee;
- the referral of the matter to the Law and Governance department for consideration of prosecution.

The Licensing Authority will carry out its Hackney Carriage and Private Hire licensing functions with a view to promoting the licensing objectives set out above. In promoting these licensing objectives the Authority will expect to see licence holders and applicants continuously demonstrate they can meet or exceed specifications set by the Council.

Safety and health of drivers and the public;

The promotion of a professional and respected Hackney Carriage and Private Hire trade;

To prevent crime and disorder and to protect consumers;

Improve the local environment, economy and quality of life; and

To promote the aims and vision of Oxford City Council and it’s Partners.

The aim of the licensing process, in this context, is to regulate the Hackney Carriage and Private Hire trade in order to promote the above objectives. In promoting these licensing objectives the Authority will expect to see licence holders and applicants continuously demonstrate they can meet or exceed specifications set by the Council.

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- the referral of the matter to the Hackney Carriage and Private Hire Licensing Sub-Committee;
- the referral of the matter to the Law and Governance department for consideration of prosecution.
Definitions

Appeal: A means by which a decision under delegated authority can be reviewed by the Magistrates Court or the Crown Court. The decision of the Council may be upheld or overturned.

Offence: commonly used to signify any public wrong, including crimes or indictable offences and offences punishable on summary conviction.

Caution: A caution is a formal warning given to an adult who has admitted to the commission of an offence and has consented to the caution.

Conviction: Judicially determining that someone is guilty of a crime

Free of convictions: This means a period since your last conviction in which you remain free of any further convictions. In the case of a custodial sentence this means the periods given will run from the date that the full sentence awarded by the court would have been completed.

Fit and Proper Person: A person who poses no threat to the general public, has a good knowledge of the City, is healthy, and is of a good character (including driving record) will be deemed fit and able to hold a licence.

Hackney Carriages: A vehicle that can carry passengers for hire or reward can be hailed by a prospective passenger and can park on a rank to await the approach of passengers; a vehicle available for public hire.

Hackney Carriage and Private Hire Licensing Sub-Committee: A committee having powers given to it by the General Purposes Licensing Committee of the Council, to determine the suitability of an applicant to be granted a licence or existing licence holder to maintain a licence, when the Head of Environmental Development is unable to determine whether such a person meets the Authority’s definition of a “fit and proper” person.

Head of Environmental Development: Who holds delegated authority to make day to day decisions regarding the suitability of any person seeking the grant or renewal of a licence, and the suspension of any licence holder.

Mitigating Circumstances: The circumstances surrounding an offence, caution or conviction. These may alter the seriousness of a crime.

Private Hire Vehicles: A vehicle which must be pre-booked with a Private Hire operator. This type of vehicle cannot ply for hire (stand in a rank, wait without a booking in a “prominent position” giving rise to the impression that the vehicle is available for hire, or undertake a journey that has not been pre-booked by the hirer with the Private Hire Operator).

Proprietor: The person in possession of a Hackney Carriage or Private Hire vehicle licence.

Operator: This means a business that makes provision for the invitation or acceptance of bookings for a Private Hire vehicle.

Refusal: To decide not to give something

(Within this Policy any reference to refusal will also be a reference to revocation or suspension).

Revoke: To take something away permanently.

Suspend: To take something away temporarily.

Advisory Warning: Either verbally given or a letter advising that although an offence, caution or conviction was not serious enough to have warranted a First Level Warning, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be more severe, possibly leading to an escalation in the level of warning issued, or the suspension of the licence.

First Level Warning: A letter advising that although an offence, caution or conviction was not serious enough to have warranted a Second Level Warning, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be much more severe, possibly leading to the suspension of the licence

Second Level Warning: A letter advising that although an offence, caution or conviction was not serious enough to have warranted the refusal, suspension or revocation of the licence, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be much more severe, possibly leading to the suspension of the licence

Final Warning: A letter advising that although an offence, caution or conviction was not serious enough to have warranted the refusal, suspension or revocation of the licence, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the licence holder should expect the matter to be met with the suspension / revocation of his/her licence.

Introduction to the Guidelines Relating to the Relevance of Convictions Powers and Duties

The Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 (as amended), Road Safety Act 2006 (Sections 52-53) places on Oxford City Council (the “Authority”) the duty to carry out its licensing functions in respect of Hackney Carriage and Private Hire vehicles. The Rehabilitation of Offenders Act 1974 is summarised at Appendix 1.0. However, Hackney Carriage and Private Hire drivers are listed as regulated occupations within the Rehabilitation of Offenders Act 1974 (Exceptions) Order (Amendment) (No2) 2002. No conviction is categorised as spent under this Order. All categories that criminal offences fall into are deemed to be relevant to the role of a Private Hire and Hackney Carriage driver.

In order to assess an individuals suitability to hold a licence, this Authority requires all applicants to provide an Enhanced Criminal Records Bureau Disclosure and a DVLA Disclosure; and the Authority will take into account all endorsement penalty points, cautions and convictions when considering an application for a driver’s licence, irrespective of offence, sentence imposed or age when the offence is committed. All motoring and criminal offences must be declared on the application form. Any failure to declare any endorsement penalty points, offences, cautions or convictions either when making an application, or within 7 days of receipt of their issue, may lead to the appropriate enforcement actions being taken in regard to the suitability of such a person being considered “fit and proper” to hold a licence issued by the Authority.
Suitability

The legislation states that the Council may grant a licence ONLY if it is satisfied that the person is fit and proper – the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.

Where sufficient and appropriate enforcement measures have been taken by the Licensing Officers, in relation to a licence holder who has displayed a propensity to fail to adhere to the conditions and regulations pertaining to his or her licence, their suitability to hold a licence may be placed before the Hackney Carriage and Private Hire Licensing Sub-Committee to determine. It is therefore advisable for all new applicants and existing licence holders to be familiar with the content of this Policy on the Relevance of Warnings, Offences, Cautions and Convictions, and with the criteria, conditions and regulations specific to the licence that they hold.

Full details of the criteria, conditions and regulations relating to the Taxi Licensing function can be found in the following documents:

- Hackney Carriage & Private Hire Driver Licence Application Pack
- Hackney Carriage & Private Hire Vehicle Licence Application Pack
- Private Hire Operator Licence Application Pack

Alternatively, the Council provides all such relevant information on its website at: www.oxford.gov.uk/taxilicensing

Offences, Cautions and Convictions

The Licensing Officer is required to look at any past indicators (convictions, including formal cautions, fixed penalties, speeding offences, etc) that may affect a person’s suitability to hold a Hackney Carriage/Private Hire driver’s licence and consider the possible implications of granting such a licence to that person.

The imposition of a fixed penalty in place of a prosecution under any enactment may be considered a relevant indicator of suitability. In addition, applicants must disclose any recent formal cautions they have received and any pending matters. The disclosure of any conviction will not necessarily prevent an applicant from being issued a licence. However, all convictions, spent or live, will be assessed.

Cautions are included under the definition of ‘convictions’ and they will also be taken into consideration. Although these are generally not as serious as convictions, they can give some indication as to an applicant’s character and whether they are a fit and proper person to hold or be granted a licence. The Licensing Officer will bear in mind that a caution is given where there is sufficient evidence for a prosecution and guilt has been admitted. Cautions will be taken in to consideration for a period of five years.

Penalty notices are similar to fixed penalties, but are issued for a wide range of offences of an anti social nature, including behaviour likely to cause harassment, alarm or distress to others, drunk and disorderly behaviour in a public place, destroying or damaging property up to the value of £500, retail theft under £200, sale of alcohol to a person under 18 years of age, selling alcohol to a drunken person or using threatening words or behaviour. This will be viewed in an appropriate light given the nature of the offence.

The Licensing Officer may refer to the Rehabilitation of Offenders Act 1974 as part of their assessment of the convictions. A summary of the Act is provided at Appendix 1.0. The fact that a conviction is not yet spent under the Act may be relevant in the determination. However, the Exemption Order means that for all practical purposes, it is as if the Rehabilitation of Offenders Act had never been passed for licensed drivers. Therefore Licensing Officers may disregard the Act if they consider it necessary in a particular case.

If a Court has found as a matter of fact that a person has committed an offence, that person cannot then say to the Licensing Officer that he / she did not commit the offence; and if they seek to do so, their representations will not be taken into consideration. The applicant can, however, explain any mitigating factors that led to them committing the offence and the Licensing Officer can take these into account in deciding whether the applicant is a fit and proper person to hold or be granted a licence. Such cases may be referred to the Licensing Sub-Committee for determination. In the case of offences that have led to a term of imprisonment, the periods given will run from the date that the full sentence awarded by the court would have been completed.

A “Fit and Proper Person”

When considering whether someone should serve the public, the range of passengers that a driver may carry should be borne in mind. For example, elderly people, unaccompanied children, the disabled, those who have had too much to drink, lone women, foreign visitors and unaccompanied property. Some areas give rise to particular concern, including:

- Honesty and trustworthiness – drivers often have knowledge that a customer is leaving a house empty; they have opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars. They must not abuse their position of trust.
- Not abusive – drivers are often subject to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive or abusive conduct on the part of the driver. Drivers are expected to avoid confrontation, and to address disputes through the proper legal channels. In no circumstances should they take the law into their own hands.
- A good and safe driver – Passengers paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all Road Traffic legislation and conditions attached to the licence. A person who has committed an offence and has to wait a period of time before being accepted as a Hackney Carriage or Private Hire driver is more likely to value his/her licence and act accordingly.

Protecting the Public

The over-riding consideration for the Licensing Officer is to protect the public. Having considered and applied the appropriate guidelines, the Licensing Officer will determine each case on its own merits.

History

The Licensing Officer may take into account a persons history whilst holding a licence, from this or any other authority. The Licensing Officer may take into account, in deciding whether a person is a fit and proper person to hold (or to continue to hold) a licence, such matters as the record of complaints about them, also their compliance with Licence conditions and their willingness to co-operate with the reasonable requests of Licensing Officers.

Best Practice Guidance

In formulating this policy, advice contained in the Taxi and Private Hire Vehicle Licensing Best Practice Guidance issued by the Department for Transport, and the advice provided by the Institute of Licensing has been taken into account.
GUIDELINES RELATING TO THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS

GENERAL POLICY

1. Each case will be decided on its own merits.

2. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration must be the protection of the public.

3. In the case of offences that have led to a term of imprisonment, whether or not suspended, the periods given will run from the date that the full sentence awarded by the court would have been completed.

4. Cautions will be taken in to consideration for a period of five years.

5. A new applicant is a person who has not previously held a licence with this authority or whose licence had expired for 12 months before the application form was received in the Taxi Licensing Office.

6. Warnings issued by the Licensing Officers shall be considered relevant to the determination of the suitability of all applicants and existing licence holders with regard to the grant or continuation of a licence issued by the Authority.

The following examples afford a general guide on the action to be taken where convictions are admitted.

Driving & Traffic Offences

Private Hire and Hackney Carriage drivers are considered professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at all times.

Any traffic offences show a lack of responsibility whilst driving either due to the maintenance and safety of their vehicle or in the manner of their driving.

Convictions for traffic offences should not necessarily prevent a person from proceeding with an application. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving conduct. If a significant history of offences is disclosed, an application may be refused. Whilst the imposition of a Fixed Penalty Notice does not lead to a conviction, it never the less attracts penalty points to a DVLA licence. The Council considers ‘death by careless driving’ or ‘death by dangerous driving’ to be a very serious and you should therefore refer to the Major Traffic Offences section. For information on alcohol and drug related offences see Drunkenness & Drugs sections.

New applicants should not normally be considered if they have acquired more than three penalty points within the twelve months prior to the application for the grant of a licence; or they have in the previous two years been convicted of any single offence which resulted in a points penalty of five or more points, or offences totalling more than six points.

If sufficient points have been accrued or offences committed resulting in a period of disqualification of the applicant’s DVLA driving licence then an application for a Hackney Carriage or Private Hire driver licence may not normally be considered until a period of twenty-four months has elapsed following its restoration and a warning should be issued as to future conduct.

If the DVLA driving licence of an applicant or an existing driver is revoked following the acquisition of six or more points during the first two years since passing the DVLA driving test, then a period of 24 months following the restoration of the licence must have elapsed before a Hackney Carriage or Private Hire driving licence may be applied for.

Drivers already licensed who are convicted during the course of the licence of any single offence which results in a penalty of five or more points or acquires nine or more penalty points, should be interviewed and may be referred to the Licensing Sub-Committee.

When a driver who is already licensed with this authority is disqualified from holding or obtaining a DVLA driving licence, the licence will be suspended. A period of 24 months following the restoration of the licence must have elapsed before a Hackney Carriage and Private Hire Licence application may be considered. The driver may be required to appear before the Hackney Carriage and Private Hire Licensing Sub-Committee before the licence is reinstated.

Drivers already licensed and applicants awaiting the grant of a licence must inform the Taxi Licensing office within 7 days of any conviction.

For existing licence holders, a guideline is provided below in relation to penalty points:

5 or less penalty points: For 5 or fewer points on an applicant’s driving licence, a licence will usually be granted, with an advisory warning.

6 or more penalty points: Where any applicant has 6 or more penalty points on their driving licence the Licensing Officer will usually consider granting the licence with a written warning unless exceptional circumstances justify a refusal.

“Totting Up” under S35 Road Traffic Offenders Act 1988: Where an applicant has been disqualified under the “totting up” procedures, the Licensing Officers will normally consider refusal until there has been a period of 12 months free of relevant convictions. If an applicant has agreed “exceptional hardship” and avoided disqualification, refusal will still be considered and a period of 12 months free of relevant convictions required.

Motor Insurance Offences

An isolated incident in the past should not necessarily bar an applicant from being issued a licence; however, the Council takes a serious view of motor insurance offences. More than one conviction for these offences should raise serious doubts as to an applicant’s suitability to hold a Hackney Carriage or Private Hire licence. In this instance, at least 3 years after restoration of the DVLA driving licence should elapse before an applicant, who has been disqualified from driving for an insurance offence, can be considered.
Major traffic offences
E.g. dangerous driving, drive whilst disqualified, fail to stop after an accident, using a handheld mobile telephone whilst driving, no insurance, careless driving, using vehicle with defective brakes/tyres/steering wheel etc. If the applicant has been convicted of one isolated major traffic offence a period of 12 months free of convictions will usually be expected prior to consideration of grant.
If the applicant has been convicted of two or more major traffic offences then a licence will not normally be granted until the applicant has completed at least a period of 2 years free from conviction. This period may increase where the combination of offences are considered to increase the risk to the public.

We consider ‘death by careless driving’ or ‘death by dangerous driving’ to be a very serious offence. If the applicant has been convicted of such an offence a period of 3 years free of convictions will usually be expected prior to consideration of an application. In all such cases, the matter will be determined by the Hackney Carriage & Private Hire Licensing Sub-Committee.

Plying for Hire
A serious view is taken of this offence, particularly since the vehicle will almost certainly have been carrying fare-paying passengers whilst uninsured. The offence is making one’s vehicle available for public hire whilst using a licensed Private Hire vehicle. It is not appropriate for Private Hire drivers to park in prominent positions (i.e. where people are likely to congregate, locations with a high level of footfall, near a taxi rank), without a pre-booked journey having been provided by the Private Hire Operator. If witnessed by the Licensing Officer, the licence holder should expect further enforcement measures to be taken against them, including a full inspection of the driver and vehicle against the conditions relating to both licences.

The Licensing Officer may request from the Private Hire Operator details of all bookings given to the driver, and further evidence if required that would assist with the Licensing Officer’s case. If a Private Hire Operator is complicit in allowing the driver to book a journey, rather than the passenger book the journey directly with the Operator, the Operator should expect for the Licensing Officer to undertake any necessary enforcement measures against the company itself.

The Licensing Authority regularly carries out what are known as “Test Purchase” Operations, where attempts are made to ascertain whether individual licence holders and Private Hire Operators knowingly ply for hire. If any licence holder is found to be non-compliant with regard to this matter during such an operation, they should expect the matter to result in a prosecution against them, including a full inspection of the driver and vehicle against the conditions relating to both licences.

Any person convicted of supplying drugs should not be considered for the grant of a licence for at least 5 years following conviction. If the applicant has received a custodial sentence, the 5 years should be counted from the completion of the full sentence. If a licence is granted, the applicant should be warned of the serious consequences of driving a motor vehicle whilst under the influence of drugs.

Police Bail
Hackney Carriage and Private Hire drivers are expected to adhere to this Policy’s definition of a “fit and proper” person. A person who already holds a licence with the Authority, if arrested for an alleged offence, and subsequently released by the Police on bail, depending upon the nature of the alleged offence, should expect to have their licence suspended by the Head of Environmental Development. The suspension shall remain in force until such time as the case is resolved by either the Police or by the Courts.

Police Recommendation
Hackney Carriage and Private Hire drivers maintain close contact with the public, often carrying unaccompanied and vulnerable passengers, and are therefore expected to adhere to this Policy’s definition of a “fit and proper” person. Any person who is charged by the Police for an alleged offence, who in the view of the Police Officer represents a threat to the safety and wellbeing of the public, should expect to have their licence suspended by the Head of Environmental Development. The suspension shall remain in force until such time as the case is resolved by either the Police or by the Courts.

Indecency Offences
As Hackney Carriage and Private Hire vehicle drivers often carry unaccompanied passengers. Applicants with any cautions or convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, should be refused a Hackney Carriage or Private Hire drivers licence until they can show a substantial period (at least 5 years) free of such offences before being considered to hold a licence. Any applicant with a single caution or conviction of this kind should expect to have their application determined by the Hackney Carriage and Private Hire Licensing Sub-Committee. A person with more than once caution or conviction for any indecency offence would not normally be considered to be a suitable applicant. A person who already holds a licence with this Authority, if charged with any indecency offence may expect to have their licence immediately suspended until the case is resolved by either the Police or by the Courts.

No application will be considered from a person currently on the Sex Offender’s Register.
Violence
As Hackney Carriage and Private Hire vehicle drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be given.

Offences involving breaches of public order should be treated seriously even if the case resulted in the applicant being bound over. More than one offence of this nature may indicate a propensity for this type of behaviour and at least three years free of conviction should be shown before an application is entertained.

Dishonesty
Hackney Carriage and Private Hire vehicle drivers are expected to be persons of trust. The widespread delivery of unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc.

Overseas visitors can be confused by the change in currency and become “fair game” for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of 3 to 5 years free of conviction or if a custodial sentence, 3 to 5 years from the completion should be required before entertaining an application.

Failure to declare endorsement penalty points, offences, cautions and convictions is regarded as a serious matter, whether it is through the omission of such incidents when submitting an application to the Authority, or by not informing the Authority within 7 days of receipt of their issue.

Any person, who fails to declare on his or her application any such issues, should expect their application to be referred to the Hackney Carriage and Private Hire Licensing Sub-Committee, to determine their suitability to hold a licence.

Complaints Against Drivers
Complaints are frequently made against Hackney Carriage and Private Hire drivers. Such complaints include refusal to assist a disabled passenger, use of abusive language or refusal to accept a fare. Such complaints should be investigated and dealt with by the Licensing Officer, and if the complaint is serious enough, the applicant may be invited to make representations. At the Officer’s discretion the applicant may be requested to attend an interview.

The Licensing Officer will consider the conduct of licence holders, taking into account the circumstances surrounding any alleged incident, and the realities of the profession, where drivers are often the subject of unwarranted abuse from members of the public.

The Licensing Officer will consider the history of all complaints made against the driver to assess any patterns. If a pattern is identified, then the Officer will consider whether the driver is fit and proper person to hold such a licence, and the matter referred to the Licensing Sub-Committee for determination.

Warnings Issued By The Licensing Officers
The Licensing Officers carry out the day to day enforcement functions of the Licensing Authority. They deal with complaints made about licence holders, and carry out enforcement operations throughout the City. Such operations include the inspection of Hackney Carriage vehicles at the ranks, the checking of licensed drivers for adherence to the conditions attached to the driver, vehicle and operator licences, and checking that licence holders are complying with the relevant regulations pertaining to the licence.

Any failures on behalf of the licence holder to adhere to the criteria, conditions and regulation pertaining to the licence, are dealt with by way of Warnings. It is this Authority’s policy to provide advice and education to the licensed trade in order to meet the licensing objectives as described in this Policy.

The levels of Warning issued by the Licensing Officers are proportionate to the incidents that they deal with, however should a licence holder be found to be continually failing to meet with the requirements of their licence, the level of Warning shall be escalated, until such time as the Licensing Officer has no alternative other than to refer the matter to the Head of Environmental Development, the Hackney Carriage and Private Hire Licensing Sub-Committee, or the Law and Governance department.

A licence holder who has shown a propensity to fail to adhere to the conditions and regulations pertaining to his or her licence, should expect to have additional condition imposed on the licence to ensure compliance. In certain cases the consequences could be much more severe and the licence holder should expect the matter to be dealt with by way of the suspension or revocation of his or her licence.

In cases where the licence is revoked, a period of 24 months must elapse before a further application may be made to the Authority. Should an applicant submit an application before 24 months has elapsed, he or she should expect the application to be refused by the Head of Environmental Development.

Any applicant or licence holder, who is issued with a Warning by the Licensing Officer and disagrees with that decision, has a right of appeal by way of written complaint, to the Licensing Team Leader within 21 days of the Warning being issued.

Conclusion
Any applicant having a previous or current conviction should not necessarily prevent them from obtaining a Hackney Carriage or Private Hire licence. A person who has committed an offence and who is made to wait for a rehabilitation period to lapse prior to their application being accepted is more likely to value their licence and act accordingly. However, there are certain offences that are considered so serious that they will usually prevent a person obtaining or keeping a licence.

It is this Authority’s policy to consider the safety, protection and well being of the general public by ensuring all licensed drivers are safe and competent drivers and are able to maintain their vehicles to an acceptable standard. The main purpose of the Licensing Officer’s assessment is to ensure the public safety; not to punish or financially penalise licence holders. By applying these guidelines, the Council is seeking to maintain the high standard of quality of Hackney Carriage and Private Hire drivers, operators and proprietors in the City, which in turn maintains the good reputation of the taxi industry and the high quality of service to the travelling public.

Any applicant refused a licence on the grounds that the Licensing Officer is not satisfied he/she is a fit and proper person to hold such a licence, or who has had their licence suspended or revoked and disagrees with that decision, has a right of appeal by way of written complaint, to the Magistrates’ Court within 21 days of the notice of decision.
APPENDICES

Appendix 1.0: Table of Rehabilitation of Offenders Act

The Rehabilitation of Offenders Act 1974 provides that after a certain lapse of time, convictions for offences are to be regarded as “spent”. Set out below are some examples of when convictions become “spent”. Please note that it is from the date of conviction that the time commences for the Rehabilitation of Offenders Act.

### Adult

<table>
<thead>
<tr>
<th>Sentence</th>
<th>Rehabilitation Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 2 ½ years (30 months) imprisonment and over whether sentence was suspended or not</td>
<td>Never spent</td>
</tr>
<tr>
<td>2. 6 months imprisonment/youth custody and over but under 30 months whether sentence was suspended or not</td>
<td>10 years</td>
</tr>
<tr>
<td>3. Under 6 months imprisonment/youth custody whether sentence was suspended or not</td>
<td>7 years</td>
</tr>
<tr>
<td>4. A Fine, Compensation or Community Service Order</td>
<td>5 years</td>
</tr>
<tr>
<td>5. Conditional Discharge, Bound Over or Probation Order. (Also includes Fit Person, Supervision and Care Orders)</td>
<td>1 year or period of probation sentence, whichever is longer</td>
</tr>
<tr>
<td>6. Absolute Discharge</td>
<td>6 months</td>
</tr>
<tr>
<td>7. Disqualification, disability or prohibition</td>
<td>Period of sentence unless a longer period as above (e.g. disqualification and a fine – 5 years)</td>
</tr>
<tr>
<td>8. Remand Home/Approval School/ Attendance Centre Orders</td>
<td>1 year after Order expires</td>
</tr>
<tr>
<td>9. Hospital Order Under Mental Health Acts</td>
<td>The period of the Order plus a further 2 years after Order expires (with a minimum of 5 years from the date of the conviction)</td>
</tr>
</tbody>
</table>

### Youths

For applicants aged under 17 when the date of conviction took place 2, 3 and 4 above of the fixed rehabilitation periods are halved. Sentences which can only be passed on young offenders remain fixed and cannot be halved.

<table>
<thead>
<tr>
<th>Sentence</th>
<th>Rehabilitation Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>10. Borstal</td>
<td>7 years</td>
</tr>
<tr>
<td>11. 6 months – 2 ½ years detention in a place determined by the Secretary of State</td>
<td>5 years</td>
</tr>
<tr>
<td>12. 6 months detention and less as above</td>
<td>3 years</td>
</tr>
<tr>
<td>13. Detention Centre Orders</td>
<td>3 years</td>
</tr>
</tbody>
</table>

The period of time which must elapse in other cases before the conviction becomes “spent” may vary considerably according to the nature of the offence and other circumstances. The rehabilitation period may, for example, be extended by the commission of a further offence during the rehabilitation period.
**APPLICATION FORM: HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE**

**Preamble:** We may get information about you from certain third parties, or give information to them, to check the accuracy of information, to prevent or detect crime, or to protect public funds in other ways, as permitted by law. These third parties include other local authorities and Government departments.

**To:** The Head of Environmental Development, Oxford City Council, St Aldate’s Chambers, 109 St Aldate’s, Oxford, OX1 1DS.

**ALL QUESTIONS BELOW MUST BE ANSWERED AND NOT CROSSED OUT. PLEASE COMPLETE THIS FORM IN BLOCK CAPITALS**

**THIS APPLICATION FORM MUST BE COMPLETED BY THE APPLICANT.**

<table>
<thead>
<tr>
<th><strong>NAME:</strong></th>
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<tbody>
<tr>
<td><strong>ADDRESS:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>HOME TELEPHONE:</strong></td>
<td><strong>MOBILE TELEPHONE:</strong></td>
</tr>
<tr>
<td><strong>EMAIL ADDRESS:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>DATE OF BIRTH:</strong></td>
<td><strong>NATIONALITY:</strong></td>
</tr>
</tbody>
</table>

I am applying to: **GRANT / RENEW** (delete as applicable)

a: **HACKNEY CARRIAGE / PRIVATE HIRE** (delete as applicable) drivers licence

<table>
<thead>
<tr>
<th><strong>CURRENT BADGE NUMBER:</strong></th>
<th><strong>NATIONAL INSURANCE NO.:</strong></th>
</tr>
</thead>
</table>

**NUMBER OF YEARS YOU HAVE HELD A UK DRIVING LICENCE:**

<table>
<thead>
<tr>
<th><strong>PROOF OF ENTITLEMENT TO WORK:</strong></th>
<th><strong>YES / NO</strong> (delete as applicable)</th>
</tr>
</thead>
</table>

| **PROOF OF COMPETENCY IN ENGLISH LANGUAGE:** | **YES / NO** (delete as applicable) |
| (New applicants only) |  |

**WHICH PRIVATE HIRE OPERATOR DO / WILL YOU WORK FOR?**

| **HAS THERE BEEN ANY CHANGE IN YOUR HEALTH OR EYESIGHT SINCE THE GRANT OF YOUR PREVIOUS LICENCE:** |
|---|---|

**YES / NO** (delete as applicable) IF YOU HAVE ANSWERED YES, PLEASE GIVE DETAILS:

| **HAS YOUR DVLA DRIVER’S LICENCE BEEN SUSPENDED / REVOKED / ENDORED FOR ANY OFFENCE IN THE LAST 3 YEARS?** |
| (IT IS AN OFFENCE TO FAIL TO DECLARE SUCH MATTERS INCLUDING FIXED PENALTY POINTS) |

**YES / NO** (delete as applicable)

**IF YOU HAVE ANSWERED YES, PLEASE GIVE DATES AND FULL DETAILS:**

| **HAVE YOU EVER BEEN CONVICTED, OR ARE ANY PROCEEDINGS PENDING FOR ANY OFFENCE (INCLUDING SPENT OFFENCE CAUTIONS, REPRIMANDS & WARNINGS) (IT IS AN OFFENCE TO FAIL TO DECLARE SUCH MATTERS)?** |
|---|---|

**YES / NO** (delete as applicable)

**IF YOU HAVE ANSWERED YES, PLEASE GIVE DATES AND FULL DETAILS:**

**DECLARATION:**

I am aware that if any person knowingly or recklessly makes a false statement or omits any material particular in giving information on this form that person shall be guilty of an offence. This means that if you as the applicant, or anyone else gives false information or leaves out any information to help you get a licence, you and/or they can be prosecuted in court. I declare that I have checked the details given and to the best of my knowledge and belief they are correct. I am entitled to the licence for which I apply.

<table>
<thead>
<tr>
<th><strong>DATE:</strong></th>
<th><strong>SIGNATURE:</strong></th>
</tr>
</thead>
</table>

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see http://www.oxford.gov.uk/websites/tools/privacy.cfm.
Notes for guidance

Please read the notes before filling in this form.

1 This form should only be filled in to confirm an individual's entitlement to drive. It must be filled in and signed in all cases by the driver. Forms without a signature will not be accepted.

2 If the details on your driving licence are not up to date, return it to us and tell us what changes are needed. It is a legal requirement that you tell us immediately of a change to your permanent address or name. You could be fined up to £1000 if you do not notify us of these changes.

3 If you are a bus or lorry driver and have passed driver certificate of professional competence (CPC) initial test modules, or completed periodic training since 10 September 2008 (for bus drivers), or 10 September 2009 (for lorry drivers) and you need these details included in your response please fill in section 3 with your driver qualification card (DQC) number if known. **Please do not fill in section 3 if you do not hold a CPC qualification. The driver CPC information will be sent to the company separately from your driver record details.**

   If you have any queries regarding driver CPC please contact the Driving Standards Agency in the following ways:

   • Phone 0300 200 1122
   • Email customer.services@dsa.gsi.gov.uk (referring to ‘Driver CPC Enquiry’)

4 In some instances, the company requesting details of your driver record may be making the request on behalf of the company you have a relationship with.

5 DVLA has a duty under the Data Protection Act 1998 to protect personal information. To ensure adequate protection, DVLA require the specific consent of the driver before releasing information. This information will only be released for the purpose of confirming entitlement to drive and will be held in accordance with the Data Protection Act 1998.

6 If you wish to withdraw consent you may do this at anytime under the Data Protection Act 1998. Check with your employer whether they would prefer your withdrawal of consent verbally or in writing. It is your responsibility to obtain acknowledgement of your withdrawal of consent.

7 If you leave your current employer or cease to drive in connection with the named company your consent becomes automatically invalid. If you are re-employed by the same company a new consent form will be required.

Warning

Failure to provide sufficient information about your company or the driver you are enquiring about, or failure to sign the declaration will result in your application being rejected.

It is a criminal offence under section 55 of the Data Protection Act 1998 to unlawfully obtain or disclose (or procure the disclosure of) personal data from Data Controllers without the data subject’s consent. It is also an offence to sell personal data that is illegally obtained. Convictions for offences are punishable in a Magistrates Court by a fine of up to £5000 or by an unlimited fine in a Crown Court.

Any legitimate complaints received from a driver whose details have been obtained unlawfully may be passed to the Information Commissioner to consider prosecution. If we have evidence that information has been obtained or used inappropriately we may refuse future applications.
1 **Company details** (to be filled in by the company making the enquiry):

Company name and address (the company):

Account number: 

Reference number: 

Please delete as appropriate:

Are you making an enquiry on behalf of another company?

Yes  No

If yes, company name must be entered below.

2 **Driver details** (to be filled in by the driver):

Surname: 

First name:  Middle name(s) 

Date of birth:  /  /  

Driver number: 

Current address:

Line 1  

Line 2  

Line 3  

Post town  

Postcode: 

Address on licence (if different):*

Line 1  

Line 2  

Line 3  

Post town  

Postcode:

* You must tell DVLA of any changes to your address. Failure to do so could result in a fine of up to £1000

3 **CPC information** (please see notes over the page):

Please delete as appropriate:

Do you require CPC information?

Yes  No

DQC number

4 **Driver declaration** (to be filled in by the driver):

**IMPORTANT:** Please read the notes over the page before signing this form

**Declaration:**

Being the person referred to in section 2 above, I authorise the company or companies listed in Section 1 above to ask DVLA for my driver record information as and when they require, at a frequency they shall determine. I understand that the company I authorise to ask for my driver record information may use an intermediary company to make the enquiry with DVLA on their behalf.

I authorise and direct DVLA to disclose to the company or companies in Section 1, all relevant information relating to my driver record from the computerised register of drivers maintained by DVLA. This includes personal details, driving entitlements, endorsement details, disqualifications, convictions, photo images and CPC details (where appropriate). Medical information is not to be provided.

This authority will expire when I cease to drive in connection with the company and in any case three years from the date of my signature.

SIGNATURE:  

DATE:
OXFORD CITY COUNCIL - TAXI LICENSING

MEDICAL REPORT
Hackney Carriage and Private Hire Drivers

THE MEDICAL EXAMINATION MUST BE CARRIED OUT BY YOUR G.P. OR A MEMBER OF THE MEDICAL PRACTICE WHO HAS ACCESS TO YOUR MEDICAL RECORDS.

A. What you have to do:-

1. Before consulting your doctor you must read the notes at C below. If you have any of these conditions you may not be granted a licence

2. If you have any doubts about your ability to meet the medical standards, consult your Doctor before you arrange for this medical form to be completed. The Doctor will charge you for completing it but should not charge more than the charge for DVLA Group 2 medical. In the event of your application being refused, the fee you pay the Doctor is not refundable. Oxford City Council has no responsibility for the fee payable to the Doctor.

3. Fill in Section 9 of this report in the presence of the Doctor carrying out the examination.

4. For new applicants this report, together with your application, must be submitted to Oxford City Council within 4 months of the Doctor signing the report. For existing licence holders, this report must not be dated more than 4 months before your licence is due to expire.

B. What the Doctor has to do:-

1. Unless special arrangements have been made through the Taxi Licensing Office you must be a member of the practice holding the applicant’s medical records. Please arrange for a full medical examination undertaken, applying the same standards as the DVLA apply to PCV/LGV drivers (Group 2)

2. Fill in Section 1 - 8 of this report. You may find it helpful to consult the DVLA’s “At a Glance” booklet. Alternatively, up to date standards can be obtained of the DVLA website: www.dvla.gov.uk.

3. Applicants who may be asymptomatic at the time of the examination should be advised that, if in future symptoms of a medical condition develop, likely to affect safe driving, and a Driver’s Licence is held, the Taxi Licensing Office, Oxford City Council, should be informed immediately.

4. Please ensure that you have completed all the sections, written the applicants name at the bottom of each page and included your surgery/practice stamp

C. Group 2: Medical Standards for HC and PHV Drivers:-

Standards for HC and PHV drivers are higher than for car drivers. Specific conditions that are a bar to obtaining or holding a hackney carriage or private hire driving licence are as follows:

1. Epilepsy/Seizure - an applicant must NOT “have a liability to epileptic seizures”. If he/she does have such a liability Oxford City Council must refuse or revoke the licence.

2. Diabetes: A new applicant with insulin treated diabetes cannot obtain a licence. Drivers already licensed may continue to drive under the conditions below.
   i. You must have had no episodes of hypoglycaemia which have required assistance whilst driving within the last 12 months.
   ii. You must undertake to regularly monitor your blood sugar levels at least twice a day and at times relevant to your driving. If your application is successful, then you will need to continue to monitor in this way, particularly at times relevant to your driving of hackney carriages or private hire vehicles.
   iii. Every 12 months, you will need to arrange to be medically examined. At the time of this examination, the doctor will need to review your blood glucose records for the previous 3-month period.
   iv. The cost of the examination is to be met by the licence holder.
   v. You must have no other medical condition which would bar you from driving these vehicles.
3. **Eyesight:** All drivers, for whatever category of vehicle, must be able to read in good daylight a number plate at 20.5 metres (67 feet), and, if glasses or contact lenses are required to do so, these must be worn while driving. In addition:

i. An applicant who has not held a vocational Driver's licence before must by law have both

- a visual acuity of at least 6/9 in the better eye; and
- a visual acuity of at least 6/12 in the other eye. He/She must also

- have satisfactory uncorrected visual acuity. Any applicant who has uncorrected acuity of less than 3/60 in both eyes will **not** be able to meet the required standard. A driver who has an uncorrected acuity of less than 3/60 in only one eye may be able to meet the required standard and should check with Drivers Medical Unit, DVLC, Swansea, SA99 1TU, or telephone 01792 304000, about the requirement, informing the unit the Council's standards are those set out for LGV/PCV Licences.

An applicant or licence holder failing to meet the epilepsy, diabetes or eyesight regulations must be refused in law from obtaining a Vocational Driver's Licence.

4. In addition to those medical conditions covered by law, an applicant or licence holder is likely to be refused if he/she is unable to meet the national recommended guidelines in cases of:-

- within 3 months of myocardial infarction, any episode of unstable angina, CABG or coronary angioplasty
- a significant disturbance of cardiac rhythm occurring within the past 5 years unless special criteria are met
- suffering from or being treated for angina or heart failure
- established hypertension where the BP is persistently 180 systolic or over or 100 diastolic or over
- a stroke, TIA or unexplained loss of consciousness within the past 5 years
- Meniere's and other diseases causing disabling vertigo, within the past 2 years
- severe head injury with serious continuing after effects, or major brain surgery
- Parkinson's disease, multiple sclerosis or other "chronic" neurological disorders likely to affect limb power and co-ordination
- being treated for or suffering a psychotic or schizophrenic illness in the past 3 years, or suffering from dementia
- alcohol dependency or continued misuse, or illicit drug or substance dependency or use in the past 3 years
- serious difficulty in communicating by telephone in an emergency
- insuperable diplopia, pathological visual field defect or loss of normal binocular field of vision
- any other serious medical condition which may cause problems for road safety and HC and PH driving
**MEDICAL EXAMINATION**

to be completed by the Doctor

*(Please answer all questions)*

<table>
<thead>
<tr>
<th>Section 1 Vision</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Is the visual acuity as measured by the Snellen chart at least 6/9 in the better eye and at least 6/12 in the other.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. If corrective lenses have to be worn to achieve this standard:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Is the UNCORRECTED acuity at least 3/60 in the LEFT eye.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii) Is the UNCORRECTED acuity at least 3/60 in the RIGHT eye.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Please state all the visual acuities for all applicants measured</td>
<td></td>
<td></td>
</tr>
<tr>
<td>UNCORRECTED</td>
<td>CORRECTED</td>
<td>Left:</td>
</tr>
<tr>
<td>d. If there is no degree of vision whatsoever in one eye, on what date did the applicant become monocular or develop sight in one eye only?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Is there documented evidence of a pathological field defect e.g. hemianopia, scotoma or quadrantanopia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f. Is there uncontrolled diplopia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>g. Is there full binocular field of vision on confrontation</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section 2 Nervous System</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Has the applicant a &quot;liability to epileptic seizures&quot;?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Does the applicant suffer from epilepsy?</td>
<td></td>
<td></td>
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<tr>
<td>c. Is there a history of a sudden and disabling episode or episodes of unexplained impaired consciousness within the past 5 years?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Is there a history of stroke, TIA or vertebrobasilar insufficiency within the past 5 years?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Is there a history of uncontrolled Meniere's disease or other causes of sudden disabling vertigo within the last 2 years?</td>
<td></td>
<td></td>
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<tr>
<td>f. Is there evidence, with documented signs of neurological or cognitive impairment, of multiple sclerosis?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>g. Is there Parkinson's Disease or other muscle or Movement disorder likely to affect vehicle control?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>h. Is there a history of brain surgery since the last licence was issued?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i. Is there a history of serious head injury associated with an intra-cerebral haematoma or compound depressed skull fracture since the last licence was issued?</td>
<td></td>
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<tr>
<td>(Note: in the case of a first applicant for licence please answer h or i above).</td>
<td></td>
<td></td>
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<tr>
<td>j. Is there a history of brain tumour, either benign or malignant, primary of secondary?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section 3 Diabetes Mellitus</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the applicant have diabetes mellitus? (If &quot;no&quot; please proceed to Section 4)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If YES please answer the following.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Is the diabetes managed by Insulin? If YES, date started on insulin.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Oral hypoglycaemic agents and diet?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Diet only?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Is the diabetic control generally satisfactory?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Is there any evidence of loss of visual field?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f. Is there any evidence of severe peripheral neuropathy?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>g. Significant impairment of limb function or joint position sense?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>h. Uncontrolled episodes of hypoglycaemia?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i. Complete loss of warning symptoms of hypoglycaemia?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section 4 Psychiatric Illness</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Has the applicant suffered or required treatment for a psychotic illness in the past 3 years</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Has the applicant required treatment for a psychoneurotic disorder with psychotropic medication within the past 6 months? (If &quot;yes&quot; please answer below)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Does the medication cause side effects likely to affect driving ability?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii) Is the condition stable or resolved?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Is there confirmed evidence of dementia?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. In the past 3 years has there been:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) A history of continued alcohol abuse or alcohol dependency?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii) A history of illicit drug or substance use or dependency?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If you have answered &quot;yes&quot; to either i) or ii) above, please provide dates/details of alcohol intake or type of illicit drug, treatment and compliance with advice (below)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**PLEASE TURN OVER**
### Section 5 General

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>Has the applicant a significant disability of the spine or limbs which is likely to interfere with the efficient discharge of his/her duties as a vocational driver?</td>
<td></td>
</tr>
<tr>
<td>b.</td>
<td>Is there a history within the past two years of bronchogenic or other malignant tumour with a significant liability to metastasise Cerebrally?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>If YES, please give dates and diagnosis and state whether there is current evidence of dissemination (below)</td>
<td></td>
</tr>
<tr>
<td>c.</td>
<td>Is there serious difficulty preventing adequate communication by telephone in an emergency?</td>
<td></td>
</tr>
</tbody>
</table>

### Section 6 Cardiac

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>Coronary artery disease: Is there a history, or evidence of:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>i) angina pectoris or heart failure (whether or not maintained symptom free by the use of medication)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>ii) myocardial infarction/any episode of unstable angina</td>
<td></td>
</tr>
<tr>
<td></td>
<td>iii) Coronary artery by pass graft (CABG)/coronary angioplasty?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>If YES to i, ii, or iii please give details/dates (below)</td>
<td></td>
</tr>
<tr>
<td>b.</td>
<td>Has a resting ECG been performed previously</td>
<td></td>
</tr>
<tr>
<td>c.</td>
<td>If you have answered YES for the above question, did it show pathological Q waves present in 3 leads or more, or left bundle branch block?</td>
<td></td>
</tr>
<tr>
<td>d.</td>
<td>Please enter the date that the ECG was performed (if you have answered YES to the above questions) (Note: an ECG does not need to be performed for this examination)</td>
<td></td>
</tr>
<tr>
<td>e.</td>
<td>Other vascular disorders: Is there a history, or evidence of:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>i) Aortic aneurysm, thoracic or abdominal, with a transverse diameter of 5cm or more (whether or not it has been repaired)?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>ii) Confirmed symptomatic peripheral arterial disease?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>iii) Any other significant vascular disorder (ie. Marfans)?</td>
<td></td>
</tr>
<tr>
<td>f.</td>
<td>Cardiac arrhythmia and heart block: Is there a history, or evidence, of:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>i) significant disturbance of cardiac rhythm within the past 5 years</td>
<td></td>
</tr>
<tr>
<td></td>
<td>If yes, please give details (below)?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>ii) pacemaker or cardioverter defibrillator insertion?</td>
<td></td>
</tr>
<tr>
<td>g.</td>
<td>Is the resting blood pressure consistently 180 systolic or more and/or 100 diastolic or more?</td>
<td></td>
</tr>
<tr>
<td>h.</td>
<td>Is there a history, or evidence, of acquired valvular heart disease, with or without heart valve replacement?</td>
<td></td>
</tr>
<tr>
<td>j.</td>
<td>Is there a history, or evidence, of established cardiomyopathy, heart or lung transplant, cardiac surgery other than above, or significant congenital heart disorder?</td>
<td></td>
</tr>
</tbody>
</table>

### Section 7 Drugs

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>Is the applicant currently taking any drug likely to effect safe driving</td>
<td></td>
</tr>
<tr>
<td></td>
<td>If you have answered “Yes” to the above question, please give further details below</td>
<td></td>
</tr>
</tbody>
</table>

Since the application is for the grant of a driving licence, the applicant could usefully be reminded that Section 4 of the Road Traffic Act 1988 does not differentiate between illicit or prescribed drugs. Therefore any person driving or attempting to drive whilst unfit through any drug is liable to prosecution.

PLEASE TURN OVER
Section 8  Medical Practitioner Details

To be completed by Doctor carrying out the examination who must be the applicant's general practitioner or a member of the Group Practice holding the applicant's medical records.

About your GP/Group Practice

Name

Address

Tel

SURGERY STAMP

Section 8B  Medical Practitioner Certification  (to be completed by Doctor carrying out examination)

I certify that I have today examined the applicant in Section 8 of this Report and in my opinion the applicant is FIT / UNFIT * to drive a Hackney Carriage or Private Hire Vehicles.

NAME  .........................................................

SIGNATURE  ......................................................

DATE  .........................................................

The Applicant's Consultant/Specialist (If applicable)

Consultant's Name

Address

Tel

Date Last Seen

This part to be completed by applicant in the presence of the Medical Practitioner carrying out the examination

Section 9 Applicant Details

ABOUT YOU (the applicant)

Your Name

Address

Date of Birth

Phone Numbers

This section MUST be completed and must NOT be altered in any way

Consent and Declaration

You should be aware that if you have knowingly given false information in this examination you are liable to Prosecution

Please sign the statement below:

I declare that I have checked the details I have given and that to the best of my knowledge and belief they are correct. If a medical condition is declared I authorise my Doctor(s) and Specialist(s) to release reports to Oxford City Council's Medical Adviser about my condition.

Signature  .........................................................

Date  .........................................................

Please remember to sign and date this form
APPLICATION PACK FOR:

HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE LICENCE
# OXFORD CITY COUNCIL

## HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE LICENSING APPLICATION PACK

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<td>OXFORD CITY COUNCIL'S MOTOR TRANSPORT SECTION DETAILS</td>
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<td>PROCEDURE FOR REPLACEMENT VEHICLE FOLLOWING AN ACCIDENT</td>
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<td>EUROPEAN EMISSION STANDARDS INFORMATION FOR LICENSED VEHICLES</td>
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<td>AUDIO &amp; VISUAL RECORDING EQUIPMENT IN LICENSED VEHICLES (SCHEME NOT YET OPERATIVE)</td>
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<td>MINIMUM STANDARD SPECIFICATION FOR AUDIO &amp; VISUAL RECORDING EQUIPMENT</td>
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<td>CONDITIONS APPLICABLE TO THE LICENSING OF HACKNEY CARRIAGE VEHICLES</td>
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<td>APPLICATION FORM: HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE LICENCE</td>
<td>25</td>
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</table>
INTRODUCTION
It is important that you read this application pack in full before applying for a Hackney Carriage or Private Hire vehicle Licence. This application pack should be kept for future reference so that you are fully aware of the procedures in obtaining or renewing your licence, and the guidelines, criteria, conditions and regulations of the licence.


Appointments
Due to the high volume of drivers, vehicles, and new applicants, all applications to obtain or renew a licence must be made by a pre-booked appointment only with the Licensing Officer.

Licence
Licences are currently issued annually, subject to the Licensing Authority being satisfied that the applicant is “fit and proper” to be issued with the licence, and that the vehicle meets with the guidelines, criteria, conditions and regulations as described within this Application Pack. Private Hire vehicles are not permitted to be licensed to carry more than 8 passengers.

Fit and Proper Person: A person who poses no threat to the general public, has a good knowledge of the City, is healthy, and is of a good character (including driving record) will be deemed fit and able to hold a licence.

Renewal of Licence
It is the responsibility of the licence holder to apply for the renewal of the licence at the appropriate time. Licence renewals will not be granted until all of the relevant checks have been completed. To avoid delay, applicants are advised to book an appointment to submit their application to the Licensing Officer approximately 2 to 4 weeks before the expiry of their current licence. Should your licence expire, the Council permits a maximum period of 8 weeks for the licence to be renewed. If more than 8 weeks has passed since the licence expired your vehicle will have to meet the criteria that is set for a new licence.

Suitability
The Council reserves the right to require any applicant or existing licence holder to provide additional disclosures or other relevant information if the Licensing Officer has reason to believe that circumstances have changed since the application was made.

The Licensing Authority may get information about you from third parties, or give information to them to check the accuracy of information. This is to prevent or detect crime, or to protect public funds in other ways, permitted by legislation. These third parties include other local authorities and government departments.

The legislation states that the Council may grant a licence ONLY if it is satisfied that the person is fit and proper and that the vehicle meets with the relevant criteria applicable – the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.

Issuing / Suspending / Revoking / Withdrawing or Refusing to Renew a Licence
It must be clearly understood that the Hackney Carriage or Private Hire Vehicle Licence is issued in good faith, and should any information supplied by the applicant prove to be false or misleading, the licence may be suspended. The Council reserves the right to consider other matters which it feels are likely to be relevant to whether or not the applicant is a fit and proper person. These considerations also apply when considering whether to renew a licence.

Transfers of Ownership – Registered Holder of Licence: You have a legal obligation under Section 49 of the Local Government (Miscellaneous Provisions Act) 1976 to notify the licensing authority of a transfer of ownership. The notification must be in writing sent within 14 days of the transfer. Failure to comply may result in the Council taking legal action against you.

Interpretation: For the purpose of the conditions detailed in this application pack, The Licensing Officer means an officer of Oxford City Council for the time being authorised in writing by the council for the purposes of part II of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847, The Transport Act 1985 and the bye laws made thereunder.

NOTE: The council being in possession of a certificate of exemption granted by the Secretary of State for Transport is required to issue a certificate of compliance in respect of each licensed vehicle operating within the district. By virtue of the said certificate of exemption, the council may not accept anything other than a certificate of compliance as evidence of the satisfactory condition of the vehicle which is to be licensed. The test may only be carried out at a testing station appointed by the council and authorised by the Department of Transport. The test must be at least to M.O.T. standard before the certificate can be issued. When presenting the vehicle for licensing or re-licensing you must ensure that the date of issue of the certificate of compliance is not more than 28 days prior to the date of issue of the licence.

The approved testing station is the Cowley Marsh Depot, who can also provide further details to the compliance test carried out on the vehicle. Details of the testing station can be found elsewhere on this page.

Nothing in this document shall be interpreted as over riding the provisions of the Part II of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847, The Transport Act 1985 and the bye laws made thereunder.

CONTACT DETAILS:

OXFORD CITY COUNCIL LICENSING TEAM

Licensing Team:
Tel / Fax: Email: Website: www.oxfordsite.com

OXFORD CITY COUNCIL’S MOTOR TRANSPORT SECTION


FEES AND CHARGES

Fees once paid will on no account be refunded, and fees and charges may also be amended from time to meet the reasonable cost of issue and administration.

Please note that the vehicle licence fee does not include the costs of livery required for vehicles to meet with the Councils Conditions of Fitness (as described within this Application Pack). All required livery must be purchased from the Cowley Marsh Depot.

No vehicle will be deemed to meet with the criteria of the Certificate of Compliance unless it meets with the Councils Conditions of Fitness.

Payment must be made at the time of the pre-booked appointment with the Licensing Officer. Payment must be by way of Debit / Credit card, Postal Order or Cheque only. Please note that any failure to pay the appropriate fee, may result in the vehicle licence being suspended, until such time as payment has been made.

### FEES & CHARGES: PAYABLE TO OXFORD CITY COUNCIL

#### VEHICLE LICENCE FEES

<table>
<thead>
<tr>
<th>Class</th>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>HACKNEY CARRIAGE</td>
<td>NEW HACKNEY CARRIAGE VEHICLE LICENCE</td>
<td>£450.00</td>
</tr>
<tr>
<td></td>
<td>RENEWAL OF HACKNEY CARRIAGE VEHICLE LICENCE</td>
<td>£400.00</td>
</tr>
<tr>
<td>PRIVATE HIRE</td>
<td>NEW PRIVATE HIRE VEHICLE LICENCE</td>
<td>£312.00</td>
</tr>
<tr>
<td></td>
<td>RENEWAL OF PRIVATE HIRE VEHICLE LICENCE</td>
<td>£262.00</td>
</tr>
</tbody>
</table>

#### VEHICLE ADMINISTRATION CHARGES

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>PLATE DEPOSIT (NEW VEHICLE)</td>
<td>£50.00</td>
</tr>
<tr>
<td>CHANGE OF VEHICLE FEE</td>
<td>£100.00</td>
</tr>
<tr>
<td>TRANSFER OF OWNERSHIP FEE</td>
<td>£100.00</td>
</tr>
<tr>
<td>REPLACEMENT TEMPORARY VEHICLE FEE</td>
<td>£75.00</td>
</tr>
<tr>
<td>EXEMPTION NOTICE FEE (PRIVATE HIRE VEHICLE)</td>
<td>£50.00</td>
</tr>
</tbody>
</table>

#### ADDITIONAL VEHICLE CHARGES

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>EXEMPT VEHICLE INTERNAL PLATES (PAIR)</td>
<td>£25.00</td>
</tr>
<tr>
<td>HCV INTERNAL PLATE</td>
<td>£5.00</td>
</tr>
<tr>
<td>HCV FARE CHART</td>
<td>£2.00</td>
</tr>
<tr>
<td>REPLACEMENT EXTERNAL PLATE</td>
<td>£25.00</td>
</tr>
<tr>
<td>DUPLICATE LICENCE</td>
<td>£2.00</td>
</tr>
<tr>
<td>RETURNED CHEQUE FEE</td>
<td>£30.00</td>
</tr>
</tbody>
</table>

#### VEHICLE LIVERY CHARGES PAID TO COWLEY MARSH DEPOT (APPLICABLE TO ALL VEHICLES)

**IT SHOULD BE NOTED THAT THESE LIVERY CHARGES ARE NOT INCLUDED IN THE LICENCE FEE**

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>HCV REAR QUARTER NUMBERS / REPLACEMENT</td>
<td>£10.00</td>
</tr>
<tr>
<td>PHV INTERNAL STICKER / REPLACEMENT</td>
<td>£5.00</td>
</tr>
<tr>
<td>PHV DOOR STICKERS (PAIR) / REPLACEMENT</td>
<td>£35.00</td>
</tr>
</tbody>
</table>

#### FEES PAID DIRECTLY TO THE COWLEY MARSH DEPOT

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>HACKNEY CARRIAGE VEHICLE COMPLIANCE TEST</td>
<td>£66.20</td>
</tr>
<tr>
<td>PRIVATE HIRE VEHICLE COMPLIANCE TEST</td>
<td>£61.20</td>
</tr>
<tr>
<td>HACKNEY CARRIAGE VEHICLE RETEST</td>
<td>£30.00</td>
</tr>
<tr>
<td>PRIVATE HIRE VEHICLE RETEST</td>
<td>£30.00</td>
</tr>
<tr>
<td>DUPLICATE CERTIFICATE OF COMPLIANCE</td>
<td>£15.00</td>
</tr>
<tr>
<td>NON-SCHEDULED METER TESTING AND SEALING</td>
<td>£15.00</td>
</tr>
<tr>
<td>HCV REAR QUARTER NUMBERS / REPLACEMENT</td>
<td>£10.00</td>
</tr>
<tr>
<td>PHV INTERNAL STICKER / REPLACEMENT</td>
<td>£5.00</td>
</tr>
<tr>
<td>PHV DOOR STICKERS (PAIR) / REPLACEMENT</td>
<td>£35.00</td>
</tr>
</tbody>
</table>
PROCEDURE FOR A NEW HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE LICENCE

It is your responsibility to ensure that the vehicle meets the conditions and criteria detailed in this document relating to Hackney Carriage and Private Hire vehicles. The full specifications are contained within this document. Therefore you should ensure that any vehicle you wish to purchase is suitable to be licensed before you buy it.

You will see from the full licensing conditions that the maximum age for a new vehicle is five years when it is licensed (not when the application is made). No allowance is made for the vehicle’s age when it is and as it must be in an "as new" condition.

The procedure below relates to the licensing of all new vehicle licences, renewing a vehicle licence, and interim inspections:

1. You will need to contact the Licensing Team on 01865 252115 to be allocated an "Available Number", and then you will need to contact the Council’s Motor Transport Section, Marsh Road, Cowley, Oxford, OX4 2HH. Tel. No. 01865 252946 to book an appointment for the vehicle to undergo a Compliance Test (M.O.T.).

2. If the vehicle passes the test, the Testing Station will issue a CERTIFICATE OF COMPLIANCE for the vehicle.

3. You will then need to book an appointment with the Licensing Team, on 01865 252115, informing them of the make, model, colour, registration number, passenger seating capacity of the vehicle.

4. You must then attend this appointment (held at St. Aldate’s Chambers), and bring with you (if you fail to bring any of these documents, you will need to rebook your appointment):
   - COMPLETED APPLICATION FORM
   - INSURANCE CERTIFICATE OR COVER NOTE (ORIGINAL, NOT A PHOTOCOPY)
   - VEHICLE OWNERSHIP DOCUMENT / LOG BOOK
   - CERTIFICATE OF COMPLIANCE
   - PAYMENT FOR THE FEE (DEBIT / CREDIT CARD, CHEQUE, POSTAL ORDER) (SEE FEES & CHARGES)

5. If all of the above documents are valid, and you make your payment in full, you will be issued with a licence plate*. The paper licence will be posted to your home address.

6. Upon receipt of your licence plate, you will need to contact the Testing Station, who will affix the licence plate* to the vehicle, and issue you with the relevant new stickers for your vehicle (if applicable).

PROCEDURE FOR INTERIM INSPECTION OF LICENSED VEHICLE

This procedure relates to the 6 monthly Certificate of Conformity that must be submitted to the Licensing Team. This process is known commonly as the "Interim Inspection".

1. Approximately 4 months in to your vehicle licence, the Licensing Team will send you a “Reminder Letter” (there is no legal obligation on the Council to do this, and it is your responsibility to ensure that the conditions of the vehicle licence are complied with) that the vehicle is due an “INTERIM INSPECTION”. This is because the conditions applicable to vehicle licences state that your vehicle will need to be re-tested every 6 months.

   It is advisable to book this test before leaving the Testing Station at your original Test. The new Certificate of Compliance must not be dated any earlier than 28 days prior to the 6 month anniversary of your vehicle licence.

2. Upon completing the interim Certificate of Compliance Test, you will need request that the Test Station forward a copy of the Certificate to the Licensing Team.

3. Upon receipt of the interim Certificate of Compliance, the Licensing Team will update your records. If we have not received your Interim M.O.T. within 28 days of the date it was due to be taken, the vehicle licence may be suspended, until such time as a satisfactory M.O.T. Test Certificate is produced.

PROCEDURE FOR RENEWING AN EXISTING VEHICLE LICENCE

1. Approximately 2 months before the annual vehicle licence is due to expire, the Licensing Team will send you a “Reminder Letter”. There is no legal obligation on the Council to do this, and it is your responsibility to ensure that the vehicle licence is renewed in a timely manner.

2. Upon receipt of the reminder letter, you should book your next Certificate of Compliance Test (if had have not already done with the Cowley Marsh Depot. The new Certificate of Compliance must not be dated any earlier than 28 days prior to the expiry of your vehicle licence.

3. You will then need to contact the Licensing Team to book an appointment to renew the vehicle licence.

4. You must then attend this appointment (at St, Aldate’s Chambers), and bring with you (if you fail to bring any of these documents, you will need to rebook your appointment):
   - COMPLETED APPLICATION FORM
   - INSURANCE CERTIFICATE OR COVER NOTE (ORIGINAL, NOT A PHOTOCOPY)
   - VEHICLE OWNERSHIP DOCUMENT / LOG BOOK
   - CERTIFICATE OF COMPLIANCE
   - PAYMENT FOR THE FEE (DEBIT / CREDIT CARD, CHEQUE, POSTAL ORDER) (SEE FEES & CHARGES)
   - THE EXPIRING VEHICLE LICENCE PLATE

5. If all of the above documents are valid, and you make your payment in full, you will be issued with your new licence plate. The paper licence will be posted to your home address.
PROCEDURE FOR CHANGING AN EXISTING LICENCE TO A NEW VEHICLE
The procedure below relates to the licensing of a vehicle when the proprietor purchases a vehicle to replace his current licensed vehicle:

1. You will need to contact the Council's Motor Transport Section, Marsh Road, Cowley, Oxford, OX4 2HH. Tel. No. 01865 252946 to book an appointment for the vehicle to undergo a Compliance Test.

2. If the vehicle passes the test, the Testing Station will issue a CERTIFICATE OF COMPLIANCE for the vehicle.

3. You will then need to book an appointment with the Licensing Team on 01865 252115, informing them of the make, model, colour, registration number, passenger seating capacity of the vehicle.

4. You must then attend this appointment (at St. Aldate’s Chambers), and bring with you (if you fail to bring any of these documents, you will need to rebook your appointment):
   - COMPLETED APPLICATION FORM
   - INSURANCE CERTIFICATE OR COVER NOTE (ORIGINAL, NOT A PHOTOCOPY)
   - VEHICLE OWNERSHIP DOCUMENT
   - THE BILL OF SALE
   - CERTIFICATE OF COMPLIANCE (ISSUED NO MORE THAN 28 DAYS PRIOR TO YOUR APPOINTMENT)
   - PAYMENT FOR THE FEE (DEBIT / CREDIT CARD, CHEQUE, POSTAL ORDER) (SEE FEES & CHARGES)
   - THE EXISTING LICENCE PLATE OF THE VEHICLE BEING REPLACED

5. If all of the above documents are valid, and you make your payment in full, you will be issued with a licence plate. The paper licence will be posted to your home address.

PROCEDURE FOR TRANSFER OF OWNERSHIP OF A LICENSED VEHICLE
You have a legal obligation under Section 49 of the Local Government (Miscellaneous Provisions Act) 1976 to notify the licensing authority of a transfer of ownership. The procedure below relates to the licensing of a vehicle when the proprietor sells a vehicle to another licensed driver for his / her use:

1. You (the new owner) will need to book an appointment with the Licensing Team on 01865 252115.

2. You must then attend this appointment (at St. Aldate’s Chambers), and bring with you (if you fail to bring any of these documents, you will need to rebook your appointment):
   - COMPLETED APPLICATION FORM (BY THE NEW OWNER)
   - INSURANCE CERTIFICATE OR COVER NOTE (ORIGINAL, NOT A PHOTOCOPY)
   - VEHICLE OWNERSHIP DOCUMENT (LOG BOOK OR OTHER PROOF OF OWNERSHIP)
   - CERTIFICATE OF CONFORMITY (PASSED ON TO YOU BY THE PREVIOUS PROPRIETOR)
   - A SIGNED LETTER FROM THE PREVIOUS OWNER STATING:
     - THE MAKE / MODEL / COLOUR / REGISTRATION NUMBER / VEHICLE LICENCE NUMBER
     - THE DATE THE VEHICLE WAS SOLD TO YOU
     - TO WHOM THE VEHICLE WAS SOLD
   - THE BILL OF SALE
   - PAYMENT FOR THE FEE (DEBIT / CREDIT CARD, CHEQUE, POSTAL ORDER) (SEE FEES & CHARGES)

   * Please note that the previous owner must inform the Licensing Authority in writing that he / she is no longer the owner of the vehicle prior to you attending your appointment or the application will not be granted.

3. If all of the above documents are valid, and you make your payment in full, you will be issued with a paper licence posted to your home address. The licence plate will not need to be changed.

PROCEDURE FOR REPLACEMENT VEHICLE FOLLOWING AN ACCIDENT
The procedure below relates to the licensing of a vehicle that will be used as a replacement vehicle should your current vehicles not be useable following an accident.

1. You will need to contact the Licensing Team on 01865 252115 to advise us that you have been involved in an accident. You must report this within 72 hours of the accident and provide a letter confirming this and give the vehicle licence plate back to the Licensing Team.

2. You must give the Licensing Team details of the company that will be providing you with a replacement vehicle. The Licensing Team will liaise directly with the company providing you with a replacement vehicle.

3. The replacement vehicle company will complete an application form to licence the replacement vehicle.

4. They will need to contact the Council’s Motor Transport Section, Marsh Road, Cowley, Oxford, OX4 2HH. Tel. No. 01865 252946 to book an appointment for the vehicle to undergo a Compliance Test.

5. If the vehicle passes the test, the Testing Station will issue a CERTIFICATE OF COMPLIANCE for the vehicle.

6. The replacement vehicle company then need to book an appointment with the Licensing Team on 01865 252115.

7. When they then attend this appointment (at St. Aldate’s Chambers), they will need to bring with them:
   - COMPLETED APPLICATION FORM
   - INSURANCE CERTIFICATE OR COVER NOTE (ORIGINAL, NOT A PHOTOCOPY)
   - VEHICLE OWNERSHIP DOCUMENT
   - CERTIFICATE OF COMPLIANCE
   - PAYMENT FOR THE FEE (DEBIT / CREDIT CARD, CHEQUE, POSTAL ORDER) (SEE FEES & CHARGES)

8. If all of the above documents are valid, and payment has been made in full, the paper licence will be posted to the Replacement Vehicle Company, and they will contact you to inform you that the vehicle is now licensed.

9. Upon receiving this confirmation, you will need to book an appointment with the Licensing Team to obtain the vehicle plate (and to surrender your original plates). Upon receipt of your vehicle plate, you will need to book an appointment with the Testing Station to collect and affix any additional stickers / livery required.
BYELAWS RELATING TO HACKNEY CARRIAGE VEHICLES

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875, by the Lord Mayor, Alderman and Citizens of Oxford, acting by the Council, with respect to Hackney Carriages in Oxford.

INTERPRETATION
1. Throughout these byelaws “the Council” means the Lord Mayor, Alderman and Citizens of Oxford, acting by the Council, and “the district” means the City of Oxford.

PROPRIETORS AND DRIVERS
2. Every proprietor or driver of a Hackney Carriage shall, at times, when standing, plying, or driving for hire, conduct himself in an orderly manner. He shall also conduct himself with civility and propriety towards every person seeking to hire or hiring or being conveyed in such carriage, and shall comply with every reasonable requirement of any person hiring or being conveyed in such carriage.

3. Every driver of a Hackney Carriage shall be clean in person and shall, when standing, driving, or plying for hire, wear clean and respectable clothes.

4. Every driver of a Hackney Carriage of a description for which stands are fixed by any byelaw in that behalf shall:
   a. if a stand, at the time of his arrival is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
   b. on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand so as to face in the same direction;
   c. from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward;
   d. whilst his carriage is the first carriage stationed on a stand constantly attend such carriage and be ready to be hired at once by any person.

5. Every proprietor or driver of a Hackney Carriage who shall agree or shall have been hired to be in attendance with the carriage at an appointed time and place, shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

6. A driver of a Hackney Carriage shall not carry more than the number of passengers for which his carriage is licensed to carry.

7. Every driver of a Hackney Carriage shall at all times when standing, plying, or driving for hire, wear attached to his outer clothing in such a manner as to be clearly visible a badge to be provided by the Council. He shall not permit any other person to wear such badge.

8. Every driver of a Hackney Carriage shall when requested by any person hiring or seeking to hire the carriage:
   a. convey a reasonable quantity of luggage;
   b. afford reasonable assistance in loading and unloading;
   c. afford reasonable assistance in removing it to or from the entrance of any house, station, or place at which he may take up or set down such person.

9. Every proprietor or driver of a Hackney Carriage who shall knowingly convey in the carriage the dead body of any person shall, immediately thereafter, notify the fact to the Medical officer of Health of the Council.

10. Every driver of a Hackney Carriage provided with a taximeter shall:
    a. when standing or plying for hire keep the flag or other device of the taximeter bearing the words “FOR HIRE” locked in the position in which the words are horizontal and legible;
    b. as soon as the carriage is hired by distance and before commencing the journey bring the machinery of the taximeter into action by moving the flag or other device so that the words are not conveniently legible.

12. A proprietor or driver of a Hackney Carriage shall not, with intent to deceive, tamper with or permit any person to tamper with any taximeter with which the carriage is provided.

HACKNEY CARRIAGES
13. a. Every proprietor of a Hackney Carriage shall cause to be fixed to the rear of such carriage in such a manner as to be at all times plainly visible a metal plate bearing the number of such Hackney Carriage corresponding to it’s licence.
   b. The proprietor or driver shall not wilfully or negligently cause such number to be concealed from the public view when such carriage is standing, driving or plying for hire.

14. Every proprietor of a Hackney Carriage shall cause such carriage to be fitted with a taximeter so constructed, attached, and maintained as to comply with the following rules, viz:
   i. The taximeter shall be fitted with a flag or other device bearing the words “FOR HIRE” on each side thereof in plain letters at least 2 inches in height, and the flag or other device shall be capable of being locked in a position in which the words are horizontal and legible;
   ii. when the flag or other device is so locked the machinery of the taximeter shall not be in action, and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible;
   iii. when the flag or other device is so locked that the aforesaid words are horizontal and legible no fare shall be recorded on the face of the taximeter.
   iv. when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
   v. the word “FARE” shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
   vi. the taximeter shall be so placed that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the carriage, and for that purpose letters and figures shall be suitably illuminated when the carriage is in use during the hours of darkness.
   vii. 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.
15. No advertisements or written matter of any kind shall be exhibited on the inside or outside of any Hackney Carriage, except by special permission of the Council. Provided that this byelaw shall not apply to any sign which is required by law to be displayed in or upon such carriage.

STANDS
16. Each of the several places specified in the First Schedule to these byelaws shall be a stand for such number and description of Hackney Carriages as are specified in that said Schedule.

FARES AND OTHER CHARGES
17. 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 in the table set out in the Second Schedule to these byelaws, the rate or fare being calculated by distance unless the hirer express at the commencement of the hiring his desire to engage by time.

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

18. Every proprietor of a Hackney Carriage plying for hire of a description for which any fares are fixed by any byelaw in that behalf shall:
   a. cause a statement of such fares to be displayed on the inside of the carriage, or on a plate affixed thereto, in clearly distinguishable letters and figures;
   b. renew such letters and figures as often as is necessary to keep them clearly visible;
   c. The proprietor or driver of a Hackney Carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

19. In the case of journeys which end or start outside the City boundary, the driver of every Hackney Carriage shall before starting the journey inform his passengers that the fares laid down in these byelaws do not apply and shall state the manner in which he proposes to assess the fare or quote the fare for the whole journey.

LOST PROPERTY
20. Every proprietor or driver of a Hackney Carriage shall, immediately after the termination of any hiring, carefully search the carriage for any property which may have been accidentally left therein.

21. Every proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person may have been conveyed in the carriage be found by or handed to him:
   i) carry it within 24 hours, if not sooner claimed by or on behalf of its owner, to a Police Station, and leave it in the custody of the Police on obtaining a receipt for it;
   ii) be entitled to receive from any person to whom the property shall be redelivered an amount equal to one shilling in the pound of its estimated value but not more than five pounds or less than one shilling.

PENALTIES
22. Every proprietor or driver of a Hackney Carriage who shall offend against any of the foregoing byelaws shall be liable for every such offence to a penalty of twenty pounds and in the case of a continuing offence to a further penalty of two pounds for each day after written notice of the offence from the Council.

Provided, nevertheless, that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less that the full amount of the penalty imposed by this byelaw.

REPEAL OF BYELAWS
23. The byelaw relating to Hackney Carriages in the City of Oxford which were made by the Council:
   i) on the third day of June 1929, allowed by the Minister of Health on the first day of August 1929;
   ii) on the seventh day of June 1937, and confirmed by the Minister of Health on the fourth day of August 1937;
   iii) on the twenty-first day of April 1958, and confirmed by the Secretary of State on the ninth day of June 1958;
   iv) on the sixteenth day of May 1964, and confirmed by the Secretary of State on the fourth day of June 1964;

are hereby repealed.

FIRST SCHEDULE: STANDS FOR HACKNEY CARRIAGES IN THE CITY OF OXFORD

Queen Street / Carfax : For 3 Carriages
High Street : On the west side of Turl Street. For 2 Carriages
Gloucester Green : For 12 Carriages
Park End Street : For 3 Carriages
St Giles : In the centre of the road, immediately to the north of the public lavatory. For 20 carriages
The Plain : On the east side of the roundabout. For 3 Carriages
Cowley Road : On the west side of Manzil Way For 2 Carriages
Barns Road : Near the entrance to Templar Square. For 4 Carriages
Between Towns Road : Near the entrance to Templar Square. For 2 Carriages
London Road : South side of Kennett Road. For 1 Carriage
London Road : North east side of Old High Street . For 1 Carriage
Oakhthorpe Road : For 2 Carriages
Oxford Rail Station : Subject to the consent of the land owner
SECOND SCHEDULE: FARES AND OTHER CHARGES

Fares for Distance Traveled and time

<table>
<thead>
<tr>
<th>Tariff 1</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>06.00 - 22.00</td>
<td>For the first 80 metres or part thereof</td>
<td>£2.45</td>
</tr>
<tr>
<td></td>
<td>Each subsequent 80 metres or part thereof until 1600 metres</td>
<td>£0.10</td>
</tr>
<tr>
<td>Monday to Saturday</td>
<td>each subsequent 125 metres or part thereof</td>
<td>£0.10</td>
</tr>
<tr>
<td>Waiting Time:</td>
<td>For each period of 20.3 seconds or part thereof</td>
<td></td>
</tr>
<tr>
<td></td>
<td>For each trunk carried</td>
<td>£1.00</td>
</tr>
<tr>
<td>Tariff 2</td>
<td>For the first 53 metres or part thereof</td>
<td>£2.50</td>
</tr>
<tr>
<td>22.00 - 06.00 Mon</td>
<td>For each period of 18.9 seconds or part thereof</td>
<td></td>
</tr>
<tr>
<td>all day Sunday</td>
<td>For each trunk carried</td>
<td>£1.00</td>
</tr>
<tr>
<td>All Public Holidays (except Tariff 3)</td>
<td>for 00.01 until 06.00 the following day</td>
<td></td>
</tr>
<tr>
<td>Waiting Time:</td>
<td>For each period of 18.9 seconds or part thereof</td>
<td></td>
</tr>
<tr>
<td></td>
<td>For each trunk carried</td>
<td>£1.00</td>
</tr>
<tr>
<td>Tariff 3</td>
<td>For the first 80 metres or part thereof</td>
<td>£2.80</td>
</tr>
<tr>
<td>Christmas From 20.00</td>
<td>For each period of 80 metres or part thereof until 1600</td>
<td></td>
</tr>
<tr>
<td>24th Dec</td>
<td>miles</td>
<td>£0.15</td>
</tr>
<tr>
<td>New Year From 20.00 31st Dec</td>
<td>For each period of 125 metres or part thereof</td>
<td></td>
</tr>
<tr>
<td>Until 06.00 2nd Jan</td>
<td>For each trunk carried</td>
<td>£1.50</td>
</tr>
<tr>
<td>Waiting Time:</td>
<td>For each period of 20.3 seconds or part thereof</td>
<td></td>
</tr>
<tr>
<td></td>
<td>For each trunk carried</td>
<td>£1.50</td>
</tr>
<tr>
<td>For each passenger in excess of one</td>
<td></td>
<td>£0.20</td>
</tr>
<tr>
<td>For each article of baggage carried outside the passenger compartment of the cab</td>
<td></td>
<td>£0.10</td>
</tr>
<tr>
<td>For each adult pedal cycle carried (except folding)</td>
<td></td>
<td>£1.00</td>
</tr>
<tr>
<td>For each wheeled vehicle carried (except mobility impaired persons vehicle)</td>
<td></td>
<td>£0.10</td>
</tr>
<tr>
<td>PAYMENT by cheque credit card or debit card</td>
<td></td>
<td>£0.50</td>
</tr>
<tr>
<td>SOILAGE CHARGE *</td>
<td>To carry cleaning and loss of income, where the interior of the vehicle is soiled due to the excessive consumption of alcohol etc. or by the carriage of an animal, excluding guide dogs.</td>
<td>£30.00</td>
</tr>
</tbody>
</table>

LIMITING THE NUMBER OF LICENSED HACKNEY CARRIAGE VEHICLES

Full Council has decided that the Council’s policy of quantity control on the number of Hackney Carriage vehicle licences should be maintained. It considers that the Council is best placed to determined local transport needs and that those needs must be determined in the context of the (long standing and consistent) traffic and transport policies in Oxford.

The City Council has maintained quantity control over the numbers of Hackney Carriage licences it issues for well over twenty years. However, it commissions regular surveys, conducted by independent specialist consultants, into whether there is, at the time of the survey, unmet demand for the services of Hackney Carriages in Oxford. Where the survey has found that there is unmet demand, the Council has issued additional licences so that supply equates with demand. In addition, both in connection with the survey and at other times, the Council has reviewed the amount and location of taxi stands. The Council has both full-time and part-time taxi stands, in the City centre and elsewhere.

In terms of quality control, the Council has driven up the quality of Hackney Carriages and Private Hire vehicles, and their drivers, so that the Council believes the quality and safety of the services provided by Hackney Carriages and Private Hire vehicles in Oxford is that of other leading local authorities. All Oxford’s Hackney Carriages are wheelchair accessible. The Council is not complacent however, and continually reviews quality control, by enforcement and by other means.

At present there are 107 Oxford City licensed Hackney Carriages. An independent “unmet demand” survey is commissioned every 3 years, and its results are presented to the Full Council to determine whether the number of licensed Hackney Carriages in Oxford should be increased.

EUROPEAN EMISSION STANDARDS INFORMATION FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

On 15th June 2009 the General Purposes Licensing Committee approved the adoption of the European Emissions Standards in the City, this regulation determines the maximum age for vehicles permitted to be licensed by this Authority. European emission standards define the acceptable limits for exhaust emissions of new vehicles sold in EU member states. The emission standards are defined in a series of European Union directives staging the progressive introduction of increasingly stringent standards.

**New Vehicle Licences:** Any vehicle not already licensed by this Authority, in order to meet the current regulations, must not be older than 5 years of age at the date of the grant of the vehicle licence.

**Renewal of existing Vehicle Licences:** From 1st January 2013, all vehicles submitted for a licence renewal will need to be Euro IV Emissions compliant, which in effect means that any vehicle first registered prior to 1st January 2006 will not meet current regulations.

Further information relating to the European Emissions Standards can be found on the European Commission website.
From the (T.B.A.) it is a mandatory requirement for Audio and Visual Recording Equipment to be fitted in all Hackney Carriage and Private Hire vehicles (save for those Private Hire vehicles that are granted an “Exemption Notice” in accordance with Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976) licensed by this Authority.

Listed below is a summary of the timescale for the scheme, and the eligibility criteria for financial assistance with the reimbursement of fitting costs.

i) Audio and Visual Recording Equipment will be a mandatory requirement for all Hackney Carriages and Private Hire vehicles (save for those Private Hire vehicles that are granted an “Exemption Notice” in accordance with Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976) licensed for the first time by this Authority from (T.B.A.).

ii) Audio and Visual Recording Equipment will be a mandatory requirement for all Hackney Carriage and Private Hire vehicles (save for those Private Hire vehicles that are granted an “Exemption Notice” in accordance with Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976) licensed by this Authority prior to (T.B.A.), allowing until (T.B.A.) for the equipment to be fitted to the vehicle.

iii) Any vehicle proprietor who holds a licence prior to (T.B.A.) and will have a licence in force after this date, will be eligible to apply for reimbursement of a maximum of £100 towards the fitting costs of Audio and Visual Recording Equipment to the vehicle (upon proof of receipt of payment for the fitting of the Audio and Visual Recording Equipment), restricted to no more than one payment per licensed vehicle.

iv) Any Audio and Visual Recording Equipment system fitted to any licensed vehicle must comply with the criteria laid out in the Minimum Standard Specification for Audio and Visual Recording Equipment installed in licensed vehicles.

v) Upon the fitting of Audio and Visual Recording Equipment to any Private Hire vehicle licensed from (T.B.A.), there shall be no requirement for the need to replace the standard manufactured rear side windows or rear windscreen of the vehicle.

vi) Upon the fitting of Audio and Visual Recording Equipment to any Hackney Carriage, advertisements shall be permitted to be displayed on a screen placed behind the driver, on the partition of the Hackney Carriage. Guidelines relating to internal advertisements in Hackney Carriages can be found within the Conditions of Fitness.

MINIMUM STANDARD SPECIFICATION FOR AUDIO AND VISUAL RECORDING
EQUIPMENT SYSTEMS

1. Meet the current Information Commissioner Data protection requirements, at the time of installation

2. Capable of date, time and vehicle identification test information

3. Capable of capturing images during daylight and darkness of sufficient quality to enable identification of any person travelling in the vehicle and be of such a quality that can be used for prosecution purposes where necessary

4. Capable of providing voice recording

5. The recording must be event activated (e.g. door or ignition) and continue to record 30 minutes after the ignition is switched off.

6. Capable of recording and storing images for a minimum of 28 days

7. A panic button which will then save all recording for a minimum of 10 minutes before activation in a separate part of the hard drive

8. Have the integrity to prevent images being reviewed, removed and/or downloaded accept by a system administrator and/or an authorised council or police officer

9. The system must be digitally encrypted

10. Ensure that the hard disk or data card is not accessible to the driver or any other person travelling in the vehicle

11. The data unit must be securely fixed and stored separately from the camera(s) and out of view of any person travelling in the vehicle

12. All equipment must not present any risk to any person travelling in the vehicle and as far as possible cannot be tampered or damaged by any person travelling in the vehicle

13. All equipment installed in the vehicle must be capable of withstanding and functioning if the vehicle stops suddenly or there is any impact

14. The equipment must be marked as complying with European Industry Standards.

15. The camera(s) must be capable of recording all passengers travelling in the vehicle, including the driver. For vehicles other than a saloon car this may require more than 1 camera

16. All images and sound recorded must be in a format that is easily useable by police and the Court system (DVD format recommended)

17. The system must be fitted by an approved installer, specified by the manufacturer, and serviced and maintained as specified by the manufacturer
Any requirements of legislation, which affect the operations carried out under the terms of a licence, shall be regarded as if they were conditions of that licence.

No vehicle shall be licensed as a Hackney Carriage unless it complies with the Council's Conditions of Fitness.

It must be understood that although the conditions of fitness set out may have been complied with, approval will be withheld if the Council is of the opinion that the vehicle is unsuitable for use as a Hackney Carriage.

A licence holder has a right of appeal to a Magistrate’s Court against the imposition of the Conditions attached to a licence, by virtue of Section 300 – 302 of the Public Health Act 1936.

You should be fully aware that it is the policy of this Authority to only permit Hackney Carriages that are "manufactured as purpose-built nationally recognised taxis" to be deemed suitable for use as a licensed Hackney Carriage vehicle, and such vehicles must meet with all of the criteria, conditions and regulations applicable to the licensing of Hackney Carriage vehicles in Oxford. Details as to the makes and models of vehicles already deemed acceptable to be licensed by this Authority can be found on our website: www.oxford.gov.uk/taxilicensing.

Information relating to Audio and Visual Recording Equipment Systems, Euro Emissions Regulations, and the regulation of the number of Hackney Carriage vehicle licences permitted by this Authority can be found elsewhere in this application pack, and on our website: www.oxford.gov.uk/taxilicensing.

CONDITIONS OF FITNESS

1. Age of Vehicle
   a. No vehicle will be first licensed as a Hackney Carriage vehicle unless it is less than five years of age from the date of first registration.
   b. All vehicles re-licensed from 1st January 2013 must be Euro IV emissions compliant (This will mean that vehicles registered prior to 1st January 2006 will not be able to have their licence renewed).
   c. Date of first registration will mean the date of first registration in the UK, or the date of manufacture in the case of vehicles first registered outside the UK.
   d. The minimum engine size for a vehicle is 1975cc
   v) For vehicles older than the maximum age for first licensing, the application formalities and payment of fees must be fully completed within eight weeks of any expired licence.

2. General Construction
   a. Every Hackney Carriage must be manufactured as a purpose-built nationally recognised taxi.
   b. Every Hackney Carriage must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing and must, in all respects, be "exceptionally well maintained" to a level so as to meets with the requirements of the Certificate of Compliance Test at all times when it is being used to carry out licensable duties. As a guide (but not an exhaustive list) "Exceptionally well maintained" means:
      • The vehicle to be in all respects, safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or body work.
      • The exterior of the vehicle to be clean and in excellent condition with no dents or damage of significance.
      • The paintwork to be in excellent condition, of professional standard and consistent with the colour scheme of the vehicle.
      • The interior of the vehicle to be in good condition. The upholstery, linings, seats and floor coverings to be clean with no holes, tears or signs of wearing.
      • The boot and luggage compartment to be in good condition, clean and uncluttered.
   c. Every Hackney Carriage must have been granted a whole vehicle type approval certificate.
   d. Hackney Carriages offered for type approval must be so constructed as to be capable of admitting, with assistance from the driver only, a person in a wheelchair without that person having to vacate the wheelchair and convey them in their wheelchair in comfort and safety.

3. Audio and Visual Recording Equipment (Scheme Not Yet Operative)
   a. No Audio and Visual Recording Equipment system shall be installed in a vehicle unless it fully meets with the Minimum Specification Standard as detailed by the Licensing Authority. A vehicle licensed for the first time by this Authority from (T.B.A.) must be fitted with an Audio and Visual Recording Equipment. No vehicle licensed by this Authority prior to (T.B.A.) shall be granted a licence after (T.B.A.) if an Audio and Visual Recording Equipment has not been fitted to it.
   b. No additional cameras shall be installed in the vehicle unless fitted by an approved installer. The number and location of cameras shall not be varied without the prior written consent of the Council.
   c. Advisory signage, provided by the Council / approved installer, shall be displayed inside the vehicle on each of the rear side passenger windows. The notices shall be positioned in a prominent position where they can be easily read by persons both inside and outside of the vehicle. The proprietor shall ensure that the notices are maintained in a clean and legible condition. In any event, the driver shall ensure that any passengers are informed that Audio and Visual Recording Equipment is in operation (both video and audio) throughout the duration of the journey.
   d. The vehicle proprietor shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer’s instructions by a suitably qualified person. Written records of all maintenance and servicing shall be made and retained by the proprietor for the duration of the ownership of the vehicle. Such written records shall be made available on demand by an authorised officer of the Council or a Police officer.
   e. Upon request for image retrieval by an authorised officer of the Council or a Police officer the proprietor shall ensure that the Audio and Visual Recording Equipment system or hard-drive is made available to the relevant personnel at either the Council or Police, as soon as reasonably practicable, and in any event within 7 days of the request.
   f. The proprietor of the vehicle shall take all reasonable steps to ensure that every driver of the vehicle is made aware of all of the conditions in relation to any installed Audio and Visual Recording Equipment system, and has been given adequate instruction regarding the need for the system to be made available as soon as reasonably practicable, and in any event within 7 days of any authorised request for any image retrieval.
4. Steering
   a. The steering wheel must be on the offside of the vehicle.
   b. The steering mechanism must be so constructed or arranged that no over-lock is possible and the road wheels do not in any circumstances foul any part of the vehicle.
   c. The steering arms and connections must be of adequate strength and, as far as possible, protected from damage by collision.

5. Brake and Steering Connections
   Where brake and steering connections are secured with bolts or pins, the bolts or pins must be fitted with approved locking devices and they must be so placed that, when in any position other than horizontal, the head of the bolt or pins must be uppermost.

6. Wheels and Tyres
   a. All wheels and the tyres fitted, must be of the correct type, size and at the correct pressure for the vehicle they are fitted to. The spare wheel and tyre, which must be carried must also be of the same type and be at the correct pressure. Tools sufficient to allow the wheel to be changed during a journey will be carried in the vehicle in a safe and secure position.
   b. All tyres, at normal pressure under load, must be approved as having a suitable minimum circumference for correct operation of the taximeter.

7. Brakes
   a. All brakes must act directly on the wheels of the vehicle.
   b. The brakes of one of the braking systems must be applied by pedal.
   c. The pedal operated braking system must be designed that notwithstanding the failure of the brakes on any pair of wheels, either on one axle or diagonally opposite, there must still be available for application brakes on the other pair sufficient to bring the vehicle to rest within a reasonable distance.
   d. Cable connections are not permitted in the pedal operated system.

8. Suspension
   a. Every vehicle must be fitted with an efficient suspension system so designed and constructed that there is no excessive roll or pitch.
   b. Every vehicle must be so constructed or adapted that a failure of a spring, traction bar or other similar component of the suspension system is not likely to cause the driver to lose control of the vehicle.

9. Transmission
   Vehicles using automatic or semi-automatic transmission must be fitted with a device to prevent the engine starting with the transmission selector in a drive or reverse position.

10. Nuts or Bolts
    All moving parts subject to severe vibration connected by bolts or studs and nuts must be fitted with an approved locking device.

11. Fuel Tanks
    a. Fuel tanks must not be placed under the bonnet and must be adequately protected from damage by collision.
    b. All fuel tanks and all apparatus supplying fuel to the engine must be so placed or shielded that no fuel overflowing or leaking there from can fall or accumulate upon any part or fitting where it is capable of being readily ignited or can fall into any receptacle where it might accumulate.
    c. The filling points for all fuel tanks must be accessible only from the outside of the vehicle and filler caps must be so designed and constructed that they form an adequate seal to prevent leakage and cannot be dislodged by accident.
    d. A device must be provided by means of which the supply of fuel to the engine can be immediately cut off. Its situation together with the means of operation and ‘OFF’ position must be clearly marked on the outside of the vehicle. In the case of an engine powered by L.P.G. petrol or petrol the device must be visible and readily accessible at all times from outside the vehicle.

12. Interior Lighting
    Adequate lighting must be provided for the driver and passengers. Separate lighting controls for both passengers and driver must be provided. In the case of the passengers compartment an illuminated switch must be fitted in an approved position. Lighting must also be provided at floor level to every passenger door and be actuated by the opening of those doors.

13. Electrical Equipment
    a. All leads and cables must be adequately insulated and where liable to be affected by exposure to water, petrol or oil must be adequately protected.
    b. All electrical circuits must be protected by a suitable fuse.
    c. Batteries must be so placed, secured, protected that they cannot be a source of danger.

14. Accessories
    a. Fire Appliances: A fire extinguisher which complies with E.E.C. Standard EN3, which has a minimum capacity of 1.0 Kg must be carried securely in such a position as to be readily available for use.
    b. The apparatus shall be clearly marked with the vehicle licence number.
    c. First Aid Equipment:
       i) A first aid kit must be carried securely in the vehicle and maintained at all times. The contents must be within the manufacturer's expiry date. It must be carried in such a way as to be readily available for immediate use by a qualified person or volunteer in an emergency.
ii) The first aid kit, which complies with the table set out below, must be carried securely in the vehicle and a first aid window sticker must be prominently displayed on the vehicle.

<table>
<thead>
<tr>
<th>Contents of First Aid Kit</th>
<th>Requirements for Vehicle Licensed to Carry Passengers</th>
<th>Minimum number of</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individually wrapped sterile plasters, assorted sizes</td>
<td></td>
<td>20</td>
</tr>
<tr>
<td>Sterile eye pads</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Sterile individually wrapped triangular bandages</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>Safety pins</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>Large sterile individually wrapped wound dressing</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Medium sterile individually wrapped wound dressing</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>A pair of disposable gloves</td>
<td></td>
<td>1</td>
</tr>
</tbody>
</table>

15. Exhaust Pipe
The exhaust pipe must be so fitted or shielded that no inflammable material can be or be thrown upon it from any other part of the vehicle and that it is not likely to cause a fire through proximity to any inflammable material on the vehicle. The outlet must be so placed at the rear of the vehicle on the offside and in such a position as to prevent fumes from entering the vehicle.

16. Body
a. The body must be of the fixed head type with a partially glazed partition separating the passenger compartment from the driver.
   b. Outside Dimensions
      i) The overall width of the vehicle exclusive of driving mirrors must not exceed 1.8 metres.
      ii) The overall length of the vehicle must not exceed 5.00 metres.
   c. Internal Dimensions of Passengers Compartment
      i) The vertical distance between the point of maximum deflection of the seat cushion to the roof immediately above that point must not be less than 96.5 cm.
      ii) Any curvature of the floor of the passengers’ compartment must be continuous and must not exceed 2 cm at the partition and 5 cm at the base of the rear seat when measured between the centre line and sills.
   iii) The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75 cm.
   iv) The minimum angle of the door when opened must be 90 degrees.
   v) The clear height of the doorway must not be less than 1.195 metres.
   vi) The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75 cm.
   vii) Where a boot lid is hinged at the bottom a restriction must be fitted to prevent the boot lid serving as a luggage platform.

17. Steps
a. The top of the tread for any entrance must be at the level of the floor of the passenger compartment and must not exceed 38 cm above ground level when the vehicle is unladen.
   b. The outer edge of the floor at each entrance must be fitted with non-slip treads and must be colour contrasted to an approved type to aid partially sighted persons.
   c. An additional, if standard step height is more than 19 cm, removable step must be provided which must not exceed 19 cm above ground level when the vehicle is unladen. The step must be fitted with non-slip treads and must be colour contrasted to an approved type to aid persons with disabilities to enter the vehicle. The step must be of an approved design and be designed in such a way as to make it impossible for the door to be closed when the step is in place.

18. Wheelchair Facilities
a. Approved anchorages must be provided for the wheelchair. These anchorages must be either chassis or floor linked. If floor linked they must be affixed in such a manner that the forces are resisted evenly throughout the floor area by means of a suitable galvanised plate of minimum dimensions 200 x 200 mm which must be used beneath the floor.
   b. Approved restraints must be provided for the wheelchair and the person using the wheelchair. These restraints must be independent of each other.
   c. Approved anchorages must also be provided for the safe storage of a wheelchair when not in use whether folded or otherwise if carried within the passenger compartment.
   d. All anchorages and restraints must be so designed that they do not cause a foreseeable danger to other passengers.
   e. An approved ramp or ramps or other apparatus for the loading and unloading of a wheelchair and occupant must be available at all times for use at an approved position. An adequate locating device must be fitted to ensure that the ramp(s) do not slip or tilt when in use. The ramp(s) must be capable of being stowed safely when not in use.
   f. Only in exceptional circumstances will a vehicle with rear loading wheelchair access be granted a licence.

19. Seat Belts
Every vehicle must be fitted with seat belts of a type that conform to the British Standards Institution standards. A seat belt must be provided for every passenger and the driver.

20. Passenger Seats
a. The measurements from the upholstery at the back to the front edge of the back seat must be at least 40 cm and for each person carried a minimum of 40 cm must be available when measured along the front parallel edge of the seat cushion.
   b. The width of each front seat must not be less than 40 cm and such seats must be at least 35.5 cm when measured from the back to the front of the upholstery.
   c. The vertical distance between the highest point of the undeflected seat cushion and the top of the floor covering must not be less than 35.5 cm.
   d. Where seats are placed facing each other there must be a clear space of 48 cm between any part of the front of a seat and any part of any other seat that faces it. This measurement may be reduced to 43.5 cm provided adequate foot room is maintained at floor level. Where seats are placed facing to the front of the vehicle there must be a clear space of at least 66 cm in front of every part of each seat squab.
   e. Front seats (rear facing) must be so arranged as to rise automatically when not in use. They must be symmetrically placed and at least 4 cm apart.
   f. When not in use, seats must not obstruct doorways.
   g. Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of elderly people and people with disabilities.
21. **Driver’s Compartment**
   a. The driver’s compartment must be so designed that the driver has adequate room, can easily reach and quickly operate the controls and give hand signals on the offside of the vehicle.
   b. The controls must be so placed as to allow reasonable access to the driver’s seat and, when centrally placed, must be properly protected from contact with luggage.
   c. The driver’s seat must be designed to accommodate the driver only and be adjustable for height and reach.
   d. The vehicle must be fitted with adequate devices for demisting, defrosting and washing the windscreen and with a sun visor adjustable by the driver.
   e. Direction indicators of an approved type must be fitted.
   f. Every vehicle must be provided with an approved means of communication between the passengers and the driver.
   g. When a sliding window is fitted at the rear of the driver’s compartment, the maximum width of the opening must not exceed 11.5 cm.

22. **Windows**
   a. Windows must be provided at the sides and at the rear of the vehicle. The light transmission of any window in any position must not be less than that currently required of the front windscreen and side windows by The Road Vehicles (Construction & Use) Regulations 1986. For the sake of clarity, all windows must allow 70% of light through as tested by a light meter.
   b. Passenger door windows must be capable of being opened easily by passengers when seated. The control for opening a door window must be easily identified so as not to be mistaken for any other control.
   c. The light transmission through the windows of vehicles, including those licensed prior to the introduction of this regulation may not be reduced in any way from that present when the vehicle was approved for licensing.
   d. Passenger door windows must be capable of being opened easily by passengers when seated. The control for opening a door window must be easily identified so as not to be mistaken for any other control.
   e. Where electrically operated windows are fitted they must be approved and comply with the following:-
      i) Switches must be available for passengers to operate the windows as required, but the driver’s controls must be capable of overriding and locking out the passengers' controls when unescorted children are being carried.
      ii) An approved sensing device must be fitted that will stop the window closing when an obstruction is present.

23. **Heating and Ventilation**
   An adequate heating and ventilation system must be fitted for the driver and passengers. The driver and passengers must be provided with means for independent control.

24. **Glass**
   The windscreen must be of laminated construction and not be tinted. All other windows and glass must be an approved safety type.

25. **Door Fittings**
   a. An approved type of automatic door locking device must be fitted to passenger doors. When the vehicle is stationary the passenger doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism. The interior door handle must be easily identifiable so as not to be mistaken for any other control.
   b. Double catches of approved type must be fitted to all doors.

26. **Fare Table Frame**
   A frame must be provided for the fare table that must be fitted in an approved position.

27. **Floor Covering**
   The flooring of the passengers’ compartment must be covered with non-slip material which can easily be cleaned.

28. **Horn**
   A horn of approved pattern must be fitted.

29. **Taximeter**
   a. A taximeter, which conforms to the Council’s criteria for taximeters must be fitted in an approved position.
   b. Criteria for Taximeters Fitted in Hackney Carriages in Oxford
      i) Taximeters must:-
      ii) Conform to the standards set by the EU/ British Standards Institution for taximeters.
      iii) Be approved by the licensing Authority for the Metropolitan area.
      iv) Only display tariff rates or other charges set by the Council.
      v) Be tested and approved prior to usage.
      vi) Not be used for any reason, the seal has been removed or the meter tampered with until such time as the meter has been re-tested, ressealed and approved for use.

30. **“TAXI” Signs**
   A “TAXI” sign of approved pattern, must be fitted and must be an integral part of the original construction of the vehicle. It must be clearly visible, both by day and night, when the Hackney Carriage is not hired.

31. **Radio Apparatus**
   a. Where apparatus for the operation of a two-way radio system is fitted to a vehicle, no part of the apparatus may be fixed in the passengers’ compartment or in the rear boot compartment if L.P.G. tanks are situated therein.
   b. Any other radio equipment either in the passenger or driver compartment, must be approved.

32. **Luggage**
   Provision must be made for carrying luggage and an efficient method of securing it must be provided.

33. **Fittings**
   No fitting other than those approved may be attached to or carried upon the inside or outside of the vehicle.

34. **Certificate of Insurance**
   A current certificate of insurance as required by an Acts or Regulations relating to motor vehicles and as required by any Acts or Regulations relating to Hackney Carriages, must be in force at all times.
35. Licence Plates
A plate, as supplied by the Council, must be securely affixed to the vehicle in approved position, at the rear of the vehicle.
The plate will bear the following information:-
i) The number of the licence issued in respect of the vehicle.
ii) The maximum number of passengers allowed to be carried.
iii) The registration number of the vehicle to which the licence has been issued.
iv) The expiry date of the licence.

36. Additional Number Identification
The Hackney Carriage licence number, in a form prescribed by the Head of Environmental Development responsible for the licensing of Hackney Carriages, will be displayed on both rear side windows.

37. Advertisements
a. Advertisements concerning a radio circuit or taxi business to which the proprietor belongs may be displayed on the rear window of the vehicle only measuring a maximum of 4” x 48”. It must not obscure the driver’s view to the rear.
b. Suitable commercial advertisements may be allowed on the inside and outside of the vehicle subject to the approval of the Head of Environmental Development responsible for the licensing of Hackney Carriages. An application form may be requested from the Licensing Team.
c. Interior advertisements may be displayed only on the bulkhead on top of the passenger/driver partition or on the base of the front seats. All such advertisements must be encapsulated in clear non-flammable plastic.
d. Exterior advertisements may be displayed on a purpose-built taxi only:-
   i) As a full-livery advertisement.
   ii) On the lower panels of the front two or all four doors, or on the full side lower panels and doors of the vehicle as a continuous item.
   iii) On the rear window subject to the advertisement being of such a form as not to obscure the driver’s view to the rear. If such advertisements are displayed, no other matter may be displayed.
   iv) Mixtures of advertisers or subject matter are not permitted.
e. Advertisements must be of such a form as not to become easily soiled or detached.
f. All materials and adhesives used in the manufacture of and for the purpose of affixing advertisements to vehicles must be non-flammable.
g. Applications for approval of advertisements must be made in writing to the Head of Environmental Development responsible for the licensing of Hackney Carriages and, if approval is granted, the approval will be for the duration of the Hackney Carriage licence and such shorter time, which may be decided at the time of the application.
h. The Head of Environmental Development is authorised to grant or refuse any such application provided he/she feels may be unsuitable.
i. Permission will not be granted for the display of any advertisement that does not comply with the Council’s criteria for the display of advertisements in or on Hackney Carriages.
j. Advertisements displayed in or on Hackney Carriages licensed by Oxford City Council must not be, racist or sexist; and should not cause offence to persons with any form of disability, to the general public or any section of the community.
Advertisements must not refer to tobacco or alcohol products unless as part of a health education or similar campaign.

38. Internal Advertisement Criteria
a. All advertisements must be approved by the Head of Environmental Development and fulfil the criteria for advertisements.
b. No sound for an advertisement may be permitted.
c. All film/video material must:
   i) be classified by the BBFC as U, Uc or exempt from classification
   ii) comply with the criteria contained in the Councils advertising policy
   d. Prior to the approval of any advertisement, any equipment required for the viewing of a video advertisement will be at the expense of the advertiser’s agent. All maintenance and any associated costs will be at the expense of the advertiser’s agent.
e. A charge will be made for confirming the suitability of all advertisements or other material intended to be shown. The Head of Environmental Development may review charges at any time.
f. All systems compling with the following design and construction criteria:
   i) All equipment must comply with any legislative requirements in respect of Construction and Use Regulations and other legislation.
   ii) All equipment must be designed, constructed and installed in such a way and in such material as to present no danger to passengers or driver, including from impact with the equipment in the event of an accident or damage from the electrical integrity being breached through vandalism, misuse or wear and tear.
   iii) The equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite or radio system in the vehicle.
   iv) The intensity of any screen should not be such as to be visually intrusive or dazzling. The position of the screen must not obstruct the passenger’s view of the meter and the visibility of the screen to following vehicles should be minimal.
   v) All equipment must be installed in the driver’s compartment and should not be visible from the driver position.
   vi) The installation must not be such as to weaken the structure or any component part of the vehicle.
   vii) The design must be discreet and complement the interior furnishing of the vehicle.
   viii) The system must include safeguards to maintain the integrity of the system and prevent the display of unapproved material.
   ix) Passengers MUST be able to switch the system off and once so switched off; the system MUST remain off for the rest of that passenger’s journey. This condition is necessary both to accommodate passengers who may be susceptible to having flickering image induced fits and those who choose not to watch the advertisements.
x) A notice should be displayed within prominent view giving instructions to passengers as to switching off the system.
x) All equipment must be protected from the elements, secure from tampering and located such as to have no impact on the luggage carrying capacity of the hackney carriage.
EXEMPTION FROM DISPLAYING PLATES & STICKERS: PRIVATE HIRE VEHICLE

Some customers prefer to be driven in executive vehicles that are low profile and represent their organisation - especially when meeting a client. Many chauffer companies and some Private Hire Operators employ section 75(3) of the Act. Using this section of the law, allows for specific vehicles to be granted dispensation from displaying their Private Hire plate and door stickers. Vehicles issued with this “Exemption Notice” are not required to meet with the Authority’s requirement for an Audio and Visual Recording Equipment system to be fitted.

Criteria: The work undertaken must not be conventional Private Hire work but regarded as specific ‘chauffeur-driven’ work, and that the vehicle to be used for such work is an “executive and prestigious” type vehicle of a higher standard than that of a ‘normal’ vehicle used for private hire work. This must be proved through the procedures detailed below.

Renewal of Exemption: Such an exemption must be reapplied for at the time of each vehicle licence renewal application. This exemption does not include school contracts or similar work for which a fully signed vehicle must be used.

Internal Plates: Exempt vehicles will be required to display two Oxford City Council vehicle internal plates showing that the vehicle is a licensed Private Hire Vehicle. Each internal plate must be displayed within its holder, one to be displayed at the top of the windscreen on the nearside and the second at the top of the rear window on the offside.

Revocation of Exemption: Exempt vehicles that undertake standard private hire work without an invoiced contract in place may have their Exempt status withdrawn.

PROCEDURE TO OBTAIN EXEMPTION FROM DISPLAYING PLATES & STICKERS

The procedure below relates to the application for Private Hire Vehicle licence holders seeking to be granted exemption from displaying door stickers and licence plates, or the renewal of the exemption:

1. You will need to submit to the Licensing Team the following:
   - A LETTER FROM THE VEHICLE PROPRIETOR DETAILING THE FOLLOWING INFORMATION:
     - THE PRIVATE HIRE VEHICLE LICENCE NUMBER ISSUED BY THE COUNCIL
     - MAKE, MODEL, COLOUR, REGISTRATION NUMBER, PASSENGER SEATING CAPACITY OF THE VEHICLE
     - THAT THE NATURE OF THE WORK TO BE CARRIED OUT WILL BE SOLELY BY WAY OF CONTRACTED ACCOUNT WITH THE BUSINESS USER
     - THE NAME OF THE PRIVATE HIRE OPERATOR THROUGH WHOM BOOKINGS ARE PROVIDED
     - PAYMENT OF THE FEE

2. The Private Hire Operator who holds the written contracts for the work that the vehicle seeking the exemption notice, needs to also submit to the Licensing Team the following:
   - A LETTER ON COMPANY HEADED PAPER CONFIRMING THE FOLLOWING INFORMATION:
     - THE NAME OF THE VEHICLE LICENCE HOLDER
     - THE PRIVATE HIRE VEHICLE LICENCE NUMBER ISSUED BY THE COUNCIL
     - MAKE, MODEL, COLOUR, REGISTRATION NUMBER, PASSENGER SEATING CAPACITY OF THE VEHICLE
     - THAT THE NATURE OF THE WORK TO BE CARRIED OUT WILL BE SOLELY BY WAY OF CONTRACTED ACCOUNT WITH THE BUSINESS USER

3. The decision to grant or refuse an exemption for the display of an identification plate and door stickers will be delegated to the Licensing Team Leader.

4. If granted, 2 internal plates and an Exemption Notice will be sent to the proprietor granting the exemption request, detailing the proprietor and vehicle to which the exemption is granted, and the conditions attached to the exemption. This letter must be kept in the vehicle at all times, and produced at the request of an Authorised Officer.

CONDITIONS APPLICABLE TO THE GRANT OF AN EXEMPTION NOTICE

1. The vehicle shall not undertake standard private hire bookings.
2. All bookings undertaken by the vehicle shall be by means of a written contract between the Private Hire Operator and the business user.
3. The vehicle shall be of an “executive and prestigious” type of a higher standard than that of a ‘normal’ vehicle used for private hire work.

CONDITIONS ATTACHED TO AN EXEMPTION NOTICE

1. A copy of the Exemption Notice is kept in the vehicle at all times
2. The standard licence plate once issued is to be kept inside the vehicle and must be produced on demand to an Authorised Officer.
3. The vehicle is not used on conventional private hire work but is operated only on ‘chauffeur-driven’ work
4. There is no change as to who the proprietor of the vehicle is.
5. The vehicle is only operated through the Private Hire Operator named at the time of application.
6. The vehicle must display internal plates issued by the Licensing Authority that indicates to an Authorised Officer that the vehicle is indeed a licensed vehicle.
7. Exempt vehicles shall not display any Operators details in the vehicle.
8. The display of ‘No Smoking’ stickers inside the vehicle is still a condition of any exemption granted.
MULTI-PASSENGER VEHICLES: PASSENGER SEATING ARRANGEMENTS

In order to provide clarity to those who wish to purchase a Multi-Passenger Vehicle to carry out Private Hire duties, a series of diagrams is provided below detailing the seating configuration for such vehicles.

Please ensure that any vehicle that you purchase complies with at least one of the seating plans below, or the vehicle will not be deemed suitable for the grant of a Private Hire Vehicle licence.

- **SIX SEATER**
  - Multi-Passenger Vehicle
  - Driver
  - Front facing passenger seat
  - Rear facing passenger seat
  - Side doors

- **SEVEN SEATER**
  - Multi-Passenger Vehicle
  - Driver
  - Front facing passenger seat
  - Rear facing passenger seat
  - Side doors

- **EIGHT SEATER**
  - Multi-Passenger Vehicle
  - Driver
  - Front facing passenger seat
  - Rear facing passenger seat
  - Side doors
CONDITIONS APPLICABLE TO THE LICENSING OF PRIVATE HIRE VEHICLES

Any requirements of legislation, which affect the operations carried out under the terms of a licence, shall be regarded as if they were conditions of that licence.

No vehicle shall be licensed as a Private Hire vehicle unless it complies with the Council’s Conditions of Fitness.

Private Hire Vehicles can be licensed for up to eight passengers. If you vehicle seats more than 8 passengers you will need to contact the Department of Transport.

It must be understood that although the conditions of fitness set out may have been complied with, approval will be withheld if the Council is of the opinion that the vehicle is unsuitable for use as a Private Hire vehicle.

A licence holder has a right of appeal to a Magistrate’s Court against the imposition of the Conditions attached to a licence, by virtue of Section 300 – 302 of the Public Health Act 1936.

Details as to the makes and models of vehicles already deemed acceptable to be licensed by this Authority can be found on our website: www.oxford.gov.uk/taxilicensing. Information relating to Audio and Visual Recording Equipment Systems and Euro Emissions Regulations can be found elsewhere in this application pack, and on our website: www.oxford.gov.uk/taxilicensing.

A. General
1. It must be understood that although the conditions of fitness set out may have been complied with, approval will be withheld if the Council is of the opinion that the vehicle is unsuitable for use as a Private Hire vehicle.
2. Vehicles offered for licensing as Private Hire vehicles in Oxford must not be the subject of a Private Hire vehicle licence issued by another Licensing Authority or be the subject of a Hackney Carriage licence issued by this or another Licensing Authority.
3. It must be understood that although the conditions set out may have been complied with and a certificate of compliance and Private Hire vehicle licence issued, full payment of the current fee for the issue of a Private Hire vehicle licence must be made or the licence will cease to be valid.
4. It is the responsibility of the proprietor(s) of the Private Hire vehicle to ensure that all conditions of fitness are complied with at all times and that there is in existence for the vehicle a valid and current insurance policy, a current certificate of compliance and a current licence.
5. The Council does not accept responsibility for informing licence holders of the need to re-licence before a particular date nor for inspecting vehicles before a particular date, although every effort will be made to inspect vehicles prior to the expiry of the licence or certificate if an application is made in good time.
6. At all times, the vehicle should be maintained in exceptional condition. The bodywork should be kept in a clean condition and the interior, including the floor, seats and any covers must be in good condition, clean and tidy. Any damage caused to the vehicle materially affecting its safety performance or appearance must be notified to the Licensing Office within 72 hours.

B Type of Vehicle and Conditions of Fitness
No vehicle will be licensed as Private Hire vehicle unless it complies with the Council’s Conditions of Fitness

1. Age of Vehicle
a. No vehicle will be first licensed as a Private Hire vehicle unless it is less than five years of age from the date of first registration.
b. All vehicles re-licensed from 1st January 2013 must be Euro IV emissions compliant (This will mean that vehicles registered prior to 1st January 2006 will not be able to have their licence renewed).
c. “Date of first registration” will mean the date of first registration in the UK, or the date of manufacture in the case of vehicles first registered outside the UK.
d. The minimum engine size for a Private Hire vehicle is 1375cc.
e. For vehicles older than the maximum age for first licensing, the application formalities and payment of fees must be fully completed within eight weeks of any expired licence.

2. General Construction
a. Every Private Hire vehicle must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing and must, in all respects, be “exceptionally well maintained” to a level so as to meets with the requirements of the Certificate of Compliance Test at all times when it is being used to carry out licensable duties. As a guide (but not an exhaustive list) “Exceptionally well maintained” means:
   • The vehicle to be in excellent mechanical condition;
   • The vehicle to be in all respects, safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or bodywork;
   • The exterior of the vehicle to be clean and in excellent condition with no dents or damage of significance. The paintwork to be in excellent condition, of professional standard and consistent with the colour scheme of the vehicle;
   • The interior of the vehicle to be in good condition. The upholstery, linings, seats and floor coverings to be clean with no holes, tears or signs of wearing;
   • The boot or luggage compartment to be in good condition, clean and uncluttered.
b. Vehicles offered for licensing as Private Hire vehicles must be:
   • Fitted with an engine of a cubic capacity of not less than 1375cc.
   • Fitted with a minimum of four passenger doors
   • Allow unrestricted access and egress for every passenger, including access to the rear row of seats without tilting or moving a seat is required. (In most people carriers this is normally achieved by the removal of the nearside seat of the middle row).
   • Be safe and comfortable
   • Be suitable in type, size and design for use as a Private Hire vehicle.
   • Not of such design or appearance as to lead any person to believe that the vehicle is a Hackney Carriage.
3. Audio and Visual Recording Equipment (Scheme Not Yet Operative)
   a. No Audio and Visual Recording Equipment system shall be installed in a vehicle unless it fully meets with the Minimum Specification Standard as detailed by the Licensing Authority. A vehicle licensed for the first time by this Authority from (T.B.A.) must be fitted with an Audio and Visual Recording Equipment system. No vehicle licensed by this Authority prior to (T.B.A.), shall be granted a licence after (T.B.A.) if an Audio and Visual Recording Equipment system has not been fitted to it. A Private Hire Vehicle that is granted an “Exemption Notice” in accordance with Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976, shall be exempt from this requirement.
   b. No additional cameras shall be installed in the vehicle unless fitted by an approved installer. The number and location of cameras shall not be varied without the prior written consent of the Council.
   c. Advisory signage, provided by the Council / approved installer, shall be displayed inside the vehicle on each of the rear side passenger windows. The notices shall be positioned in a prominent position where they can be easily read by persons both inside and outside of the vehicle. The proprietor shall ensure that the notices are maintained in a clean and legible condition. In any event, the driver shall ensure that any passengers are informed that Audio and Visual Recording Equipment is in operation (both video and audio) throughout the duration of the journey.
   d. The vehicle proprietor shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer’s instructions by a suitably qualified person. Written records of all maintenance and servicing shall be made and retained by the proprietor for the duration of the ownership of the vehicle. Such written records shall be made available on demand by an authorised officer of the Council or a Police officer.
   e. Upon request for image retrieval by an authorised officer of the Council or a Police officer the proprietor shall ensure that the Audio and Visual Recording Equipment system or hard-drive is made available to the relevant personnel at either the Council or Police, as soon as reasonably practicable, and in any event within 7 days of the request.
   f. The proprietor of the vehicle shall take all reasonable steps to ensure that every driver of the vehicle is made aware of all of the conditions in relation to any installed Audio and Visual Recording Equipment system, and has been given adequate instruction regarding the need for the system to be made available as soon as reasonably practicable, and in any event within 7 days of any authorised request for any image retrieval.
   g. The Audio and Visual Recording Equipment system shall remain in full working order and should the system develop a fault, the vehicle proprietor must make arrangements for the system to be rectified immediately. In the event of an Audio and Visual Recording Equipment system developing a fault during a fare paying journey, a period not exceeding 12 hours is permitted for the vehicle to continue being used in it’s capacity as a licensed vehicle. Upon the 12 hour limit being reached, the vehicle shall not be made available to carry out it’s licensed duties until the fault is rectified.
   h. Should any Audio and Visual Recording Equipment system or camera be found not to be fully operational during either a Certificate of Compliance Test, or during an inspection by an authorised officer of the Council or a Police Officer, the vehicle licence shall be suspended with immediate effect unless the proprietor can provide evidence at the time of the inspection that the fault occurred within the permitted 12 hour period that the vehicle may continue to be used in it’s capacity as a licensed vehicle.

4. Colour of Vehicles
A vehicle submitted for licensing as a Private Hire Vehicle, to carry more than five passengers or of a non-saloon type will not be approved for licensing if it is black in colour.

5. Alterations to vehicles
   a. All motor vehicles are required to have a type approval certificate before they can be licensed and used upon the public roads.
   b. No alterations to a vehicle as approved and granted the original manufacturers type approval certificate will be permitted, with the following exceptions.
   c. A conversion for which a whole vehicle type approval certificate has been granted.
   d. Following the grant of a whole vehicle type approval certificate, with the approval of the Council, the simple removal of a seat to allow the easy access to all seats, required by Council regulations

6. Passengers
   a. Every passenger must have a minimum of 40cm seat space. (If it is intended to licence a vehicle to carry 4 passengers then the rear seat must be at least 120cm).
   b. The minimum leg-room for passengers using the rear seats shall be 17cm. The measurement to be taken from the front edge of the rear seat to the back of the front seat when it is placed in the furthest possible position from the dashboard and the backrest part of the seat is at a 90° angle with the seat.
   c. The minimum clear space in front of every part of each seat squab, in the case of non-saloon car with forward facing seats, shall be 66cm.
   d. The minimum clear space in the case of non-saloon cars where seats are placed facing each other, between every part of the front of a seat and any part of any other seat with faces it shall be 48cm.
   e. Suitable measures must be provided to assist persons to rise from the rear seats with particular attention to the needs of elderly people and people with disabilities.

7. Seat Belts
Every vehicle must be fitted with seat belts of a type that conform to the British Standards Institution standards. A seat belt must be provided for every passenger and the driver.

8. Steering
The steering wheel must be on the offside of the vehicle.

9. Wheels and Tyres
   a. All wheels and the tyres fitted must be of the correct type, size and the correct pressure for the vehicle.
   b. Unless the vehicle is supplied by the manufacturer with approved run-flat tyres or a spare wheel and tyre of a compact design as original equipment, or supplied with the manufacturers approved repair kit (in place of a spare wheel), a spare wheel and tyre of the same type as that fitted to the vehicle and at the correct pressure must be carried.
   c. It is essential that vehicles with run flat tyres be fitted with a working tyre pressure monitoring system.
   d. Where a wheel and tyre of compact design (space saver) is carried, tools sufficient to allow the spare wheel to be fitted during a journey will be carried in the vehicle in a safe and secure position.
   e. The vehicle must only be used with a space saver tyre, or when normal pressure has been lost from a run flat tyre, or when a tyre has been repaired with the use of the manufacturers approved repair kit (in place of a spare wheel) to enable a hiring to be completed and then must only be used in accordance with the parameters prescribed by the manufacturer.
   f. The vehicle may not be used for any further hireings until the "temporary" wheel and tyre has been replaced by ones of the correct type.

10. Windows
   a. Windows must be provided at the sides and at the rear of the vehicle. The light transmission of any window in any position must not be less than that currently required of the front windscreen and side windows by The Road Vehicles
(Construction & Use) Regulations 1986. For the sake of clarity, all windows must allow 70% of light through as tested by a light meter, with the exception that upon the fitting of Audio & Visual Recording Equipment to any Private Hire vehicle licensed from 1st April 2011, there shall be no requirement for the need to replace the standard manufactured rear windows or rear windscreen of the vehicle.

b. A Private Hire vehicle that is granted an “Exemption Notice” in accordance with Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976, shall be exempt from the requirement to replace the standard manufactured rear side windows and rear windscreen of the vehicle.

c. The light transmission through the windows of vehicles, including those licensed prior to the introduction of this regulation may not be reduced in any way from that present when the vehicle was approved for licensing.

d. Passenger door windows must be capable of being opened easily by passengers when seated. The control for opening a door window must be easily identified so as not to be mistaken for any other control.

e. Where electrically operated windows are fitted they must be approved and comply with the following:

i) Switches must be available for passengers to operate the windows as required, but the driver’s controls must be capable of overriding and locking out the passenger’s controls when unescorted children are being carried.

ii) An approved sensing device must be fitted that will stop the window closing when an obstruction is present.

11. Glass
The windscreen must be of laminated construction and not be tinted. All other windows and glass must be an approved safety type.

12. Luggage
Provision must be made for carrying a reasonable amount of luggage and an efficient method of securing it must be provided.

13. Fittings
No fitting other than those approved may be attached to or carried upon the inside or outside of the vehicle.

14. Certificate of Insurance and Form of Holder

A current certificate of insurance as required by any Acts or Regulations relating to Private Hire Vehicles, must be carried in a holder securely affixed to the vehicle in an approved position and be positioned in the holder in such a manner that the details of commencement, expiry and details of cover are clearly visible.

15. Licence Plates
A plate, as supplied by the Council, must be securely affixed to the vehicle in approved position, at the rear of the vehicle. The plate will bear the following information:

a. the number of the licence issued in respect of the vehicle.

b. the maximum number of passengers allowed to be carried.

c. the registration number of the vehicle to which the licence has been issued.

d. the expiry date of the licence.

16. Door stickers

Door stickers in a form supplied by the council, identifying the vehicle and bearing the words ‘Office and Telephone Bookings Only’ and listing the “licence number of the vehicle” shall be affixed directly to the front doors on both sides of the vehicle. No method of attachment to the vehicle other than that intended or supplied by the council shall be used.

17. Plying for Hire Sticker

A sticker in a form supplied by the council, indicating that the Private Hire vehicle is not available for public hire shall be affixed to the windscreen.

18. Operator’s Sign

a. A sign must be displayed on the rear doors on both sides of the vehicle containing details of the name of the Operator of the vehicle and any telephone number, fax number or email or web address of that firm.

b. The sign shall be no larger than the door sign supplied by the Council to identify the vehicle and any telephone number, fax number or email or web address of that firm.

c. An approved ramp or ramps or other apparatus for the loading and unloading of a wheelchair and occupant must be available at all times for use at an approved position. An adequate locating device must be fitted to ensure that the ramp(s) do not slip or tilt when in use. The ramp(s) must be capable of being stowed safely when not in use.

19. Steps (for non-saloon vehicles)

a. The top of the tread for any entrance must be at the level of the floor of the passenger compartment and must not exceed 38cm above ground level when the vehicle is unladen.

b. The outer edge of the floor at each entrance must be fitted with non-slip treads and must be colour contrasted to an approved type to aid partially sighted persons.

20. Wheelchair Facilities (where fitted)

a. Approved anchorages must be provided for the wheelchair. These anchorages must be either chassis or floor linked. If floor linked they must be affixed in such a manner that the forces are distributed evenly throughout the floor area by means of a suitable galvanised plate of minimum dimensions 200 x 200mm which must be used beneath the floor.

b. Approved restraints must be provided for the wheelchair and the person using the wheelchair. These restraints must be independent of each other.

From these regulations, it is clear that the regulations focus on ensuring the safety and accessibility of private hire vehicles, with specific provisions for the provision of wheelchair facilities, luggage, and glass safety. The operators of such vehicles must ensure compliance with these regulations to maintain their licences and provide a safe and efficient service to passengers.
22. **Accessories**
   a. **Fire Appliances:** A fire extinguisher which complies with E.E.C. Standard EN3, which has a minimum capacity of 1.0 Kg must be carried securely in such a position as to be readily available for use.
   b. The apparatus shall be clearly marked with the vehicle licence number.

   c. **First Aid Equipment:**
      i) A first aid kit must be carried securely in the vehicle and maintained at all times. The contents must be within the manufacturer's expiry date. It must be carried in such a way as to be readily available for immediate use by a qualified person or volunteer in an emergency.
      ii) The first aid kit, which complies with the table set out below, must be carried securely in the vehicle and a first aid window sticker must be prominently displayed on the vehicle.

<table>
<thead>
<tr>
<th>Contents of First Aid Kit</th>
<th>Requirements for Vehicle Licensed to Carry Passengers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individually wrapped sterile plasters, assorted sizes</td>
<td>20</td>
</tr>
<tr>
<td>Sterile eye pads</td>
<td>2</td>
</tr>
<tr>
<td>Sterile individually wrapped triangular bandages</td>
<td>4</td>
</tr>
<tr>
<td>Safety pins</td>
<td>6</td>
</tr>
<tr>
<td>Large sterile individually wrapped wound dressing</td>
<td>2</td>
</tr>
<tr>
<td>Medium sterile individually wrapped wound dressing</td>
<td>6</td>
</tr>
<tr>
<td>A pair of disposable gloves</td>
<td>1</td>
</tr>
</tbody>
</table>

d. **Booster Cushion**
   Every vehicle must carry a booster cushion of a type that conforms to BSI standards, for use when carrying a child.

23. **Taximeter (where fitted)**
   a. A taximeter, which conforms to the Council’s criteria for taximeters may be fitted and if fitted must be fitted in an approved position.
   b. Taximeters fitted in Private Hire vehicles in Oxford must:
      i) Conform to the standards set by the British Standards Institution and E.E.C. for taximeters and be certified by the manufacturers that it does conform.
      ii) Be approved by the Public Carriage Office
      iii) only display tariff rates or other charges set in the table of fares which must be displayed in a clearly visible position in the vehicle.
      iv) be tested, sealed and approved prior to usage.
      v) not be used if, for any reason, the seal has been removed or the meter tampered with until such time as the meter has been restested, resealed and approved for use.

e. **DURATION OF CERTIFICATES OF COMPLIANCE**
   1. Certificates of Compliance will be issued with duration of a minimum of four months and a maximum of six months. In general certificates will be issued with duration of six months.
   2. Certificates of Compliance may be renewed up to 14 days in advance of expiry, when, and only upon immediate production of the expiring certificate by the person presenting the vehicle for testing, the new certificate will be dated to expire six months (four months) from the expiry date of the previous certificate.
   3. The Council reserves the right to extend or shorten the above periods subject to a minimum and maximum durations given above. Each case will be decided upon its own merits.
   4. It must be understood that it is unlawful for a Private Hire vehicle licensed by the Council to be driven on the highway without a current Certificate of Compliance.

**CONDITIONS ATTACHED TO THE GRANT OF A PRIVATE HIRE VEHICLE LICENCE**

In these conditions ‘the Council’ means the Oxford City Council, ‘Operator’ means the holder of a Private Hire operator’s licence issued by the Council, ‘Vehicles’ means a Private Hire vehicle licensed by the Council, ‘Proprietor’ means the holder of a Private Hire vehicle licence. ‘Driver’s Licence’ means a Private Hire vehicle driver’s licence issued by the Council. Any requirements of legislation, which affect the operations carried out under the terms of a licence, shall be regarded as if they were conditions of that licence.

1. The proprietor of a Private Hire vehicle shall not within the Council’s district the following permit the display on or in any vehicle:
   a) any sign, notice or advertisement on the roof;
   b) any sign, notice or advertisement which is illuminated;
   c) any sign, notice or advertisement or other manner of public display whatsoever that includes the words whatsoever that includes the words, “tax”, “taxi”, “Cab”, “taxi-cab” or “for hire” whether or not as part of another word.

2. The proprietor of a Private Hire vehicle shall not permit to be displayed on or in that vehicle any advertisement or notice whatsoever except:
   a) not more than one REAR window strip measuring a maximum 4” x 48” indicating only the name of the Private Hire operator and the corresponding telephone number;
   b) on the outside of the rear off-side and near-side doors signs indicating only the name of the Private Hire operator and corresponding telephone number. The dimensions of such signs must not be greater than the dimensions of the signs described in paragraph 3(c) below;
   c) notices or signs that are required to be displayed by this Council.

3. The proprietor of a Private Hire vehicle shall securely affix in a conspicuous position:
   a) outside the vehicle at the rear a licence plate, which will be issued in respect of the vehicle by the Council;
   b) inside the Vehicle a notice which will be issued in respect of the vehicle by the Council;
   c) on the outside of the front off-side and near-side doors, signs, which will be issued in respect of the vehicle by the Council;
   d) if the vehicle is equipped with a meter, a table of fares charged by the Private Hire Operator.

4. The proprietor of a Private Hire vehicle shall ensure:
   a) that the Vehicle is provided with sufficient means by which any person in the vehicle may communicate with the driver and that such means of communication is maintained;
b) that the vehicle is kept clean, safe, tidy and mechanically sound, and that all relevant statutory requirements including those contained in the Motor Vehicles (Construction and Use) Regulations 1978 or any statutory modifications or replacement of them are complied with;
c) that no material alteration or change in the specification, design, condition or appearance of the Vehicle is made without prior written approval of the Council; and
d) where a taxi-meter is fitted to the vehicle and is used to record the fare for hiring, the Proprietor shall ensure:
   i) that a table indicating the fare scale is prominently displayed in the Vehicle;
   ii) that the taxi-meter is fitted in such a position as to enable the fare recorded to be clearly visible to passengers.

5. The Proprietor of a Private Hire vehicle shall provide a suitable book, the pages of which are numbered consecutively, to enable the driver of that Private Hire vehicle to record the following particulars:
   a) At the start of each shift - the driver’s name and badge number;
   b) Prior to commencement of each hiring:
      i) The date and time the hiring was allocated that vehicle;
      ii) The name and address of the hirer;
      iii) The pick-up point and time;
      iv) The destination;
   c) On completion of each hiring - the fare charged; and shall make such book available for inspection on request by an authorised officer of the Council or a Police Officer and shall keep such records for a minimum of 12 months.

6. The proprietor of a Private Hire vehicle shall ensure that a copy of the following documents are kept in the vehicle at all times whilst it carries out licensable duties, and that all Private Hire Drivers are aware of the documents are located, should they be asked to produce it to an Authorised Officer:
   i) Certificate of Insurance
   ii) Certificate of Conformity (M.O.T.)
   iii) Ownership Document (V5 Log Book)

7. The proprietor of a Private Hire vehicle shall provide the Private Hire Operator to whom he or she supplies the vehicle to undertake journeys with a copy of his or her Private Hire Vehicle Licence during the period that the vehicle is utilised so.

8. The proprietor of a Private Hire Vehicle must report to the Licensing Officer as soon as reasonably practicable, and in any case within 72 hours, the occurrence of any accident involving the vehicle.

9. The proprietor of a Private Hire Vehicle, in the event that following an accident, he or she does not believe that the vehicle requires replacing, and who wishes to continue to use the vehicle as a licensed Private Hire Vehicle shall make the vehicle available to the Licensing Officer, who will inspect the vehicle and decide whether the vehicle is fit to continue in service. If the Authorised Officer considers the damage to be such that the vehicle may continue in service until such time as a permanent repair is undertaken these must be undertaken within 28 days of the damage occurring. If any damage is considered by the Authorised Officer to be extensive enough to affect the safety or general appearance of the vehicle it must be immediately withdrawn from service and the plate removed. The vehicle must be repaired before the plate is re-affixed and the vehicle returned to service. In the case of any dispute as to fitness for service the vehicle will be taken to the Council nominated testing station where a qualified mechanic will give a binding decision, which will be final. The owner will pay the fee for such examination.

10. The proprietor of a Private Hire vehicle shall report the loss of the licence and/or plate to the Council as soon as such loss becomes known, and arrange an appointment with the Licensing Officer for the issue of any replacement.

11. The proprietor of a Private Hire Vehicle shall cease to allow the use of such vehicle which at any time fails in any way to comply with the conditions under which it was licensed.

12. The proprietor of a Private Hire vehicle shall maintain a record that provides information as to which driver has use of the vehicle at all times.

13. The proprietor of a Private Hire vehicle shall only permit drivers licensed by Oxford City Council and who are insured by the proprietor, to drive the vehicle.

14. The proprietor of a Private Hire vehicle shall contact the Licensing Officer in the event that he or she sells or disposes of the vehicle, and in any event within 7 days of such sale or disposal.

15. The proprietor of a Private Hire vehicle shall in the event of transferring the ownership of the vehicle to another person, ensure that he or she contacts the Licensing Officer within 7 days of the transfer occurring, and provide to the new proprietor:
   i) A signed letter stating:
      • The make / model / colour / registration number / vehicle licence number
      • The date of sale
      • To whom the vehicle was sold
   ii) A bill of sale for the vehicle
   iii) The Certificate of Conformity (M.O.T.)

16. The proprietor of a Private Hire vehicle shall upon obtaining the vehicle by means of having the ownership transferred to him or her, contact the Licensing Officer in order to make an appointment for the licence to be amended within 14 days of the transfer having occurred.

17. The proprietor of a Private Hire vehicle shall notify the Council in advance, in writing, if he or she is to be away from the address shown of the licence, for a period of more than 28 days.

18. The proprietor of a Private Hire vehicle shall not wilfully obstruct an Authorised Officer, or without reasonable excuse fail to comply with any requirement made by such a person, or without reasonable cause, fail to give any such person any other assistance or information such person may reasonably require in the performance of his or her duties.

19. The proprietor of a Private Hire vehicle shall within 7 days of any request made by an Authorised Officer, make available any records or other information that would reasonably assist with an investigation.

20. The proprietor of a Private Hire vehicle shall ensure that a copy of these conditions are retained within the vehicle and made available for inspection by the hirer or any passenger, or Authorised Officer upon request.
The duties will apply to the driver of any wheelchair accessible Hackney Carriages and Private Hire vehicles which is on the vehicles to provide physical assistance to passengers in wheelchairs. A further announcement will be made on when the duties will come into force, but it will not be before April 2011.

The duties will apply to the driver of any wheelchair accessible Hackney Carriages and Private Hire vehicles which is on the licensing authority’s list of “designated vehicles”. Oxford City Council will be maintaining a list of designated vehicles and therefore the following duties will apply to you. Before the duties are brought into force, any drivers who suffer from a disability or a condition which would make it difficult for them to provide physical assistance can apply for an exemption from the duties to offer assistance. The opportunity to apply for exemptions started on 1 October 2010.

LISTS OF WHEELCHAIR ACCESSIBLE VEHICLES

Section 167 of the Act allows licensing authorities to maintain a list of “designated vehicles”, that is, a list of wheelchair accessible Hackney Carriages and Private Hire vehicles licensed in their area. The consequence of being on this list is that the driver must undertake the duties in section 165. This section will be commenced at a later date (not before April 2011).

When section 167 comes into force, and the lists of designated vehicles have a statutory effect, it will be possible for the owner of a vehicle to appeal against a licensing authority’s decision to include his or her vehicle on the list. This appeal will also go to the magistrates’ court.

WHAT ARE THE DUTIES PLACED ON HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS?

The duties being placed on the drivers of designated wheelchair accessible Hackney Carriages and Private Hire vehicles are (under Section 165 of The Equalities Act 2010):
- to carry the passenger while in a wheelchair
- not to make any additional charge for doing so
- if the passenger chooses to sit in a passenger seat, to carry the wheelchair
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as is reasonably required.

WHAT DOES MOBILITY ASSISTANCE MEAN?

Mobility assistance essentially means helping passengers who use wheelchairs by providing physical assistance. If the passenger wishes to remain in the wheelchair, the driver must help the passenger to get into and out of the vehicle. If the passenger wants to transfer to a seat, the driver must help him or her to get out of the wheelchair and into a seat and back into the wheelchair; the driver must also load the wheelchair into the vehicle. The driver must also offer to load the passenger’s luggage into and out of the vehicle.

WHAT IF I HAVE A MEDICAL CONDITION WHICH PREVENTS ME FROM CARRYING OUT THESE DUTIES?

The new Act allows for exemptions from the duties on medical grounds or if the driver’s physical condition makes it impossible or unreasonably difficult for him or her to comply with those duties. It is the responsibility of drivers who require an exemption to apply for one from their licensing authority before the duties come into force; they will have at least six months to go through this process.

WHO DECIDES IF A DRIVER IS EXEMPT?

The local licensing authority decides if a driver should be exempt from the duties.

WHAT IF THE LICENSING AUTHORITY SAYS THAT I AM OK TO CARRY OUT THE DUTIES AND I DISAGREE?

The legislation allows a driver to appeal to the magistrates’ court within 28 days if the licensing authority decides not to issue an exemption certificate.

HOW WILL PASSENGERS KNOW THAT I AM EXEMPT FROM THE DUTIES TO ASSIST PASSENGERS?

The Department will be printing and issuing to licensing authorities special Exemption Notices which exempted drivers must display on their vehicles in order that passengers will know that the driver is exempt from duties.

GUIDE DOGS

The other thing that will happen on the 1st of October 2010 is that the duties placed on Hackney Carriages and Private Hire drivers and on Private Hire Vehicle operators to carry guide dogs and other assistance dogs will transfer from the Disability Discrimination Act 1995 to the Equality Act 2010. In practice, the duties will remain exactly the same as they are now. Any person who is currently exempt from the duty to carry an assistance dog on medical grounds will continue to be exempt. That is because we have made a change in the law so that all existing exemption certificates and all existing exemption notices remain in force as though they had been made under the Equality Act 2010.

I HAVE AN EXEMPTION CERTIFICATE WHICH SAYS THAT IT WAS ISSUED UNDER THE DISABILITY DISCRIMINATION ACT 1995 – DO I HAVE TO GET A NEW ONE?

No, you do not have to get a new certificate, the certificate which you have been granted remains valid until its expiry date.

I HAVE A SPECIAL NOTICE IN MY HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE WHICH SAYS THAT I AM EXEMPT FROM CARRYING GUIDE DOGS AND MENTIONS THE DISABILITY DISCRIMINATION ACT 1995 SO WILL I NEED TO GET A NEW ONE?

No, you do not have to get a new exemption notice; the notice which was provided by the licensing authority remains valid until its expiry date.
APPLICATION FORM: HACKNEY CARRIAGE VEHICLE

REQUEST TO DISPLAY ADVERTISEMENTS (INTERNAL / EXTERNAL)

To: The Head of Environmental Development, Oxford City Council, Ramsay House, St Aldate's Chambers, 109 St Aldate's, Oxford, OX1 1DS

ALL QUESTIONS BELOW MUST BE ANSWERED AND NOT CROSSED OUT. PLEASE COMPLETE THIS FORM IN BLOCK CAPITALS

THIS APPLICATION FORM MUST BE COMPLETED BY THE OWNER(S) OF THE VEHICLE:

ALL ADVERTISEMENTS MUST ADHERE TO THE CONDITIONS APPLICABLE TO THE LICENSING OF HACKNEY CARRIAGE VEHICLES (Please refer to the Hackney Carriage & Private Hire Licensing Application Pack for information relating to the relevant conditions).

NAME OF PROPRIETOR:

ADDRESS OF PROPRIETOR:

HOME TELEPHONE: MOBILE TELEPHONE:

EMAIL ADDRESS:

LICENCE NUMBER OF HACKNEY CARRIAGE VEHICLE:

DATE VEHICLE LICENCE IS DUE TO EXPIRE:

REGISTRATION NUMBER OF HACKNEY CARRIAGE VEHICLE:

MAKE & MODEL OF HACKNEY CARRIAGE VEHICLE:

NAME OF ADVERTISING AGENCY:

ADDRESS OF AGENCY:

DETAILS OF PRODUCT TO BE ADVERTISED:

PROPOSED POSITION OF ADVERTISEMENT:

I declare that I have read and understand the criteria and conditions applicable to the licensing of Hackney Carriage vehicles in Oxford and the advertisement described above complies with those criteria and conditions. I am aware that the request to provide advertisements either internally or externally must be applied for annually at the time of renewing the Hackney Carriage vehicle licence, or upon the request to transfer the ownership of the Hackney Carriage vehicle, or upon the request to change the currently licensed Hackney Carriage vehicle to another vehicle intended to be licensed as a Hackney Carriage vehicle. I am aware that if any person knowingly or recklessly makes a false statement or omits any material particular in giving information on this form that person shall be guilty of an offence. I declare that I have checked the details given on this application form and to the best of my knowledge and belief they are correct. I am entitled to the grant of permission for which I apply.

DATE:………………………………………………. SIGNATURE:………………………………………………………

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. I may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see http://www.oxford.gov.uk/websettools/privacy.cfm.
APPLICATION FORM: HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE LICENCE

Preamble: We may get information about you from certain third parties, or give information to them, to check the accuracy of information, to prevent or detect crime, or to protect public funds in other ways, as permitted by law. These third parties include other local authorities and Government departments.

To: The Head of Environmental Development, Oxford City Council, St Aldate’s Chambers, 109 St Aldate’s, Oxford, OX1 1DS

ALL QUESTIONS BELOW MUST BE ANSWERED AND NOT CROSSED OUT. PLEASE COMPLETE THIS FORM IN BLOCK CAPITALS

THIS APPLICATION FORM MUST BE COMPLETED BY THE OWNER OF THE VEHICLE. IF THE VEHICLE IS OWNED BY MORE THAN ONE PERSON, PLEASE PROVIDE DETAILS OF ALL OTHER OWNERS.

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<thead>
<tr>
<th>NAME:</th>
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<tr>
<td>ADDRESS:</td>
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<tr>
<td>DATE OF BIRTH:</td>
</tr>
<tr>
<td>NATIONALITY:</td>
</tr>
</tbody>
</table>

I am applying to: GRANT / RENEW / CHANGE VEHICLE / TRANSFER OWNER / TEMPORARY VEHICLE (delete as applicable) a:

HACKNEY CARRIAGE / PRIVATE HIRE (delete as applicable) VEHICLE

<table>
<thead>
<tr>
<th>VEHICLE MAKE:</th>
<th>MODEL:</th>
<th>COLOUR:</th>
</tr>
</thead>
<tbody>
<tr>
<td>REGISTRATION NUMBER:</td>
<td>ENGINE CAPACITY (cc):</td>
<td></td>
</tr>
<tr>
<td>DIESEL / PETROL:</td>
<td>REGISTRATION DATE:</td>
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</tbody>
</table>

HACKNEY CARRIAGE / PRIVATE HIRE PLATE NO.:

PASSENGER SEATING CAPACITY:

WHEELCHAIR ACCESSIBLE?: YES / NO (delete as applicable)

IS THE VEHICLE TO BE DRIVEN BY ANY OTHER LICENSED DRIVER(S)?: YES / NO (delete as applicable)

IF YOU HAVE ANSWERED “YES” ABOVE, PLEASE GIVE DETAILS OF THE DRIVERS NAME & BADGE NUMBER:

(If you need to amend your insurance certificate at any time, you must inform the Licensing Officer in writing and submit your Certificate of Insurance (not a photocopy) as proof – failure to do so is an offence)

DETAILS OF THE LICENCED OPERATOR FOR THIS VEHICLE (i.e. 001 Cars, ABC, Royal Cars, etc):

PLEASE PROVIDE DETAILS OF ANY OTHER OWNERS OF THIS VEHICLE, IF NOT JUST YOURSELF

<table>
<thead>
<tr>
<th>NAME:</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADDRESS:</td>
</tr>
<tr>
<td>HOME TELEPHONE:</td>
</tr>
<tr>
<td>MOBILE TELEPHONE:</td>
</tr>
<tr>
<td>EMAIL ADDRESS:</td>
</tr>
</tbody>
</table>

Please continue on a separate sheet if there is more than 1 owner of the vehicle.

I declare that I have read and understand the criteria and conditions of fitness for Hackney Carriage / Private Hire Vehicles in Oxford and the vehicle described above complies with those criteria and conditions. I am aware of and accept the duties and responsibilities in respect of the licensing and maintenance of the vehicle, the supervision of the driver, duty to provide information when required to do so and all other requirements under statute, byelaw and local regulations. I am aware that if any person knowingly or recklessly makes a false statement or omits any material particular in giving information on this form that person shall be guilty of an offence. I declare that I have checked the details given on this application form and to the best of my knowledge and belief they are correct. I am entitled to the licence for which I apply.

DATE:………………………………………………. SIGNATURE:………………………………………………………

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. I may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see http://www.oxford.gov.uk/website/tools/privacy.cfm.

FOR OFFICE USE ONLY: PARIS CODE: K9571 COST CENTRE: ED25
# Oxford City Council

## Private Hire Operator Licence Application Pack

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<td>Table of Rehabilitation of Offenders Act</td>
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INTRODUCTION

It is important that you read this application pack in full before applying for a Private Hire Operator Licence. This application pack should be kept for future reference so that you are fully aware of the procedures in obtaining or renewing your licence, and the guidelines, criteria, conditions and regulations of the licence.


Appointments
Due to the high volume of drivers, vehicles, and new applicants, all applications to obtain a licence must be made by a pre-booked appointment only with the Licensing Officer. The renewal of a Private Hire Operators licence may be done by post.

Licence
Licences are currently issued annually, subject to the Licensing Authority being satisfied that the applicant is "fit and proper" to be issued with the licence.

Fit and Proper Person: A person who poses no threat to the general public, has a good knowledge of the City, is healthy, and is of a good character (including driving record) will be deemed fit and able to hold a licence.

Renewal of Licence
It is the responsibility of the licence holder to apply for the renewal of the licence at the appropriate time. Licence renewals will not be granted until all of the relevant checks have been completed. To avoid delay, applicants are advised to submit an application 1 - 2 months before the expiry of their current licence.

Suitability
The Council reserves the right to require any applicant or existing licence holder to provide additional information if the Licensing Officer has reason to believe that circumstances have changed since the application was made.

The Licensing Authority may get information about you from third parties, or give information to them to check the accuracy of information. This is to prevent or detect crime, or to protect public funds in other ways, permitted by legislation. These third parties include other local authorities and government departments.

The legislation states that the Council may grant a licence ONLY if it is satisfied that the person is fit and proper – the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.

Issuing / Suspending / Revoking / Withdrawing or Refusing to Renew a Licence
It must be clearly understood that the Private Hire Operators Licence is issued in good faith, and should any information supplied by the applicant prove to be false or misleading, the licence may be suspended. That any caution, conviction or pending prosecution of any nature must be reported to the Licensing Officer regardless of nature, penalty or outcome immediately. The Council reserves the right to consider other matters which do not amount to a conviction but which they feel are relevant to whether or not the applicant is a fit and proper person. These considerations also apply when considering whether to renew a licence.

Having previous convictions for either criminal or motoring offences will not necessarily bar you from obtaining a licence, it will depend upon what the offences are, and how long ago they occurred. You should note that it is an offence to not declare such matters on your application to the Council.

Ability to Work in the UK
The Council has a duty to ensure that only those persons who are entitled to work in the UK are issued a licence to drive a licensed vehicle. For this reason all applicants (new and those applying to renew their existing licence) must provide evidence to show that they are entitled to work in the UK (without restriction; those persons who have restricted ability to work in the UK will NOT be granted a licence). If you are granted full entitlement to work for 12 months at a time, you will be required to resubmit your documents every 12 months to show that your entitlement has been renewed/extended. If, at any time, your entitlement is removed, your licence will be revoked. Further information regarding what documents you can submit with your application to show your entitlement are given later in this document, ‘Prevention of Illegal Working’, and can be obtained from the website: www.bia.homeoffice.gov.uk.

Nothing in this document shall be interpreted as over riding the provisions of the Part II of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847, The Transport Act 1985 and the byelaws made thereunder.

A licence holder has a right of appeal to a Magistrate’s Court against the imposition of the Conditions attached to a licence, by virtue of Section 300 – 302 of the Public Health Act 1936

CONTACT DETAILS:

OXFORD CITY COUNCIL LICENSING TEAM

License Team, Oxford City Council

OXFORD CITY COUNCIL'S MOTOR TRANSPORT SECTION
FEES AND CHARGES

Fees once paid will on no account be refunded, and fees may also be amended from time to meet the reasonable cost of issue and administration.

FEES & CHARGES PAID TO OXFORD CITY COUNCIL: LICENSING TEAM

<table>
<thead>
<tr>
<th>PRIVATE HIRE OPERATOR LICENCE FEES</th>
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<tbody>
<tr>
<td>PRIVATE HIRE OPERATOR LICENCE (3 vehicles or fewer)</td>
<td>£490.00</td>
</tr>
<tr>
<td>PRIVATE HIRE OPERATOR LICENCE (4 vehicles or more)</td>
<td>£980.00</td>
</tr>
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</table>

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<thead>
<tr>
<th>ADDITIONAL PRIVATE HIRE OPERATOR CHARGES</th>
<th></th>
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<tbody>
<tr>
<td>KNOWLEDGE TEST / RETEST (NEW APPLICANTS ONLY)</td>
<td>£75.00</td>
</tr>
<tr>
<td>DISABILITY AWARENESS COURSE (NEW APPLICANTS ONLY)</td>
<td>£45.00</td>
</tr>
<tr>
<td>BASIC CRIMINAL RECORDS BUREAU DISCLOSURE</td>
<td>£25.00</td>
</tr>
<tr>
<td>AMENDMENT TO EXISTING LICENCE</td>
<td>£25.00</td>
</tr>
<tr>
<td>DUPLICATE PAPER LICENCE</td>
<td>£2.00</td>
</tr>
<tr>
<td>RETURNED CHEQUE FEE</td>
<td>£30.00</td>
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</table>

CRITERIA APPLICABLE FOR THE GRANT OF A PRIVATE HIRE OPERATOR LICENCE

The following are the Council’s criteria when considering applications for a Private Hire Operators Licence.

1. The applicant shall provide evidence that he / she / the partnership / the company is, of good character.

2. The applicant shall provide evidence that he / she / the partnership / the company is capable of running the business to the required standard.

3. The applicant shall provide evidence that he / she / the partnership / the company is, capable of keeping records to the required standard.

4. The applicant shall provide evidence that he / she / the partnership / the company is, capable of supervising drivers and proprietors, and has a full understanding of the criteria, conditions and regulations relating to such licences.

5. The applicant shall provide evidence that he / she / the partnership / the company has a good local knowledge.

6. The applicant shall provide evidence that he / she / the partnership / the company has an awareness of the needs of disabled passengers.

In order to meet the criteria 1 - 4, the applicant would need to provide full details of previous convictions by obtaining a Basic Criminal Records Bureau Disclosure (if not already a licensed driver with this Authority) which can be obtained by the applicant online at www.disclosurescotland.co.uk, full details of previous employment and / or business activities, character references and be interviewed by a Licensing Officer. In order to meet criteria 3 – 6 the applicant would need to pass a Knowledge Test and attend a Disability Awareness Course – both provided by the Licensing Authority.

The following are considered relevant for carrying out an assessment of whether or not the facilities to be provided by a Private Hire Operator are adequate to meet the Council’s standards:

a) Planning permission for the premises to be used as a Private Hire Operator business
b) Adequate parking facilities for the number of vehicles to be maintained at the premises
c) Adequate telephone facilities
d) Suitable customer waiting area

In order to meet considerations (a) and (c) above, the operator would need to provide the necessary documents as evidence. In order to meet considerations (b), (d) and (e) above, the premises will require an inspection by the Licensing Officer.

DISABILITY AWARENESS COURSE

New applicants are requested to attend a “Disability Awareness” training course held by the Council, or demonstrate that they have attended a similar course. The cost of this course is £45.00. This course must be attended prior to any licence being granted.

KNOWLEDGE TEST

New applicants must also undertake a Knowledge test. The test is devised so that an applicant can prove that they have sufficient knowledge of the City of Oxford, the conditions attached to the licenses of Operators, Drivers, Proprietors and local traffic regulations.

The test contains three sections:-

A. Identifications of building locations 5 questions
B. Rules and regulations 20 questions
C. Correct routes 5 questions

TOTAL 30 questions

A minimum of 24 correctly answered questions is required to pass the test. The test lasts for 30 minutes and is of a multiple choice answer format. This means that you are given a number of possible answers to each question and you must decide the correct answer.

If you fail the test you will be invited to take the test again after a further test fee has been paid, and then allocated a retest date. To assist you a list of all rules and regulations and a summary of other law applicable to Hackney Carriage and Private Hire can be found within this Application Pack. Details as to the roads and landmarks that may be included in the Private Hire Operator Knowledge Test can be found on the Councils website at: www.oxford.gov.uk/taxilicensing.
GRANT OF LICENCE TO NEW APPLICANT

Upon receipt of satisfactory Basic Criminal Records Bureau Disclosure, Planning Permission and inspection of the proposed business premises, and you having passed the Knowledge Test, undertaken the Disability Awareness Course, paid the full fee at your appointment with the Licensing Officer, and that all of your other documents were found to be satisfactory, you will be issued with a licence (posted to your home address).

If any information that you have not previously declared on your application form is found to have come to light upon receipt of the above checks, you may be refused a licence.

Should you wish to proceed with your application to become a licensed Private Hire Operator, you should refer to the section ‘Procedure for New Private Hire Operator licence’ which will give further information on what to do next.

What happens if my licence has not been issued 6 months after I apply?
You will have to apply for another Basic Criminal Records Bureau Disclosure at your own expense.

What happens if my licence hasn't been issued 12 months after I apply?
Your application will be null and void and you will need to reapply.

PROCEDURE FOR THE GRANT OF A NEW PRIVATE HIRE OPERATOR LICENCE

This procedure relates to a person or persons who have never before held a Private Hire Operators Licence, or who have held such a licence longer than 12 months ago.

1. You will need to book an appointment with the Licensing Team at our St. Aldate’s Chambers office (Tel. 01865 252115).

2. You must then attend this appointment, and bring with you (if you fail to bring any of the following, you will need to rebook your appointment. If you arrive late for your appointment you will not be seen and you will need to make another appointment.):
   - The completed application form
   - The completed Basic Criminal Records Bureau Disclosure (must have been obtained no earlier than 28 days prior to your appointment with the Licensing Officer)
   - Evidence that you are entitled to work in the UK (unrestricted) usually passport or visa
   - Proof of the planning permission for the use of your premises as a Private Hire Operator
   - Payment for the full application fees

3. If all of the above documents are valid, and you make your payment in full, you will be booked on the next available Knowledge Test and Disability Awareness Course. You will be given confirmation of the time and date for the Test and Course at your appointment. Should you not pass the Knowledge Test, you are able to apply to retake the test (please be aware that questions set for the Tests are changed monthly).

4. Upon the passing of the Knowledge Test and sitting of the Disability Awareness Course, and any other requirements that the Licensing Officer may have relating to you fulfilling the Criteria for Private Hire Operators your licence will be granted for a maximum period of one year.

   Should the Licensing Officer have any concerns over you being deemed “fit and proper” to hold a licence, the matter will be referred to the Hackney Carriage and Private Hire Licensing Sub-Committee to be determined.

5. If you are granted a licence, your Operators Licence will be posted by First Class post to your home address.

PROCEDURE FOR THE RENEWAL OF A PRIVATE HIRE OPERATOR LICENCE

This procedure applies where the application is for the renewal of an existing Operators Licence, or from a person who within the last 12 months previously held an Operators Licence.

1. You will be sent a “Reminder Letter” approximately 2 months before the expiry of your current Operators licence, by the Licensing Team. The letter will include an application pack.

2. You will need to post your completed application form and payment to Licensing Team. If you are not a licensed driver with this Authority, then every 3 years you will be required to also submit a completed Basic Criminal Records Bureau Disclosure when submitting your application to renew the Private Hire Operator licence.

3. If you are granted a licence, your licence will be posted by First Class post to your business address.

PROCEDURE TO AMEND AN EXISTING PRIVATE HIRE OPERATOR LICENCE

This procedure applies should you need to amend any details or records relevant to an existing Private Hire Operator Licence.

1. You will need to put your request in writing and enclose the relevant fee, and send it to the Licensing Team, who will be able to amend the existing records accordingly, or who will be able to inform you as to what further requirements you must undertake.

2. Upon consideration and approval of your request, your amended licence will be sent to you by first class post to your business address.
CONDITIONS ATTACHED TO A PRIVATE HIRE OPERATOR LICENCE

In these conditions “the Council” means the Oxford City Council. “Operator” means the holder of a Private Hire Operator’s Licence issued by the Council. Any requirements of legislation, which affect the operations carried out under the terms of a licence, shall be regarded as if they were conditions of that licence.

1. The Operator shall record in a suitable book, or by use of a suitable computer programme, the particulars of all vehicles operated by the Operator, including details of the owners, registration and drivers of the vehicles.

2. The Operator shall, before a hiring starts, record in a suitable book, the pages of which are numbered consecutively, or by use of a suitable computer programme the following particulars:
   a. the date and time of the booking;
   b. the name and address of the hirer;
   c. the manner in which the booking was made (i.e. whether by telephone or in person or by internet);
   d. the time and place at which it is intended that the passenger shall be collected;
   e. the destination;
   f. the time at which the driver was allocated the booking;
   g. the registration number of the vehicle allocated to the booking;
   h. the details of any sub-contract.

3. The Operator shall keep the records referred to in the above conditions and make available for inspection on request by an authorised Officer of the Council or a Police Officer for a period of not less than 12 months. If the records are maintained by the use of a computer, the operator shall ensure that a print-out of any record kept can be provided at any time the business is in operation, on request by an authorised officer of the Council or a police officer for a period of not less than 12 months.

4. The Operator shall not accept a booking for a vehicle to carry more passengers than the vehicle is licensed to carry.

5. The Operator shall notify the Council:
   a) immediately of any change in the Operator’s business address, in the vehicles operated by the Operator or in the drivers employed to drive them;

6. The Operator shall not provide any of the following to be displayed within the Council’s district:
   a) any sign, notice or advertisement on the roof of any vehicle licensed by Oxford City Council;
   b) any sign, notice or advertisement which is illuminated in or on any vehicle licensed by Oxford City Council;
   c) any sign or signage affixed either inside or outside of a Private Hire Vehicle for public display whatsoever that includes the words, “tax”, “taxi”, “Cab”, “taxi-cab” or “for hire” whether or not as part of another word.

7. The Operator shall hold a copy of the driver’s Private Hire Driver’s Licence (to be provided by the driver) during the period that he utilises such driver.

8. The Operator shall ensure that every driver employed to drive the vehicles operated by the Operator holds a licence and is acquainted with, understands and observes the conditions attached to that licence.

9. The Operators shall not take any bookings requested directly by the driver of the Private Hire vehicle.

10. The Operator shall hold a copy of the proprietor’s Private Hire Vehicle Licence (to be provided by the proprietor) during the period that he utilises such vehicle.

11. The Operator shall ensure that every proprietor of a Private Hire vehicle operating under his / her Operator’s licence is acquainted with, understands and observes the conditions attached to a Private Hire vehicle licence.

12. The Operator shall provide, and ensure that any vehicle in his employ that is fitted with a taxi-meter, carries and displays upon request a list of the tariffs charged by the Operator.

13. The Operator shall, when accepting a booking for a vehicle to attend at an appointed time and place, ensure that unless delayed or prevented by some sufficient cause, a suitable vehicle attends at that time and place.

14. The Operator shall maintain an adequate supply of door livery stickers, and provide such livery upon request to the owner of a licensed Private Hire Vehicle in his or her employ.

15. The Operator shall take all necessary measures, including those requested by the Licensing Officer, Police Officer or other Authorised Officer to prevent vehicles in its employment, from parking or congregating in such a manner as to cause a nuisance to any reasonable person.

16. The Operator shall take all necessary measures, including those requested by the Licensing Officer, Police Officer or other Authorised Officer, so as to prevent Private Hire Drivers in his or her employ from parking in a “prominent position” (i.e. where people are likely to congregate, locations with a high level of footfall, near taxi ranks) and being in attendance of the vehicle without a prior booking for that location, that may encourage any person to approach the vehicle in the belief that the driver and the vehicle are available for immediate hire.

17. The Operator shall within 7 days of any request made by any Authorised Officer, make available any records or other information that would reasonably assist with an investigation. Any failure to comply with the reasonable request of the Licensing Officer will be considered relevant when assessing the suitability of the applicant to continue to hold a Private Hire Operator licence.

18. The Operator shall within 7 days of receipt, notify the Council in writing of any complaints concerning the cleanliness or condition of a vehicle, or of a complaint against a driver, in the employ of the Operator.

19. The Operator shall understand that Private Hire Operator licence is not transferable.

20. The Operator shall keep a copy of the Private Hire Operator Application Pack at his or her place of business.
From the 1st April 2012 it is a mandatory requirement for Audio and Visual Recording Equipment to be fitted in all Hackney Carriages and Private Hire vehicles (save for those Private Hire vehicles that are granted an “Exemption Notice” in accordance with Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976) licensed by this Authority.

Listed below is a summary of the timescale for the scheme and the eligibility criteria for financial assistance with the reimbursement of fitting costs.

i) Audio and Visual Recording Equipment will be a mandatory requirement for all Hackney Carriages and Private Hire vehicles (save for those Private Hire vehicles that are granted an “Exemption Notice” in accordance with Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976) licensed for the first time by this Authority from 1st April 2012.

ii) Audio and Visual Recording Equipment will be a mandatory requirement for all Hackney Carriage and Private Hire vehicles (save for those Private Hire vehicles that are granted an “Exemption Notice” in accordance with Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976) licensed by this Authority prior to 1st April 2012, allowing until 31st March 2015 for the equipment to be fitted to the vehicle.

iii) Any vehicle proprietor who holds a licence prior to 1st April 2012 and will have a licence in force after this date, will be eligible to apply for reimbursement of a maximum of £100 towards the fitting costs of Audio and Visual Recording Equipment to the vehicle (upon proof of receipt of payment for the fitting of the Audio and Visual Recording Equipment), restricted to no more than one payment per licensed vehicle.

iv) Any Audio and Visual Recording Equipment system fitted to any licensed vehicle must comply with the criteria laid out in the Minimum Standard Specification for Audio and Visual Recording Equipment installed in licensed vehicles.

v) Upon the fitting of Audio and Visual Recording Equipment to any Private Hire vehicle licensed from 1st April, there shall be no requirement for the need to replace the standard manufactured rear side windows or rear windscreen of the vehicle.

vi) Upon the fitting of Audio and Visual Recording Equipment to any Hackney Carriage, advertisements shall be permitted to be displayed on a screen placed behind the driver, on the partition of the Hackney Carriage. Guidelines relating to internal advertisements in Hackney Carriages can be found within the Conditions of Fitness.

**MINIMUM STANDARD SPECIFICATION FOR AUDIO AND VISUAL RECORDING EQUIPMENT SYSTEMS**

1. Meet the current Information Commissioner Data protection requirements, at the time of installation
2. Capable of date, time and vehicle identification test information
3. Capable of capturing images during daylight and darkness of sufficient quality to enable identification of any person travelling in the vehicle and be of such a quality that can be used for prosecution purposes where necessary
4. Capable of providing voice recording
5. The recording must be event activated (e.g. door or ignition) and continue to record 30 minutes after the ignition is switched off.
6. Capable of recording and storing images for a minimum of 28 days
7. A panic button which will then save all recording for a minimum of 10 minutes before activation in a separate part of the hard drive
8. Have the integrity to prevent images being reviewed, removed and/or downloaded accept by a system administrator and/or an authorised council or police officer
9. The system must be digitally encrypted
10. Ensure that the hard disk or data card is not accessible to the driver or any other person travelling in the vehicle
11. The data unit must be securely fixed and stored separately from the camera(s) and out of view of any person travelling in the vehicle
12. All equipment must not present any risk to any person travelling in the vehicle and as far as possible cannot be tampered or damaged by any person travelling in the vehicle
13. All equipment installed in the vehicle must be capable of withstanding and functioning if the vehicle stops suddenly or there is any impact
14. The equipment must be marked as complying with European Industry Standards.
15. The camera(s) must be capable of recording all passengers travelling in the vehicle, including the driver. For vehicles other than a saloon car this may require more than 1 camera
16. All images and sound recorded must be in a format that is easily useable by police and the Court system (DVD format recommended)
17. The system must be fitted by an approved installer, specified by the manufacturer, and serviced and maintained as specified by the manufacturer
EXEMPTION FROM DISPLAYING PLATES & STICKERS: PRIVATE HIRE VEHICLE

Some customers prefer to be driven in executive vehicles that are low profile and represent their organisation - especially when meeting a client. Many chauffeur companies and some Private Hire Operators employ section 75(3) of the Act. Using this section of the law, allows for specific vehicles to be granted dispensation from displaying their Private Hire plate and door stickers. Vehicles issued with this “Exemption Notice” are not required to meet with the Authority’s requirement for an Audio and Visual Recording Equipment system to be fitted.

Criteria: The work undertaken must not be conventional Private Hire work but regarded as specific ‘chauffeur-driven’ work, and that the vehicle to be used for such work is an “executive and prestigious” type vehicle of a higher standard than that of a ‘normal’ vehicle used for private hire work. This must be proved through the procedures detailed below.

Renewal of Exemption: Such an exemption must be reapplied for at the time of each vehicle licence renewal application. This exemption does not include school contracts or similar work for which a fully signed vehicle must be used.

Internal Plates: Exempt vehicles will be required to display two Oxford City Council vehicle internal plates showing that the vehicle is a licensed Private Hire Vehicle. Each internal plate must be displayed within its holder, one to be displayed at the top of the windscreen on the nearside and the second at the top of the rear window on the offside.

Revocation of Exemption: Exempt vehicles that undertake standard private hire work without an invoiced contract in place may have their Exempt status withdrawn.

PROCEDURE TO OBTAIN EXEMPTION FROM DISPLAYING PLATES & STICKERS

The procedure below relates to the application for Private Hire Vehicle licence holders seeking to be granted exemption from displaying door stickers and licence plates, or the renewal of the exemption:

1. You will need to submit to the Licensing Team the following:
   - **A LETTER FROM THE VEHICLE PROPRIETOR DETAILING THE FOLLOWING INFORMATION:**
     - THE PRIVATE HIRE VEHICLE LICENCE NUMBER ISSUED BY THE COUNCIL
     - MAKE, MODEL, COLOUR, REGISTRATION NUMBER, PASSENGER SEATING CAPACITY OF THE VEHICLE
     - THAT THE NATURE OF THE WORK TO BE CARRIED OUT WILL BE SOLELY BY WAY OF CONTRACTED ACCOUNT WITH THE BUSINESS USER
     - THE NAME OF THE PRIVATE HIRE OPERATOR THROUGH WHOM BOOKINGS ARE PROVIDED
     - PAYMENT OF THE FEE

2. The Private Hire Operator who holds the written contracts for the work that the vehicle seeking the exemption notice, needs to also submit to the Licensing Team the following:
   - **A LETTER ON COMPANY HEADED PAPER CONFIRMING THE FOLLOWING INFORMATION:**
     - THE NAME OF THE VEHICLE LICENCE HOLDER
     - THE PRIVATE HIRE VEHICLE LICENCE NUMBER ISSUED BY THE COUNCIL
     - MAKE, MODEL, COLOUR, REGISTRATION NUMBER, PASSENGER SEATING CAPACITY OF THE VEHICLE
     - THAT THE NATURE OF THE WORK TO BE CARRIED OUT WILL BE SOLELY BY WAY OF CONTRACTED ACCOUNT WITH THE BUSINESS USER

3. The decision to grant or refuse an exemption for the display of an identification plate and door stickers will be delegated to the Licensing Team Leader.

4. If granted, 2 internal plates and an Exemption Notice will be sent to the proprietor granting the exemption request, detailing the proprietor and vehicle to which the exemption is granted, and the conditions attached to the exemption. This letter must be kept in the vehicle at all times, and produced at the request of an Authorised Officer.

CONDITIONS APPLICABLE TO THE GRANT OF AN EXEMPTION NOTICE

1. The vehicle shall not undertake standard private hire bookings.
2. All bookings undertaken by the vehicle shall be by means of a written contract between the Private Hire Operator and the business user.
3. The vehicle shall be of an “executive and prestigious” type of a higher standard than that of a ‘normal’ vehicle used for private hire work.

CONDITIONS ATTACHED TO AN EXEMPTION NOTICE

1. A copy of the Exemption Notice is kept in the vehicle at all times
2. The standard licence plate once issued is to be kept inside the vehicle and must be produced on demand to an Authorised Officer.
3. The vehicle is not used on conventional private hire work but is operated only on ‘chauffeur-driven’ work
4. There is no change as to who the proprietor of the vehicle is.
5. The vehicle is only operated through the Private Hire Operator named at the time of application.
6. The vehicle must display internal plates issued by the Licensing Authority that indicates to an Authorised Officer that the vehicle is indeed a licensed vehicle.
7. Exempt vehicles shall not display any Operators details in the vehicle.
8. The display of ‘No Smoking’ stickers inside the vehicle is still a condition of any exemption granted.
ENFORCEMENT PROCEDURES

It is this Authority’s policy to deal with enforcement matters relating to an applicant or existing licence holders by means of Licensing Officers, the Head of Environmental Development, the Hackney Carriage and Private Hire Licensing Sub-Committee and the Courts. The expectation of the Authority is that any person who seeks the grant of a licence, or who holds a licence, meets with our definition of a “fit and proper” person. Hackney Carriage and Private Hire drivers maintain close contact with the public and are therefore not expected to behave or act in a manner that may:

- cause any person to take offence at their actions
- cause any person to believe their actions are inappropriate
- cause any person to fear of their physical safety
- cause any person to doubt their integrity
- brings in to disrepute the integrity of the Council for having granted such a person a licence
- fail to adhere to the conditions and regulations pertaining to the licence

Any complaints or enforcement measures are dealt with in the first instance by the Licensing Officers by way of a “Warning” system. Any failures on the part of an applicant or existing licence holder to uphold the Licensing Objectives or to adhere to the conditions and regulations pertaining to the licence may result in any of the following actions:

- the issue of a warning (appropriate to the incident reported)
- the issue of a higher level of warning (appropriate to the incident reported and having regard to the history of the licence holder)
- the request for an interview to be held in accordance with the Police and Criminal Evidence Act 1984
- the issue of a Forma Caution
- the referral of the matter to the Head of Environmental Development
- the referral of the matter to the Hackney Carriage and Private Hire Licensing Sub-Committee
- the referral of the matter to the Law and Governance department for consideration of prosecution

You will find details of the Warnings and further actions that the Licensing Authority may take contained within the section relating to Warnings, Offences, Cautions and Convictions that starts on page 20 of this Application Pack.

OFFENCES

OFFENCES UNDER SECTIONS 37-68 TOWN POLICE CLAUSES ACT 1847
1. Plying for Hire without Licence. STALKING (this can even be parking near a rank or in a prominent position)
2. Driving Hackney Carriage without Hackney Carriage driver’s licence.

OFFENCES UNDER LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
1. Owing unlicensed vehicle used as Private Hire vehicle.
2. Driving a Private Hire vehicle without a Private Hire driver’s licence.
3. Owning licensed Private Hire vehicle driven by unlicensed driver.
4. Operating Private Hire vehicles without operator licence.
5. Operating unlicensed Private Hire vehicles.
6. Operating unlicensed Private Hire vehicles driven by unlicensed drivers
7. Failure to exhibit vehicle licence plate.
8. Failure to notify (in writing within 14 days) transfer of Hackney Carriage or Private Hire vehicle.
9. Failure to produce Hackney Carriage or Private Hire vehicle for testing when required.
10. Failure to report (within 72 hours) accident involving Hackney Carriage or Private Hire vehicle.
11. Failure to produce Hackney Carriage or Private Hire vehicle licence and insurance when requested.
12. Failure to produce Hackney Carriage or Private Hire driver’s licence when requested.
13. Failure to wear Private Hire driver’s badge.
14. Failure of Private Hire operator to keep record of bookings
15. Failure to produce such record when requested.
16. Failure of Private Hire operator to keep records required by local authority
17. Failure to produce such records when requested.
18. Failure to produce Private Hire operator’s licence when requested.
19. Making of false statement or omission of material information in application for any licence.
20. Failure to return, after due notice, licence plate issued in respect of revoked, expired or suspended Hackney Carriage or Private Hire vehicle licence.
21. Failure to return, after due notice, driver’s badge issued in respect of suspended or revoked Hackney Carriage or Private Hire drivers licence.
22. Unauthorised parking on Hackney Carriage stand
23. Unreasonable prolongation of journeys.
24. Misuse of taximeters.
25. Obstruction of authorised officers.
TRANSPORTING DISABLED PASSENGERS

Customer Care starts from the moment that the customer hires the vehicle. There should be good customer relations between the driver and the customer. Talking to the customer to check what they require will make it quick and easy to give them a better service. Many disabled people have at some time experienced well-intentioned but clumsy assistance that has caused them discomfort and pain. The way a driver gives the best possible service to each customer will vary for each customer and the type of disability that they have. Always ask what help (if any) a customer may need. Make sure you are familiar with any access and safety equipment in your vehicle. Ask the customer if they are all right before you start the journey.

If the passenger is in a wheelchair you should always:

- Pull up as close as possible to the kerb;
- Always use the ramps;
- If necessary, tip up the back seat to give more space to manoeuvre the wheelchair;
- Insist that the passenger travels in the correct position as recommended by the vehicle manufacture. In the case of a London type cab this position will be facing the rear of the vehicle. The wrong travelling position is unsafe;
- Always make sure that the brakes of the wheelchair are on;
- Be polite and ask before touching or moving a passenger;
- Always secure the wheelchair and ask if the passenger needs help to fasten the seat belt provided;
- If it has been raised, lower the back seat if the passenger would prefer it;
- Avoid sudden braking or acceleration;
- Bring the wheelchair out of the vehicle backwards down the ramp and ask if the passenger would like the brakes on once they have been unloaded;
- Leave the passenger in a safe and convenient place, which enables them to move away independently.

When taking a person in a wheelchair up a kerb you should place your foot on one of the tipping levers (which project from the back of the wheelchair at ankle height) and pull the wheelchair onto its back wheels. Pull the wheelchair onto its back wheels so that its front wheels are level with the kerb and follow with the back.

When taking a person in a wheelchair down a kerb, again place your foot on the tipping lever and pull the wheelchair onto its back wheels. Gently lower the wheelchair down the kerb so that both of the rear wheels touch the ground at the same, then lower the front wheels.

This method should only be used for kerbs and single steps; where there is a flight of steps, two people are needed for safety.

Although all Oxford City Council Hackney Carriages are wheelchair accessible you should be aware that they are not accessible to all wheelchair users. There are a number of wheelchair designs that are either too large for the ramps and to fit through the doorway or are unable to be manoeuvred when inside the vehicle. There are also some passengers whose size and build, or nature of disability (i.e. those passengers requiring extended leg rests) that precludes them from safely using a Hackney Carriage. However you cannot refuse to take a passenger in a wheelchair if your vehicle can safely take it. It is against the law and the conditions attached to a drivers licence to refuse a wheelchair passenger. It could lead to prosecution and your Hackney Carriage driver’s licence being revoked.

HOW TO ENSURE THE SAFETY OF WHEELCHAIR USERS

Both the restraint system for the wheelchair and the safety belt for the passenger must be used on every occasion. Failure to do so may render you liable in the event of an accident and could affect your insurance cover.

- In the interest of the comfort and safety of both the passenger and yourself, the ramps must be used to board a passenger using a wheelchair.
- Passengers using wheelchairs must never travel facing sideways or forward. It is not possible to secure the wheelchair or adequately protect the passenger in either position. They should always travel in the recess of the passenger bulkhead, facing towards the rear of the vehicle.
- The wheelchair restraint mechanism must always be attached to the rearmost main upright tubes on opposite sides of the wheelchair frame in a position that does not allow it to fall off or slide down. The restraint must never be attached to wheels, spokes or footplates.
- The brakes on the wheelchair must always be applied during the journey. You should remember that the brakes alone are not sufficient for wheelchair restraint. They do however give a little lateral stability during the journey, which provides reassurance for passengers.
- The wheelchair restraint mechanism isolating switch must always be in the “off” position before the journey begins. If it is left in the “on” position the wheelchair is still unrestrained.
- It is important to remember that the wheelchair restraint mechanism offers no security to the passenger. It is a legal requirement for passengers to wear seatbelts provided. Unless they hold a medical exemption certificate.
- Wheelchairs must always be taken out of the vehicle backwards.
The duties will apply to the driver of any wheelchair accessible Hackney Carriages and Private Hire vehicles which is on the licensing authority's list of “designated vehicles”. Oxford City Council will be maintaining a list of designated vehicles and therefore the following duties will apply to you. Before the duties are brought into force, any drivers who suffer from a disability or a condition which would make it difficult for them to provide physical assistance can apply for an exemption from the duties to offer assistance. The opportunity to apply for exemptions started on 1 October 2010.

LISTS OF WHEELCHAIR ACCESSIBLE VEHICLES
Section 167 of the Act allows licensing authorities to maintain a list of “designated vehicles”, that is, a list of wheelchair accessible Hackney Carriages and Private Hire vehicles licensed in their area. The consequence of being on this list is that the driver must undertake the duties in section 165. This section will be commenced at a later date (not before April 2011).

When section 167 comes into force, and the lists of designated vehicles have a statutory effect, it will be possible for the owner of a vehicle to appeal against a licensing authority’s decision to include his or her vehicle on the list. This appeal will also go to the magistrates’ court.

WHAT ARE THE DUTIES PLACED ON HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS?
The duties being placed on the drivers of designated wheelchair accessible Hackney Carriages and Private Hire vehicles are (under Section 165 of The Equalities Act 2010):
- to carry the passenger while in a wheelchair
- not to make any additional charge for doing so
- if the passenger chooses to sit in a passenger seat, to carry the wheelchair
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as is reasonably required.

WHAT DOES MOBILITY ASSISTANCE MEAN?
Mobility assistance essentially means helping passengers who use wheelchairs by providing physical assistance. If the passenger wishes to remain in the wheelchair, the driver must help the passenger to get into and out of the vehicle. If the passenger wants to transfer to a seat, the driver must help him or her to get out of the wheelchair and into a seat and back into the wheelchair; the driver must also load the wheelchair into the vehicle. The driver must also offer to load the passenger’s luggage into and out of the vehicle.

WHAT IF I HAVE A MEDICAL CONDITION WHICH PREVENTS ME FROM CARRYING OUT THESE DUTIES?
The new Act allows for exemptions from the duties on medical grounds or if the driver’s physical condition makes it impossible or unreasonably difficult for him or her to comply with those duties. It is the responsibility of drivers who require an exemption to apply for one from their licensing authority before the duties come into force; they will have at least six months to go through this process.

WHO DECIDES IF A DRIVER IS EXEMPT?
The local licensing authority decides if a driver should be exempt from the duties.

WHAT IF THE LICENSING AUTHORITY SAYS THAT I AM OK TO CARRY OUT THE DUTIES AND I DISAGREE?
The legislation allows a driver to appeal to the magistrates’ court within 28 days if the licensing authority decides not to issue an exemption certificate.

HOW WILL PASSENGERS KNOW THAT I AM EXEMPT FROM THE DUTIES TO ASSIST PASSENGERS?
The Department will be printing and issuing to licensing authorities special Exemption Notices which exempted drivers must display on their vehicles in order that passengers will know that the driver is exempt from duties.

GUIDE DOGS
The other thing that will happen on the 1st of October 2010 is that the duties placed on Hackney Carriages and Private Hire drivers and on Private Hire Vehicle operators to carry guide dogs and other assistance dogs will transfer from the Disability Discrimination Act 1995 to the Equality Act 2010. In practice, the duties will remain exactly the same as they are now. Any person who is currently exempt from the duty to carry an assistance dog on medical grounds will continue to be exempt. That is because we have made a change in the law so that all existing exemption certificates and all existing exemption notices remain in force as though they had been made under the Equality Act 2010.

I HAVE AN EXEMPTION CERTIFICATE WHICH SAYS THAT IT WAS ISSUED UNDER THE DISABILITY DISCRIMINATION ACT 1995 – DO I HAVE TO GET A NEW ONE?
No, you do not have to get a new certificate, the certificate which you have been granted remains valid until its expiry date.

I HAVE A SPECIAL NOTICE IN MY HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE WHICH SAYS THAT I AM EXEMPT FROM CARRYING GUIDE DOGS AND MENTIONS THE DISABILITY DISCRIMINATION ACT 1995 SO WILL I NEED TO GET A NEW ONE?
No, you do not have to get a new exemption notice; the notice which was provided by the licensing authority remains valid until its expiry date.
PREVENTION OF ILLEGAL WORKING: RIGHT TO WORK IN U.K.

The Council has a duty to ensure that all those individuals it grants a licence to are entitled to work in the UK. For this reason the following documentation must be provided.

List A – documents which show an ongoing right to work. If you can provide documents from list A, you do NOT need to provide any from list B.

1. A passport showing that the holder is a British citizen
2. A passport showing that the holder is a citizen of the UK and Colonies having the right to abode in the UK – passport has a ‘certificate of entitlement to the right of abode’ in it.
3. A passport showing that the holder is a national of a European Economic Area (EEA) country or Switzerland
4. A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office (HO), the Border and Immigration Agency (BIA), a national of a EEA or Switzerland
5. A permanent residence card issued by the HO or BIA to the family member of a national of EEA or Switzerland
6. A Biometric Immigration Document issued by the BIA to the holder which indicates that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK
7. A passport or other travel document endorsed to show that the holder is allowed to stay indefinitely in the UK, has the right of abode in the UK or has no time limit to their stay in the UK

Document combinations – one of the following:
8. An official document issued by a previous employer or Government agency i.e. HM Revenue and Customs, Department for Work and Pensions, Jobcentre Plus, the Employment Service, the Training and Employment Agency (Northern Ireland) or the Northern Ireland Social Security Agency, which contains the permanent National Insurance number and name of the person
   Plus:
   a. An immigration Status Document issued by the HO or the BIA to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK
   Or:
   b. A full birth certificate/full adoption certificate issued in the UK which includes the name(s) of at least one of the holder’s parents
   Or:
   c. A birth certificate/adoption certificate issued in the Channel Islands, the Isle of Man or Ireland
   Or:
   d. A certificate of registration or naturalisation as a British citizen
   Or:
   e. A letter issued by the HO or the BIA to the holder which indicates that the person named

List B – Documents which show a right to work for up to 12 months (where this is applicable the applicant will have to prove their right to work annually otherwise their licence will be revoked) (If you can provide documents from list B, you do NOT need to provide any from list A). You will need to provide either 1 or 2, with a combination of the following i.e. 3 + a or 3 + b; 4 or 5; 6; 7 or 8.

1. A passport or travel document endorsed to show that the holder is allowed to stay in the UK and is allowed to do the type of work in question, provided that it does not require the issue of a work permit
2. A Biometric Immigration Document issued by the BIA to the holder which indicates that the person named in it can stay in the UK and is allowed to do the work in question.

Document combinations – first combination:
3. A work permit or other approval to take employment issued by the HO or BIA with:
   a. A passport or another travel document endorsed to show the holder is allowed to stay in the UK and is allowed to do the work in question
   Or:
   b. A letter issued by the HO or the BIA to the holder or the employer or prospective employer confirming the same

Second combination – must be checked by the BIA Employer Checking Service:
4. A certificate of application issued by the HO or the BIA to or for a family member of a national of a EEA country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old
   Or:
5. An application registration card issued by the HO or the BIA stating that the holder is permitted to take employment

Third combination:
6. A document issued by a previous employer or Government agency e.g. HM Revenue and Customs, the Department for Work and Pensions, Jobcentre Plus, the Employment Service, the Training and Employment Agency (Northern Ireland) or the Northern Ireland Social Security Agency, which contains the National Insurance number and name of the holder

One of the following must be provided, if a document showing your National Insurance number has previously been provided:
7. An Immigration Status Document issued by the HO or the BIA to the holder with an endorsement indicating that the person named in it can stay in the UK and is allowed to do the type of work in question
   Or:
8. A letter issued by the HO or BIA to the holder or the employer or prospective employer, which indicates that the person named in it can
POLICY ON THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS


Introduction
Hackney Carriage and Private Hire have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside “normal hours” of operation such as in the evenings or on Sundays). The Hackney Carriage/Private Hire vehicles play an integral part in the dispersal of people to support the night time economy.

It is the Council’s wish to facilitate well-run and responsible businesses which display sensitivity to the wishes and needs of the general public. Its purpose, therefore, is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to cause distress, harm or suffering to any passenger or other person.

It is important that the Council’s powers are used to ensure that Hackney Carriages and Private Hire vehicles in the City are safe and comfortable and that the powers are exercised in compliance with the European Convention on Human Rights.

Licensing Objectives
The Licensing Authority will carry out its Hackney Carriage and Private Hire licensing functions with a view to promoting the following licensing objectives:

- Safety and health of drivers and the public;
- The promotion of a professional and respected Hackney Carriage and Private Hire trade;
- To prevent crime and disorder and to protect consumers;
- Improve the local environment, economy and quality of life; and
- To promote the aims and objects of Oxford City Council and its Partners.

The aim of the licensing process, in this context, is to regulate the Hackney Carriage and Private Hire trade in order to promote the above objectives. In promoting these licensing objectives the Authority will expect to see licence holders and applicants continuously demonstrate they can meet or exceed specifications set by the Council.

Status
In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out above. Notwithstanding the existence of this policy and any other relevant Council policy, each case will be considered on its own merits.

Where it is necessary for the Authority to depart substantially from this policy, clear and compelling reasons will be given for doing so. The purpose of this document is to formulate guidelines which detail the Council’s current stance on the relevance of warnings, offences, cautions and convictions in respect of applications for the grant of new licences, and the renewal of existing Hackney Carriage and Private Hire vehicle driver’s, operator’s and proprietor’s licences, and the maintaining of such licences.

The Council expects licence holders to comply with the conditions and regulations pertaining to the licence immediately. It is acknowledged, however, that certain provisions may place financial obligations on existing licence holders and accordingly the Council is prepared to permit a transitional period which will be determined by officers acting under delegated powers, during which necessary changes must be made.

The aim of the licensing regime to which these guidelines relate is not to punish the applicant twice for an offence (which includes a caution or a conviction), but to ensure that public safety is not compromised. The objective of the licensing regime is to ensure that, so far as possible, those licensed to drive Hackney Carriages and Private Hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, and honest; and that they are persons who would not take advantage of their position to abuse, assault or defraud customers.

These guidelines will be taken into account by the Licensing Officers when processing applications.

Enforcement Procedures
It is this Authority’s policy to deal with enforcement matters relating to an applicant or existing licence holders by means of Licensing Officers, the Head of Environmental Development, the Hackney Carriage and Private Hire Licensing Sub-Committee and the Courts. The expectation of the Authority is that any person who seeks the grant of a licence, or who holds a licence, meets with our definition of a “fit and proper” person. Hackney Carriage and Private Hire drivers maintain close contact with the public and are therefore not expected to behave or act in a manner that may:

- cause any person to take offence at their actions
- cause any person to believe their actions are inappropriate
- cause any person to fear of their physical safety
- cause any person to doubt their integrity
- brings in to disrepute the integrity of the Council for having granted such a person a licence
- fail to adhere to the conditions and regulations pertaining to the licence

Any complaints or enforcement measures are dealt with in the first instance by the Licensing Officers by way of a “Warning” system. Any failures on the part of an applicant or existing licence holder to uphold the Licensing Objectives or to adhere to the conditions and regulations pertaining to the licence may result in any of the following actions:

- the issue of a warning (appropriate to the incident reported)
- the issue of a higher level of warning (appropriate to the incident reported and having regard to the history of the licence holder)
- the request for an interview to be held in accordance with the Police and Criminal Evidence Act 1984
- the issue of a Formal Caution
- the referral of the matter to the Head of Environmental Development
- the referral of the matter to the Hackney Carriage and Private Hire Licensing Sub-Committee
- the referral of the matter to the Law and Governance department for consideration of prosecution
Definitions

**Appeal:** A means by which a decision under delegated authority can be reviewed by the Magistrates Court or the Crown Court. The decision of the Council may be upheld or overturned.

**Offence:** commonly used to signify any public wrong, including crimes or indictable offences and offences punishable on summary conviction.

**Caution:** A caution is a formal warning given to an adult who has admitted to the commission of an offence and has consented to the caution.

**Conviction:** Judicially determining that someone is guilty of a crime

**Free of convictions:** This means a period since your last conviction in which you remain free of any further convictions. In the case of a custodial sentence this means the periods given will run from the date that the full sentence awarded by the court would have been completed.

**Fit and Proper Person:** A person who poses no threat to the general public, has a good knowledge of the City, is healthy, and is of a good character (including driving record) will be deemed fit and able to hold a licence.

**Hackney Carriages:** A vehicle that can carry passengers for hire or reward can be hailed by a prospective passenger and can park on a rank to await the approach of passengers, a vehicle available for public Hire.

**Hackney Carriage and Private Hire Licensing Sub-Committee:** A committee having powers given to it by the General Purposes Licensing Committee of the Council, to determine the suitability of an applicant to be granted a licence or existing licence holder to maintain a licence, when the Head of Environmental Development is unable to determine whether such a person meets the Authority’s definition of a “fit and proper” person.

**Head of Environmental Development:** Who holds delegated authority to make day to day decisions regarding the suitability of any person seeking the grant or renewal of a licence, and the suspension of any licence holder.

**Mitigating Circumstances:** The circumstances surrounding an offence, caution or conviction. These may alter the seriousness of a crime.

**Private Hire Vehicles:** A vehicle which must be pre-booked with a Private Hire operator. This type of vehicle cannot ply for hire (stand in a rank, wait without a booking in a “prominent position” giving rise to the impression that the vehicle is available for hire, or undertake a journey that has not been pre-booked by the hirer with the Private Hire Operator).

**Proprietor:** The person in possession of a Hackney Carriage or Private Hire vehicle licence.

**Operator:** This means a business that makes provision for the invitation or acceptance of bookings for a Private Hire vehicle.

**Refusal:** To decide not to give something

(Within this Policy any reference to refusal will also be a reference to revocation or suspension).

**Revoke:** To take something away permanently.

**Suspend:** To take something away temporarily.

**Advisory Warning:** Either verbally given or a letter advising that although an offence, caution or conviction was not serious enough to have warranted a First Level Warning, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be more severe, possibly leading to an escalation in the level of warning issued, or the suspension of the licence.

**First Level Warning:** A letter advising that although an offence, caution or conviction was not serious enough to have warranted a Second Level Warning, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be much more severe, possibly leading to the suspension of the licence

**Second Level Warning:** A letter advising that although an offence, caution or conviction was not serious enough to have warranted the refusal, suspension or revocation of the licence, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be much more severe, possibly leading to the suspension of the licence.

**Final Warning:** A letter advising that although an offence, caution or conviction was not serious enough to have warranted the refusal, suspension or revocation of the licence, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the licence holder should expect the matter to be met with the suspension / revocation of his/her licence.

**Introduction to the Guidelines Relating to the Relevance of Convictions Powers and Duties**

The Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 (as amended), Road Safety Act 2006 (Sections 52-53) places on Oxford City Council (the “Authority”) the duty to carry out its licensing functions in respect of Hackney Carriages and Private Hire vehicles. The Rehabilitation of Offenders Act 1974 is summarised at Appendix 1.0. However, Hackney Carriage and Private Hire drivers are listed as regulated occupations within the Rehabilitation of Offenders Act 1974 (Exceptions) Order (Amendment) (No2) 2002. No conviction is categorised as spent under this Order. All categories that criminal offences fall into are deemed to be relevant to the role of a Private Hire and Hackney Carriage driver.

In order to assess an individuals suitability to hold a licence, this Authority requires all applicants to provide an Enhanced Criminal Records Bureau Disclosure and a DVLA Disclosure; and the Authority will take into account all endorsement penalty points, cautions and convictions when considering an application for a driver’s licence, irrespective of offence, sentence imposed or age when the offence is committed. All motoring and criminal offences must be declared on the application form. Any failure to declare any endorsement penalty points, offences, cautions or convictions either when making an application, or within 7 days of receipt of their issue, may lead to the appropriate enforcement actions being taken in regard to the suitability of such a person being considered “fit and proper” to hold a licence issued by the Authority.
Suitability
The legislation states that the Council may grant a licence ONLY if it is satisfied that the person is fit and proper – the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.

Where sufficient and appropriate enforcement measures have been taken by the Licensing Officers, in relation to a licence holder who has displayed a propensity to fail to adhere to the conditions and regulations pertaining to his or her licence, their suitability to hold a licence may be placed before the Hackney Carriage and Private Hire Licensing Sub-Committee to determine. It is therefore advisable for all new applicants and existing licence holders to be familiar with the content of this Policy on the Relevance of Warnings, Offences, Cautions and Convictions, and with the criteria, conditions and regulations specific to the licence that they hold.

Full details of the criteria, conditions and regulations relating to the Taxi Licensing function can be found in the following documents:
- Hackney Carriage & Private Hire Driver Licence Application Pack
- Hackney Carriage & Private Hire Vehicle Licence Application Pack
- Private Hire Operator Licence Application Pack

Alternatively, the Council provides all such relevant information on its website at: www.oxford.gov.uk/taxilicensing

Offences, Cautions and Convictions
The Licensing Officer is required to look at any past indicators (convictions, including formal cautions, fixed penalties, speeding offences, etc) that may affect a person’s suitability to hold a Hackney Carriage/Private Hire driver’s licence and consider the possible implications of granting such a licence to that person.

The imposition of a fixed penalty in place of a prosecution under any enactment may be considered a relevant indicator of suitability. In addition, applicants must disclose any recent formal cautions they have received and any pending matters. The disclosure of any conviction will not necessarily prevent an applicant from being issued a licence. However, all convictions, spent or live, will be assessed.

Cautions are included under the definition of 'convictions' and they will also be taken into consideration. Although these are generally not as serious as convictions, they can give some indication as to an applicant’s character and whether they are a fit and proper person to hold or be granted a licence. The Licensing Officer will bear in mind that a caution is given where there is sufficient evidence for a prosecution and guilt has been admitted. Cautions will be taken in to consideration for a period of five years.

Penalty notices are similar to fixed penalties, but are issued for a wide range of offences of an anti social nature, including behaviour likely to cause harassment, alarm or distress to others, drunk and disorderly behaviour in a public place, destroying or damaging property up to the value of £500, retail theft under £200, sale of alcohol to a person under 18 years of age, selling alcohol to a drunken person or using threatening words or behaviour. This will be viewed in an appropriate light given the nature of the offence.

The Licensing Officer may refer to the Rehabilitation of Offenders Act 1974 as part of their assessment of the convictions. A determination. However, the Exemption Order means that for all practical purposes, it is as if the Rehabilitation of Offenders Act had never been passed for licensed drivers. Therefore Licensing Officers may disregard the Act if they consider it necessary in a particular case.

If a Court has found as a matter of fact that a person has committed an offence, that person cannot then say to the Licensing Officer that he / she did not commit the offence; and if they seek to do so, their representations will not be taken into consideration. The applicant can, however, explain any mitigating factors that led to them committing the offence and the Licensing Officer can take these into account in deciding whether the applicant is a fit and proper person to hold or be granted a licence. Such cases may be referred to the Licensing Sub-Committee for determination. In the case of offences that have led to a term of imprisonment, the periods given will run from the date that the full sentence awarded by the court would have been completed.

A “Fit and Proper Person”
When considering whether someone should serve the public, the range of passengers that a driver may carry should be borne in mind. For example, elderly people, unaccompanied children, the disabled, those who have had too much to drink, lone women, foreign visitors and unaccompanied property. Some areas give rise to particular concern, including:
- Honesty and trustworthiness – drivers often have knowledge that a customer is leaving a house empty; they have opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars. They must not abuse their position of trust.
- Not abusive – drivers are often subject to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive or abusive conduct on the part of the driver. Drivers are expected to avoid confrontation, and to address disputes through the proper legal channels. In no circumstances should they take the law into their own hands.
- A good and safe driver – Passengers paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all Road Traffic legislation and conditions attached to the licence. A person who has committed an offence and has to wait a period of time before being accepted as a Hackney Carriage or Private Hire driver is more likely to value his/her licence and act accordingly.

Protecting the Public
The over-riding consideration for the Licensing Officer is to protect the public. Having considered and applied the appropriate guidelines, the Licensing Officer will determine each case on its own merits.

History
The Licensing Officer may take into account a persons history whilst holding a licence, from this or any other authority. The Licensing Officer may take into account, in deciding whether a person is a fit and proper person to hold (or to continue to hold) a licence, such matters as the record of complaints about them, also their compliance with Licence conditions and their willingness to co-operate with the reasonable requests of Licensing Officers.

Best Practice Guidance
In formulating this policy, advice contained in the Taxi and Private Hire Vehicle Licensing Best Practice Guidance issued by the Department for Transport, and the advice provided by the Institute of Licensing has been taken into account.
GUIDELINES RELATING TO THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS

GENERAL POLICY

1. Each case will be decided on its own merits.

2. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration must be the protection of the public.

3. In the case of offences that have led to a term of imprisonment, whether or not suspended, the periods given will run from the date that the full sentence awarded by the court would have been completed.

4. Cautions will be taken into consideration for a period of five years.

5. A new applicant is a person who has not previously held a licence with this authority or whose licence had expired for 12 months before the application form was received in the Taxi Licensing Office.

6. Warnings issued by the Licensing Officers shall be considered relevant to the determination of the suitability of all applicants and existing licence holders with regard to the grant or continuation of a licence issued by the Authority.

The following examples afford a general guide on the action to be taken where convictions are admitted.

Driving & Traffic Offences

Private Hire and Hackney Carriage drivers are considered professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at all times.

Any traffic offences show a lack of responsibility whilst driving either due to the maintenance and safety of their vehicle or in the manner of their driving.

Convictions for traffic offences should not necessarily prevent a person from proceeding with an application. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving conduct. If a significant history of offences is disclosed, an application may be refused. Whilst the imposition of a Fixed Penalty Notice does not lead to a conviction, it never the less attracts penalty points to a DVLA licence. The Council considers ‘death by careless driving’ or ‘death by dangerous driving’ to be a very serious and you should therefore refer to the Major Traffic Offences section. For information on alcohol and drug related offences see Drunkenness & Drugs sections.

New applicants should not normally be considered if they have acquired more than three penalty points within the twelve months prior to the application for the grant of a licence; or they have in the previous two years been convicted of any single offence which resulted in a points penalty of five or more points, or offences totalling more than six points.

If sufficient points have been accrued or offences committed resulting in a period of disqualification of the applicant's DVLA driving licence then an application for a Hackney Carriage or Private Hire driver licence may not normally be considered until a period of twenty-four months has elapsed following its restoration and a warning should be issued as to future conduct.

If the DVLA driving licence of an applicant or an existing driver is revoked following the acquisition of six or more points during the first two years since passing the DVLA driving test, then a period of 24 months following the restoration of the licence must have elapsed before a Hackney Carriage or Private Hire driving licence may be applied for.

Drivers already licensed who are convicted during the course of the licence of any single offence which results in a penalty of five or more points or acquires nine or more penalty points, should be interviewed and may be referred to the Licensing Sub-Committee.

When a driver who is already licensed with this authority is disqualified from holding or obtaining a DVLA driving licence, the licence will be suspended. A period of 24 months following the restoration of the licence must have elapsed before a Hackney Carriage or Private Hire driving licence application may be considered. The driver may be required to appear before the Hackney Carriage and Private Hire Licensing Sub-Committee before the licence is reinstated.

Drivers already licensed and applicants awaiting the grant of a licence must inform the Taxi Licensing office within 7 days of any conviction.

For existing licence holders, a guideline is provided below in relation to penalty points:

5 or less penalty points: For 5 or fewer points on an applicant’s driving licence, a licence will usually be granted, with an advisory warning.

6 or more penalty points: Where any applicant has 6 or more penalty points on their driving licence the Licensing Officer will usually consider granting the licence with a Second Level warning unless exceptional circumstances justify a refusal.

“Totting Up” under 535 Road Traffic Offenders Act 1988: Where an applicant has been disqualified under the “totting up” procedures, the Licensing Officers will normally consider refusal until there has been a period of 12 months free of relevant convictions. If an applicant has agreed “exceptional hardship’ and avoided disqualification, refusal will still be considered and a period of 12 months free of relevant convictions required.

Motor Insurance Offences

An isolated incident in the past should not necessarily bar an applicant from being issued a licence; however, the Council takes a serious view of motor insurance offences. More than one conviction for these offences should raise serious doubts as to an applicant’s suitability to hold a Hackney Carriage or Private Hire licence. In this instance, at least 3 years after restoration of the DVLA driving licence should elapse before an applicant, who has been disqualified from driving for an insurance offence, can be considered.
Major traffic offences
E.g. dangerous driving, drive whilst disqualified, fail to stop after an accident, using a handheld mobile telephone whilst driving, no insurance, careless driving, using vehicle with defective brakes/tyres/steering wheel etc. If the applicant has been convicted of one isolated major traffic offence a period of 12 months free of convictions will usually be expected prior to consideration of grant.

If the applicant has been convicted of two or more major traffic offences then a licence will not normally be granted until the applicant has completed at least a period of 2 years free from conviction. This period may increase where the combination of offences are considered to increase the risk to the public.

We consider ‘death by careless driving’ or ‘death by dangerous driving’ to be a very serious offence. If the applicant has been convicted of such an offence a period of 3 years free of convictions will usually be expected prior to consideration of an application. In all such cases, the matter will be determined by the Hackney Carriage & Private Hire Licensing Sub-Committee.

Plying for Hire
A serious view is taken of this offence, particularly since the vehicle will almost certainly have been carrying fare-paying passengers whilst uninsured. The offence is making one’s vehicle available for public hire whilst using a licensed Private Hire vehicle. It is not appropriate for Private Hire drivers to park in prominent positions (i.e. where people are likely to congregate, locations with a high level of footfall, near a taxi rank), without a pre-booked journey having been provided by the Private Hire Operator. If witnessed by the Licensing Officer, the licence holder should expect further enforcement measures to be taken against them, including a full inspection of the driver and vehicle against the conditions relating to both licences.

The Licensing Officer may request from the Private Hire Operator details of all bookings given to the driver, and further evidence if required that would assist with the Licensing Officer’s case. If a Private Hire Operator is complicit in allowing the driver to book a journey, rather than the passenger book the journey directly with the Operator, the Operator should expect for the Licensing Officer to undertake any necessary enforcement measures against the company itself.

The Licensing Authority regularly carries out what are known as “Test Purchase” Operations, where attempts are made to ascertain whether individual licence holders and Private Hire Operators knowingly ply for hire. If any licence holder is found to be non-compliant with regard to this matter during such an operation, they should expect the matter to result in a prosecution against them in the Courts. If convicted by the Court of a single offence of plying for hire, the licence holder will be required to appear before the Hackney Carriage and Private Hire Licensing Sub-Committee, where the licence holder should expect to receive a revocation of their licence.

If a licence is revoked a period of twenty-four months should have elapsed before any application is considered.

Drunkenness (With Motor Vehicle)
A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of alcohol. A conviction for this offence should raise grave doubts as to the applicants’ fitness to hold a licence and at least 3 years should elapse (after the restoration of the driving licence) before an application for a licence is considered.

If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic a period of 5 years should elapse after treatment is complete before a further licence application is considered.

Drunkenness (Not in Motor Vehicle)
An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, more than one conviction for drunkenness could indicate a medical problem necessitating critical examination.

Drugs
A serious view should be taken of this type of offence. An applicant with a conviction or caution for any drug related offence should be required to show a period of at least 3 years free of conviction or caution before an application is entertained, or 5 years after detoxification treatment if he/she was an addict.

Any person convicted of supplying drugs should not be considered for the grant of a licence for at least 5 years following conviction. If the applicant has received a custodial sentence, the 5 years should be counted from the completion of the full sentence. If a licence is granted, the applicant should be warned of the serious consequences of driving a motor vehicle whilst under the influence of drugs.

Police Bail
Hackney Carriage and Private Hire drivers are expected to adhere to this Policy’s definition of a “fit and proper” person. A person who already holds a licence with the Authority, if arrested for an alleged offence, and subsequently released by the Police on bail, depending upon the nature of the alleged offence, should expect to have their licence suspended by the Head of Environmental Development. The suspension shall remain in force until such time as the case is resolved by either the Police or by the Courts.

Police Recommendation
Hackney Carriage and Private Hire drivers maintain close contact with the public, often carrying unaccompanied and vulnerable passengers, and are therefore expected to adhere to this Policy’s definition of a “fit and proper” person. Any person who is charged by the Police for an alleged offence, who in the view of the Police Officer represents a threat to the safety and well-being of the public, should expect to have their licence suspended by the Head of Environmental Development. The suspension shall remain in force until such time as the case is resolved by either the Police or by the Courts.

Indecency Offences
As Hackney Carriage and Private Hire vehicle drivers often carry unaccompanied passengers. Applicants with any cautions or convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, should be refused a Hackney Carriage or Private Hire drivers licence until they can show a substantial period (at least 5 years) free of such offences before being considered to hold a licence. Any applicant with a single caution or conviction of this kind should expect to have their application determined by the Hackney Carriage and Private Hire Licensing Sub-Committee. A person with more than once caution or conviction for any indecency offence would not normally be considered to be a suitable applicant. A person who already holds a licence with this Authority, if charged with any indecency offence may expect to have their licence immediately suspended until the case is resolved by either the Police or by the Courts.

No application will be considered from a person currently on the Sex Offender’s Register.
Violence
As Hackney Carriage and Private Hire vehicle drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be given.

Offences involving breaches of public order should be treated seriously even if the case resulted in the applicant being bound over. More than one offence of this nature may indicate a propensity for this type of behaviour and at least three years free of conviction should be shown before an application is entertained.

Dishonesty
Hackney Carriage and Private Hire vehicle drivers are expected to be persons of trust. The widespread delivery of unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc.

Overseas visitors can be confused by the change in currency and become “fair game” for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of 3 to 5 years free of conviction or if a custodial sentence, 3 to 5 years from the completion should be required before entertaining an application.

Failure to declare endorsement penalty points, offences, cautions and convictions is regarded as a serious matter, whether it is through the omission of such incidents when submitting an application to the Authority, or by not informing the Authority within 7 days of receipt of their issue.

Any person, who fails to declare on his or her application any such issues, should expect their application to be referred to the Hackney Carriage and Private Hire Licensing Sub-Committee, to determine their suitability to hold a licence.

Complaints Against Drivers
Complaints are frequently made against Hackney Carriage and Private Hire drivers. Such complaints include refusal to assist a disabled passenger, use of abusive language or refusal to accept a fare. Such complaints should be investigated and dealt with by the Licensing Officer, and if the complaint is serious enough, the applicant may be invited to make representations. At the Officer’s discretion the applicant may be requested to attend an interview.

The Licensing Officer will consider the conduct of licence holders, taking into account the circumstances surrounding any alleged incident, and the realities of the profession, where drivers are often the subject of unwarranted abuse from members of the public.

The Licensing Officer will consider the history of all complaints made against the driver to assess any patterns. If a pattern is identified, then the Officer will consider whether the driver is fit and proper person to hold such a licence, and the matter referred to the Licensing Sub-Committee for determination.

Warnings Issued By The Licensing Officers
The Licensing Officers carry out the day to day enforcement functions of the Licensing Authority. They deal with complaints made about licence holders, and carry out enforcement operations throughout the City. Such operations include the inspection of Hackney Carriage vehicles at the ranks, the checking of licensed drivers for adherence to the conditions attached to the driver, vehicle and operator licences, and checking that licence holders are complying with the relevant regulations pertaining to the licence.

Any failures on behalf of the licence holder to adhere to the criteria, conditions and regulation pertaining to the licence, are dealt with by way of Warnings. It is this Authority’s policy to provide advice and education to the licensed trade in order to meet the licensing objectives as described in this Policy.

The levels of Warning issued by the Licensing Officers are proportionate to the incidents that they deal with, however should a licence holder be found to be continually failing to meet with the requirements of their licence, the level of Warning shall be escalated, until such time as the Licensing Officer has no alternative other than to refer the matter to the Head of Environmental Development, the Hackney Carriage and Private Hire Licensing Sub-Committee, or the Law and Governance department.

A licence holder who has shown a propensity to fail to adhere to the conditions and regulations pertaining to his or her licence, should expect to have additional condition imposed on the licence to ensure compliance. In certain cases the consequences could be much more severe and the licence holder should expect the matter to be dealt with by way of the suspension or revocation of his or her licence.

In cases where the licence is revoked, a period of 24 months must elapse before a further application may be made to the Authority. Should an applicant submit an application before 24 months has elapsed, he or she should expect the application to be refused by the Head of Environmental Development.

Any applicant or licence holder, who is issued with a Warning by the Licensing Officer and disagrees with that decision, has a right of appeal by way of written complaint, to the Licensing Team Leader within 21 days of the Warning being issued.

Conclusion
Any applicant having a previous or current conviction should not necessarily prevent them from obtaining a Hackney Carriage or Private Hire licence. A person who has committed an offence and who is made to wait for a rehabilitation period to lapse prior to their application being accepted is more likely to value their licence and act accordingly. However, there are certain offences that are considered so serious that they will usually prevent a person obtaining or keeping a licence.

It is this Authority’s policy to consider the safety, protection and well being of the general public by ensuring all licensed drivers are safe and competent drivers and are able to maintain their vehicles to an acceptable standard. The main purpose of the Licensing Officer’s assessment is to ensure the public safety; not to punish or financially penalise licence holders. By applying these guidelines, the Council is seeking to maintain the high standard of quality of Hackney Carriage and Private Hire drivers, operators and proprietors in the City, which in turn maintains the good reputation of the taxi industry and the high quality of service to the travelling public.

Any applicant refused a licence on the grounds that the Licensing Officer is not satisfied he/she is a fit and proper person to hold such a licence, or who has had their licence suspended or revoked and disagrees with that decision, has a right of appeal by way of written complaint, to the Magistrates’ Court within 21 days of the notice of decision.
APPENDICES

Appendix 1.0: Table of Rehabilitation of Offenders Act

The Rehabilitation of Offenders Act 1974 provides that after a certain lapse of time, convictions for offences are to be regarded as “spent”. Set out below are some examples of when convictions become “spent”. Please note that it is from the date of conviction that the time commences for the Rehabilitation of Offenders Act.

### Adult

<table>
<thead>
<tr>
<th>Sentence</th>
<th>Rehabilitation Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 2 ½ years (30 months) imprisonment and over whether sentence was suspended or not</td>
<td>Never spent</td>
</tr>
<tr>
<td>2. 6 months imprisonment/youth custody and over but under 30 months whether sentence was suspended or not</td>
<td>10 years</td>
</tr>
<tr>
<td>3. Under 6 months imprisonment/youth custody whether sentence was suspended or not</td>
<td>7 years</td>
</tr>
<tr>
<td>4. A Fine, Compensation or Community Service Order</td>
<td>5 years</td>
</tr>
<tr>
<td>5. Conditional Discharge, Bound Over or Probation Order. (Also includes Fit Person, Supervision and Care Orders)</td>
<td>1 year or period of probation sentence, whichever is longer</td>
</tr>
<tr>
<td>6. Absolute Discharge</td>
<td>6 months</td>
</tr>
<tr>
<td>7. Disqualification, disability or prohibition</td>
<td>Period of sentence unless a longer period as above (e.g. disqualification and a fine – 5 years)</td>
</tr>
<tr>
<td>8. Remand Home/Approval School/Attendance Centre Orders</td>
<td>1 year after Order expires</td>
</tr>
<tr>
<td>9. Hospital Order Under Mental Health Acts</td>
<td>The period of the Order plus a further 2 years after Order expires (with a minimum of 5 years from the date of the conviction)</td>
</tr>
</tbody>
</table>

### Youths

For applicants aged under 17 when the date of conviction took place 2, 3 and 4 above of the fixed rehabilitation periods are halved. Sentences which can only be passed on young offenders remain fixed and cannot be halved, i.e.

<table>
<thead>
<tr>
<th>Sentence</th>
<th>Rehabilitation Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>10. Borstal</td>
<td>7 years</td>
</tr>
<tr>
<td>11. 6 months – 2 ½ years detention in a place determined by the Secretary of State</td>
<td>5 years</td>
</tr>
<tr>
<td>12. 6 months detention and less as above</td>
<td>3 years</td>
</tr>
<tr>
<td>13. Detention Centre Orders</td>
<td>3 years</td>
</tr>
</tbody>
</table>

The period of time which must elapse in other cases before the conviction becomes “spent” may vary considerably according to the nature of the offence and other circumstances. The rehabilitation period may, for example, be extended by the commission of a further offence during the rehabilitation period.
APPLICATION FORM: PRIVATE HIRE OPERATOR LICENCE

Preamble: We may get information about you from certain third parties, or give information to them, to check the accuracy of information, to prevent or detect crime, or to protect public funds in other ways, as permitted by law. These third parties include other local authorities and Government departments.

To: The Head of Environmental Development, Oxford City Council, St Aldate's Chambers, 109 St Aldate's, Oxford, OX1 1DS

ALL QUESTIONS BELOW MUST BE ANSWERED. PLEASE COMPLETE THIS FORM IN BLOCK CAPITALS

THIS APPLICATION FORM MUST BE COMPLETED BY THE APPLICANT(S)

| NAME: | |
| HOME ADDRESS: | |
| HOME TELEPHONE: | MOBILE TELEPHONE: |
| HOME EMAIL ADDRESS: | |
| DATE OF BIRTH: | NATIONALITY: |

I am applying to: **GRANT / RENEW** (delete as applicable) a PRIVATE HIRE OPERATORS LICENCE

CURRENT OPERATORS LICENCE NUMBER

SOLE TRADER OR PARTNERSHIP:

NAMES OF OTHER BUSINESS PARTNERS:

BUSINESS TRADING NAME & ADDRESS:

BUSINESS REGISTERED NAME & ADDRESS:

OFFICE TELEPHONE: | OFFICE MOBILE:

OFFICE EMAIL ADDRESS:

HAVE YOU OBTAINED PLANNING PERMISSION FOR ANY CHANGE OF USE OF THE PREMISES? YES / NO (delete as applicable)

ARE YOU CURRENTLY ENGAGED IN THE OPERATION OF ANY BUSINESS OTHER THAN PRIVATE HIRE? YES / NO (delete as applicable)

IF YOU HAVE ANSWERED YES, PLEASE PROVIDE DETAILS:

HAVE YOU EVER BEEN CONVICTED, OR ARE ANY PROCEEDINGS PENDING FOR ANY OFFENCE (INCLUDING MOTORING OFFENCES, SPENT OFFENCES, CAUTIONS, REPRIMANDS & WARNINGS)? YES / NO (delete as applicable)

IF YOU HAVE ANSWERED YES, PLEASE GIVE DATES AND FULL DETAILS (INCLUDING COURT / POLICE STATION):

DECLARATION:

I am aware that if any person knowingly or recklessly makes a false statement or omits any material particular in giving information on this form that person shall be guilty of an offence. This means that if you as the applicant, or anyone else gives false information or leaves out any information to help you get a licence, you and/or they can be prosecuted in court. I declare that I have checked the details given on this application form and to the best of my knowledge and belief they are correct. I am entitled to the licence for which I apply.

DATE:……………………………………………….      SIGNATURE:………………………………………………………

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see http://www.oxford.gov.uk/website_tools/privacy.cfm.

FOR OFFICE USE ONLY: PARIS INCOME CODE: K9571 COST CENTRE: ED24
# ALL BUSINESS PARTNERS MUST COMPLETE THE FORM BELOW

<table>
<thead>
<tr>
<th>Surname:</th>
<th>First Names:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title: Mr/Mrs/Miss/Ms/Other:</td>
<td>Date of Birth:</td>
</tr>
<tr>
<td>Permanent Residential Address:</td>
<td></td>
</tr>
</tbody>
</table>

**DO YOU HOLD ANY OF THE FOLLOWING LICENCES:**

- Hackney Carriage Drivers Licence: YES / NO (delete as applicable)
- Private Hire Drivers Licence: YES / NO (delete as applicable)
- Private Hire Operators Licence: YES / NO (delete as applicable)

**Have you previously applied for an operator's licence?**

- YES / NO (delete as applicable)

**If you have answered YES – please give details below:**

<table>
<thead>
<tr>
<th>Have you any financial commitments or county court judgments outstanding:</th>
<th>YES / NO (delete as applicable)</th>
</tr>
</thead>
</table>

**If you have answered YES – please give details below:**

<table>
<thead>
<tr>
<th>Have you ever been convicted, or are any proceedings pending for any offence (including motoring offences, spent offences, cautions, reprimands &amp; warnings)?</th>
<th>YES / NO (delete as applicable)</th>
</tr>
</thead>
</table>

**If you have answered YES, please give dates and full details (including court / police station):**

To be signed and dated by each partner

**Date:** .......................................................... **Signature:** ..........................................................

If there are more partners – please take copies of this page and ensure that each partner completes their application details.
LICENSING AUTHORITY:

POLICY ON THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS & CONVICTIONS

Consideration of the Grant, Renewal, Suspension or Revocation of Hackney Carriage / Private Hire Driver & Vehicle Licences, & Operator Licences
OXFORD CITY COUNCIL

POLICY ON THE RELEVANCE OF
WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS

CONTAINED WITHIN THIS POLICY YOU WILL FIND:

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POLICY ON THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS


Introduction

Hackney Carriage and Private Hire have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside "normal hours" of operation such as in the evenings or on Sundays). The Hackney Carriage/Private Hire vehicles play an integral part in the dispersal of people to support the night time economy.

It is the Council’s wish to facilitate well-run and responsible businesses which display sensitivity to the wishes and needs of the general public. Its purpose, therefore, is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to cause distress, harm or suffering to any passenger or other person.

It is important that the Council’s powers are used to ensure that Hackney Carriages and Private Hire vehicles in the City are safe and comfortable and that the powers are exercised in compliance with the European Convention on Human Rights.

Licensing Objectives

The Licensing Authority will carry out its Hackney Carriage and Private Hire licensing functions with a view to promoting the following licensing objectives:

- Safety and health of drivers and the public;
- The promotion of a professional and respected Hackney Carriage and Private Hire trade;
- To prevent crime and disorder and to protect consumers;
- Improve the local environment, economy and quality of life; and
- To promote the aims and vision of Oxford City Council and it’s Partners.

The aim of the licensing process, in this context, is to regulate the Hackney Carriage and Private Hire trade in order to promote the above objectives. In promoting these licensing objectives the Authority will expect to see licence holders and applicants continuously demonstrate they can meet or exceed specifications set by the Council.

Status

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out above. Notwithstanding the existence of this policy and any other relevant Council policy, each case will be considered on its own merits.

Where it is necessary for the Authority to depart substantially from this policy, clear and compelling reasons will be given for doing so. The purpose of this document is to formulate guidelines which detail the Council’s current stance on the relevance of warnings, offences, cautions and convictions in respect of applications for the grant of new licences, and the renewal of existing Hackney Carriage and Private Hire vehicle driver’s, operator’s and proprietor’s licences, and the maintaining of such licences.

The Council expects licence holders to comply with the conditions and regulations pertaining to the licence immediately. It is acknowledged, however, that certain provisions may place financial obligations on existing licence holders and accordingly the Council is prepared to permit a transitional period which will be determined by officers acting under delegated powers, during which necessary changes must be made.

The aim of the licensing regime to which these guidelines relate is not to punish the applicant twice for an offence (which includes a caution or a conviction), but to ensure that public safety is not compromised. The objective of the licensing regime is to ensure that, so far as possible, those licensed to drive Hackney Carriages and Private Hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, and honest; and that they are persons who would not take advantage of their position to abuse, assault or defraud customers.

These guidelines will be taken into account by the Licensing Officers when processing applications.

Enforcement Procedures

It is this Authority’s policy to deal with enforcement matters relating to an applicant or existing licence holders by means of Licensing Officers, the Head of Environmental Development, the Hackney Carriage and Private Hire Licensing Sub-Committee and the Courts. The expectation of the Authority is that any person who seeks the grant of a licence, or who holds a licence, meets with our definition of a “fit and proper” person. Hackney Carriage and Private Hire drivers maintain close contact with the public and are therefore not expected to behave or act in a manner that may:

- cause any person to take offence at their actions
- cause any person to believe their actions are inappropriate
- cause any person to fear of their physical safety
- cause any person to doubt their integrity
- brings in to disrepute the integrity of the Council for having granted such a person a licence
- fail to adhere to the conditions and regulations pertaining to the licence

Any complaints or enforcement measures are dealt with in the first instance by the Licensing Officers by way of a “Warning” system. Any failures on the part of an applicant or existing licence holder to uphold the Licensing Objectives or to adhere to the conditions and regulations pertaining to the licence may result in any of the following actions:

- the issue of a warning (appropriate to the incident reported)
- the issue of a higher level of warning (appropriate to the incident reported and having regard to the history of the licence holder)
- the request for an interview to be held in accordance with the Police and Criminal Evidence Act 1984
- the issue of a Formal Caution
- the referral of the matter to the Head of Environmental Development
- the referral of the matter to the Hackney Carriage and Private Hire Licensing Sub-Committee
- the referral of the matter to the Law and Governance department for consideration of prosecution
Definitions

**Appeal:** A means by which a decision under delegated authority can be reviewed by the Magistrates Court or the Crown Court. The decision of the Council may be upheld or overturned.

**Offence:** commonly used to signify any public wrong, including crimes or indictable offences and offences punishable on summary conviction.

**Caution:** A caution is a formal warning given to an adult who has admitted to the commission of an offence and has consented to the caution.

**Conviction:** Judicially determining that someone is guilty of a crime

**Free of convictions:** This means a period since your last conviction in which you remain free of any further convictions. In the case of a custodial sentence this means the periods given will run from the date that the full sentence awarded by the court would have been completed.

**Refusal:** To decide not to give something

**Revocation:** To take something away permanently.

**Suspend:** To take something away temporarily.

**Advisory Warning:** Either verbally given or a letter advising that although an offence, caution or conviction was not serious enough to have warranted a First Level Warning, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be more severe, possibly leading to an escalation in the level of warning issued, or the suspension of the licence.

**First Level Warning:** A letter advising that although an offence, caution or conviction was not serious enough to have warranted a Second Level Warning, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be much more severe, possibly leading to the suspension of the licence.

**Second Level Warning:** A letter advising that although an offence, caution or conviction was not serious enough to have warranted the refusal, suspension or revocation of the licence, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be much more severe, possibly leading to the suspension of the licence.

**Final Warning:** A letter advising that although an offence, caution or conviction was not serious enough to have warranted the refusal, suspension or revocation of the licence, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the licence holder should expect the matter to be met with the suspension / revocation of his/her licence.

**Introduction to the Guidelines Relating to the Relevance of Convictions Powers and Duties**

The Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 (as amended), Road Safety Act 2006 (Sections 52-53) places on Oxford City Council (the “Authority”) the duty to carry out its licensing functions in respect of Hackney Carriage and Private Hire vehicles. The Rehabilitation of Offenders Act 1974 is summarised at Appendix 1.0. However, Hackney Carriage and Private Hire drivers are listed as regulated occupations within the Rehabilitation of Offenders Act 1974 (Exceptions) Order (Amendment) (No2) 2002. No conviction is categorised as spent under this Order. All categories that criminal offences fall into are deemed to be relevant to the role of a Private Hire and Hackney Carriage driver.

In order to assess an individual’s suitability to hold a licence, this Authority requires all applicants to provide an Enhanced Criminal Records Bureau Disclosure and a DVLA Disclosure; and the Authority will take into account all endorsement penalty points, convictions and cautions when considering an application for a driver’s licence, irrespective of offence, sentence imposed or age when the offence is committed. All motoring and criminal offences must be declared on the application form. Any failure to declare any endorsement penalty points, offences, convictions or cautions either when making an application, or within 7 days of receipt of their issue, may lead to the appropriate enforcement actions being taken in regard to the suitability of such a person being considered “fit and proper” to hold a licence issued by the Authority.
Suitability
The legislation states that the Council may grant a licence ONLY if it is satisfied that the person is fit and proper – the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.

Where sufficient and appropriate enforcement measures have been taken by the Licensing Officers, in relation to a licence holder who has displayed a propensity to fail to adhere to the conditions and regulations pertaining to his or her licence, their suitability to hold a licence may be placed before the Hackney Carriage and Private Hire Licensing Sub-Committee to determine. It is therefore advisable for all new applicants and existing licence holders to be familiar with the content of this Policy on the Relevance of Warnings, Offences, Cautions and Convictions, and with the criteria, conditions and regulations specific to the licence that they hold.

Full details of the criteria, conditions and regulations relating to the Taxi Licensing function can be found in the following documents:
- Hackney Carriage & Private Hire Driver Licence Application Pack
- Hackney Carriage & Private Hire Vehicle Licence Application Pack
- Private Hire Operator Licence Application Pack

Alternatively, the Council provides all such relevant information on it’s website at: www.oxford.gov.uk/taxilicensing

Offences, Cautions and Convictions
The Licensing Officer is required to look at any past indicators (convictions, including formal cautions, fixed penalties, speeding offences, etc) that may affect a person’s suitability to hold a Hackney Carriage/Private Hire driver’s licence and consider the possible implications of granting such a licence to that person.

The imposition of a fixed penalty in place of a prosecution under any enactment may be considered a relevant indicator of suitability. In addition, applicants must disclose any recent formal cautions they have received and any pending matters.

The disclosure of any conviction will not necessarily prevent an applicant from being issued a licence. However, all convictions, spent or live, will be assessed.

Cautions are included under the definition of ‘convictions’ and they will also be taken into consideration. Although these are generally not as serious as convictions, they can give some indication as to an applicant’s character and whether they are a fit and proper person to hold or be granted a licence. The Licensing Officer will bear in mind that a caution is given where there is sufficient evidence for a prosecution and guilt has been admitted. Cautions will be taken in to consideration for a period of five years.

Penalty notices are similar to fixed penalties, but are issued for a wide range of offences of an anti social nature, including behaviour likely to cause harassment, alarm or distress to others, drunk and disorderly behaviour in a public place, destroying or damaging property up to the value of £500, retail theft under £200, sale of alcohol to a person under 18 years of age, selling alcohol to a drunken person or using threatening words or behaviour. This will be viewed in an appropriate light given the nature of the offence.

The Licensing Officer may refer to the Rehabilitation of Offenders Act 1974 as part of their assessment of the convictions. A summary of the Act is provided at Appendix 1.0. The fact that a conviction is not yet spent under the Act may be relevant in the determination. However, the Exemption Order means that for all practical purposes, it is as if the Rehabilitation of Offenders Act had never been passed for licensed drivers. Therefore Licensing Officers may disregard the Act if they consider it necessary in a particular case.

If a Court has found as a matter of fact that a person has committed an offence, that person cannot then say to the Licensing Officer that he / she did not commit the offence; and if they seek to do so, their representations will not be taken into consideration. The applicant can, however, explain any mitigating factors that led to them committing the offence and the Licensing Officer can take these into account in deciding whether the applicant is a fit and proper person to hold or be granted a licence. Such cases may be referred to the Licensing Sub-Committee for determination. In the case of offences that have led to a term of imprisonment, the periods given will run from the date that the full sentence awarded by the court would have been completed.

A “Fit and Proper Person”
When considering whether someone should serve the public, the range of passengers that a driver may carry should be borne in mind. For example, elderly people, unaccompanied children, the disabled, those who have had too much to drink, lone women, foreign visitors and unaccompanied property. Some areas give rise to particular concern, including:
- Honesty and trustworthiness – drivers often have knowledge that a customer is leaving a house empty; they have opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars. They must not abuse their position of trust.
- Not abusive – drivers are often subject to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive or abusive conduct on the part of the driver. Drivers are expected to avoid confrontation, and to address disputes through the proper legal channels. In no circumstances should they take the law into their own hands.
- A good and safe driver – Passengers paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all Road Traffic legislation and conditions attached to the licence. A person who has committed an offence and has to wait a period of time before being accepted as a Hackney Carriage or Private Hire driver is more likely to value his/her licence and act accordingly.

Protecting the Public
The over-riding consideration for the Licensing Officer is to protect the public. Having considered and applied the appropriate guidelines, the Licensing Officer will determine each case on its own merits.

History
The Licensing Officer may take into account a persons history whilst holding a licence, from this or any other authority. The Licensing Officer may take into account, in deciding whether a person is a fit and proper person to hold (or to continue to hold) a licence, such matters as the record of complaints about them, also their compliance with Licence conditions and their willingness to co-operate with the reasonable requests of Licensing Officers.

Best Practice Guidance
In formulating this policy, advice contained in the Taxi and Private Hire Vehicle Licensing Best Practice Guidance issued by the Department for Transport, and the advice provided by the Institute of Licensing has been taken into account.
GUIDELINES RELATING TO THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS

GENERAL POLICY

1. Each case will be decided on its own merits.

2. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration must be the protection of the public.

3. In the case of offences that have led to a term of imprisonment, whether or not suspended, the periods given will run from the date that the full sentence awarded by the court would have been completed.

4. Cautions will be taken in to consideration for a period of five years.

5. A new applicant is a person who has not previously held a licence with this authority or whose licence had expired for 12 months before the application form was received in the Taxi Licensing Office.

6. Warnings issued by the Licensing Officers shall be considered relevant to the determination of the suitability of all applicants and existing licence holders with regard to the grant or continuation of a licence issued by the Authority.

The following examples afford a general guide on the action to be taken where convictions are admitted.

Driving & Traffic Offences

Private Hire and Hackney Carriage drivers are considered professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at all times.

Any traffic offences show a lack of responsibility whilst driving either due to the maintenance and safety of their vehicle or in the manner of their driving.

Convictions for traffic offences should not necessarily prevent a person from proceeding with an application. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving conduct. If a significant history of offences is disclosed, an application may be refused. Whilst the imposition of a Fixed Penalty Notice does not lead to a conviction, it never the less attracts penalty points to a DVLA licence. The Council considers ‘death by careless driving’ or ‘death by dangerous driving’ to be a very serious and you should therefore refer to the major traffic offences section. For information on alcohol and drug related offences see Drunkenness & Drugs sections.

New applicants should not normally be considered if they have acquired more than three penalty points within the twelve months prior to the application for the grant of a licence; or they have in the previous two years been convicted of any single offence which resulted in a points penalty of five or more points, or offences totalling more than six points.

If sufficient points have been accrued or offences committed resulting in a period of disqualification of the applicant’s DVLA driving licence then an application for a Hackney Carriage or Private Hire driver licence may not normally be considered until a period of twenty-four months has elapsed following its restoration and a warning should be issued as to future conduct.

If the DVLA driving licence of an applicant or an existing driver is revoked following the acquisition of six or more points during the first two years since passing the DVLA driving test, then a period of 24 months following the restoration of the licence must have elapsed before a Hackney Carriage or Private Hire driving licence may be applied for.

Drivers already licensed who are convicted during the course of the licence of any single offence which results in a penalty of five or more points or acquires nine or more penalty points, should be interviewed and may be referred to the Licensing Sub-Committee.

When a driver who is already licensed with this authority is disqualified from holding or obtaining a DVLA driving licence, the licence will be suspended. A period of 24 months following the restoration of the licence must have elapsed before a Hackney Carriage or Private Hire driving licence application may be considered. The driver may be required to appear before the Hackney Carriage and Private Hire Licensing Sub-Committee before the licence is reinstated.

Drivers already licensed and applicants awaiting the grant of a licence must inform the Taxi Licensing office within 7 days of any conviction.

For existing licence holders, a guideline is provided below in relation to penalty points:

5 or less penalty points: For 5 or fewer points on an applicant’s driving licence, a licence will usually be granted, with an advisory warning.

6 or more penalty points: Where any applicant has 6 or more penalty points on their driving licence the Licensing Officer will usually consider granting the licence with a Second Level warning unless exceptional circumstances justify a refusal.

“Totting Up” under S35 Road Traffic Offenders Act 1988: Where an applicant has been disqualified under the “totting up” procedures, the Licensing Officers will normally consider refusal until there has been a period of 12 months free of relevant convictions. If an applicant has agreed “exceptional hardship” and avoided disqualification, refusal will still be considered and a period of 12 months free of relevant convictions required.

Motor Insurance Offences

An isolated incident in the past should not necessarily bar an applicant from being issued a licence; however, the Council takes a serious view of motor insurance offences. More than one conviction for these offences should raise serious doubts as to an applicant’s suitability to hold a Hackney Carriage or Private Hire licence. In this instance, at least 3 years after restoration of the DVLA driving licence should elapse before an applicant, who has been disqualified from driving for an insurance offence, can be considered.
Major traffic offences
E.g. dangerous driving, drive whilst disqualified, fail to stop after an accident, using a handheld mobile telephone whilst driving, no insurance, careless driving, using vehicle with defective brakes/tyres/steering wheel etc. If the applicant has been convicted of one isolated major traffic offence a period of 12 months free of convictions will usually be expected prior to consideration of grant.

If the applicant has been convicted of two or more major traffic offences then a licence will not normally be granted until the applicant has completed at least a period of 2 years free from conviction. This period may increase where the combination of offences are considered to increase the risk to the public.

We consider ‘death by careless driving’ or ‘death by dangerous driving’ to be a very serious offence. If the applicant has been convicted of such an offence a period of 3 years free of convictions will usually be expected prior to consideration of an application. In all such cases, the matter will be determined by the Hackney Carriage & Private Hire Licensing Sub-Committee.

Plying for Hire
A serious view is taken of this offence, particularly since the vehicle will almost certainly have been carrying fare-paying passengers whilst uninsured. The offence is making one’s vehicle available for public hire whilst using a licensed Private Hire vehicle. It is not appropriate for Private Hire drivers to park in prominent positions (i.e. where people are likely to congregate, locations with a high level of footfall, near a taxi rank), without a pre-booked journey having been provided by the Private Hire Operator. If witnessed by the Licensing Officer, the licence holder should expect further enforcement measures to be taken against them, including a full inspection of the driver and vehicle against the conditions relating to both licences.

The Licensing Officer may request from the Private Hire Operator details of all bookings given to the driver, and further evidence if required that would assist with the Licensing Officer’s case. If a Private Hire Operator is complicit in allowing the driver to book a journey, rather than the passenger book the journey directly with the Operator, the Operator should expect for the Licensing Officer to undertake any necessary enforcement measures against the company itself.

The Licensing Authority regularly carries out what are known as “Test Purchase” Operations, where attempts are made to ascertain whether individual licence holders and Private Hire Operators knowingly ply for hire. If any licence holder is found to be non-compliant with regard to this matter during such an operation, they should expect the matter to result in a prosecution against them in the Courts. If convicted by the Court of a single offence of plying for hire, the licence holder will be required to appear before the Hackney Carriage and Private Hire Licensing Sub-Committee, where the licence holder should expect to receive a revocation of their licence.

If a licence is revoked a period of twenty-four months should have elapsed before any application is considered.

Drunkenness (With Motor Vehicle)
A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of alcohol. A conviction for this offence should raise grave doubts as to the applicants’ fitness to hold a licence and at least 3 years should elapse (after the restoration of the driving licence) before an application for a licence is considered.

If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic a period of 5 years should elapse after treatment is complete before a further licence application is considered.

Drunkenness (Not in Motor Vehicle)
An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, more than one conviction for drunkenness could indicate a medical problem necessitating critical examination.

Drugs
A serious view should be taken of this type of offence. An applicant with a conviction or caution for any drug related offence should be required to show a period of at least 3 years free of conviction or caution before an application is entertained, or 5 years after detoxification treatment if he/she was an addict.

Any person convicted of supplying drugs should not be considered for the grant of a licence for at least 5 years following conviction. If the applicant has received a custodial sentence, the 5 years should be counted from the completion of the full sentence. If a licence is granted, the applicant should be warned of the serious consequences of driving a motor vehicle whilst under the influence of drugs.

Police Bail
Hackney Carriage and Private Hire drivers are expected to adhere to this Policy’s definition of a “fit and proper” person. A person who already holds a licence with the Authority, if arrested for an alleged offence, and subsequently released by the Police on bail, depending upon the nature of the alleged offence, should expect to have their licence suspended by the Head of Environmental Development. The suspension shall remain in force until such time as the case is resolved by either the Police or by the Courts.

Police Recommendation
Hackney Carriage and Private Hire drivers maintain close contact with the public, often carrying unaccompanied and vulnerable passengers, and are therefore expected to adhere to this Policy’s definition of a “fit and proper” person. Any person who is charged by the Police for an alleged offence, who in the view of the Police Officer represents a threat to the safety and well-being of the public, should expect to have their licence suspended by the Head of Environmental Development. The suspension shall remain in force until such time as the case is resolved by either the Police or by the Courts.

Indecency Offences
As Hackney Carriage and Private Hire vehicle drivers often carry unaccompanied passengers. Applicants with any cautions or convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, should be refused a Hackney Carriage or Private Hire drivers licence until they can show a substantial period (at least 5 years) free of such offences before being considered to hold a licence. Any applicant with a single caution or conviction of this kind should expect to have their application determined by the Hackney Carriage and Private Hire Licensing Sub-Committee. A person with more than once caution or conviction for any indecency offence would not normally be considered to be a suitable applicant. A person who already holds a licence with this Authority, if charged with any indecency offence may expect to have their licence immediately suspended until the case is resolved by either the Police or by the Courts.

No application will be considered from a person currently on the Sex Offender’s Register.
Violence
As Hackney Carriage and Private Hire vehicle drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be given.

Offences involving breaches of public order should be treated seriously even if the case resulted in the applicant being bound over. More than one offence of this nature may indicate a propensity for this type of behaviour and at least three years free of conviction should be shown before an application is entertained.

Dishonesty
Hackney Carriage and Private Hire vehicle drivers are expected to be persons of trust. The widespread delivery of unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc.

Overseas visitors can be confused by the change in currency and become “fair game” for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of 3 to 5 years free of conviction or if a custodial sentence, 3 to 5 years from the completion should be required before entertaining an application.

Failure to declare endorsement penalty points, offences, cautions and convictions is regarded as a serious matter, whether it is through the omission of such incidents when submitting an application to the Authority, or by not informing the Authority within 7 days of receipt of their issue.

Any person, who fails to declare on his or her application any such issues, should expect their application to be referred to the Hackney Carriage and Private Hire Licensing Sub-Committee, to determine their suitability to hold a licence.

Complaints Against Drivers
Complaints are frequently made against Hackney Carriage and Private Hire drivers. Such complaints include refusal to assist a disabled passenger, use of abusive language or refusal to accept a fare. Such complaints should be investigated and dealt with by the Licensing Officer, and if the complaint is serious enough, the applicant may be invited to make representations. At the Officer’s discretion the applicant may be requested to attend an interview.

The Licensing Officer will consider the conduct of licence holders, taking into account the circumstances surrounding any alleged incident, and the realities of the profession, where drivers are often the subject of unwarranted abuse from members of the public.

The Licensing Officer will consider the history of all complaints made against the driver to assess any patterns. If a pattern is identified, then the Officer will consider whether the driver is fit and proper person to hold such a licence, and the matter referred to the Licensing Sub-Committee for determination.

Warnings Issued By The Licensing Officers
The Licensing Officers carry out the day to day enforcement functions of the Licensing Authority. They deal with complaints made about licence holders, and carry out enforcement operations throughout the City. Such operations include the inspection of Hackney Carriage vehicles at the ranks, the checking of licensed drivers for adherence to the conditions attached to the driver, vehicle and operator licences, and checking that licence holders are complying with the relevant regulations pertaining to the licence.

Any failures on behalf of the licence holder to adhere to the criteria, conditions and regulation pertaining to the licence, are dealt with by way of Warnings. It is this Authority’s policy to provide advice and education to the licensed trade in order to meet the licensing objectives as described in this Policy.

The levels of Warning issued by the Licensing Officers are proportionate to the incidents that they deal with, however should a licence holder be found to be continually failing to meet with the requirements of their licence, the level of Warning shall be escalated, until such time as the Licensing Officer has no alternative other than to refer the matter to the Head of Environmental Development, the Hackney Carriage and Private Hire Licensing Sub-Committee, or the Law and Governance department.

A licence holder who has shown a propensity to fail to adhere to the conditions and regulations pertaining to his or her licence, should expect to have additional condition imposed on the licence to ensure compliance. In certain cases the consequences could be much more severe and the licence holder should expect the matter to be dealt with by way of the suspension or revocation of his or her licence.

In cases where the licence is revoked, a period of 24 months must elapse before a further application may be made to the Authority. Should an applicant submit an application before 24 months has elapsed, he or she should expect the application to be refused by the Head of Environmental Development.

Any applicant or licence holder, who is issued with a Warning by the Licensing Officer and disagrees with that decision, has a right of appeal by way of written complaint, to the Licensing Team Leader within 21 days of the Warning being issued.

Conclusion
Any applicant having a previous or current conviction should not necessarily prevent them from obtaining a Hackney Carriage or Private Hire licence. A person who has committed an offence and who is made to wait for a rehabilitation period to lapse prior to their application being accepted, is more likely to value their licence and act accordingly. However, there are certain offences that are considered so serious that they will usually prevent a person obtaining or keeping a licence.

It is this Authority’s policy to consider the safety, protection and well being of the general public by ensuring all licensed drivers are safe and competent drivers and are able to maintain their vehicles to an acceptable standard. The main purpose of the Licensing Officer’s assessment is to ensure the public safety; not to punish or financially penalise licence holders. By applying these guidelines, the Council is seeking to maintain the high standard of quality of Hackney Carriage and Private Hire drivers, operators and proprietors in the City, which in turn maintains the good reputation of the taxi industry and the high quality of service to the travelling public.

Any applicant refused a licence on the grounds that the Licensing Officer is not satisfied he/she is a fit and proper person to hold such a licence, or who has had their licence suspended or revoked and disagrees with that decision, has a right of appeal by way of written complaint, to the Magistrates’ Court within 21 days of the notice of decision.
Appendix 1.0: Table of Rehabilitation of Offenders Act

The Rehabilitation of Offenders Act 1974 provides that after a certain lapse of time, convictions for offences are to be regarded as “spent”. Set out below are some examples of when convictions become “spent”. Please note that it is from the date of conviction that the time commences for the Rehabilitation of Offenders Act.

<table>
<thead>
<tr>
<th>Adult</th>
<th>Sentence</th>
<th>Rehabilitation Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>2 ½ years (30 months) imprisonment and over whether sentence was suspended or not</td>
<td>Never spent</td>
</tr>
<tr>
<td>2.</td>
<td>6 months imprisonment/youth custody and over but under 30 months whether sentence was suspended or not</td>
<td>10 years</td>
</tr>
<tr>
<td>3.</td>
<td>Under 6 months imprisonment/youth custody whether sentence was suspended or not</td>
<td>7 years</td>
</tr>
<tr>
<td>4.</td>
<td>A Fine, Compensation or Community Service Order</td>
<td>5 years</td>
</tr>
<tr>
<td>5.</td>
<td>Conditional Discharge, Bound Over or Probation Order. (Also includes Fit Person, Supervision and Care Orders)</td>
<td>1 year or period of probation sentence, whichever is longer</td>
</tr>
<tr>
<td>6.</td>
<td>Absolute Discharge</td>
<td>6 months</td>
</tr>
<tr>
<td>7.</td>
<td>Disqualification, disability or prohibition</td>
<td>Period of sentence unless a longer period as above (e.g. disqualification and a fine – 5 years)</td>
</tr>
<tr>
<td>8.</td>
<td>Remand Home/Approval School/ Attendance Centre Orders</td>
<td>1 year after Order expires</td>
</tr>
<tr>
<td>9.</td>
<td>Hospital Order Under Mental Health Acts</td>
<td>The period of the Order plus a further 2 years after Order expires (with a minimum of 5 years from the date of the conviction)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Youths</th>
<th>Sentence</th>
<th>Rehabilitation Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.</td>
<td>Borstal</td>
<td>7 years</td>
</tr>
<tr>
<td>11.</td>
<td>6 months – 2 ½ years detention in a place determined by the Secretary of State</td>
<td>5 years</td>
</tr>
<tr>
<td>12.</td>
<td>6 months detention and less as above</td>
<td>3 years</td>
</tr>
<tr>
<td>13.</td>
<td>Detention Centre Orders</td>
<td>3 years</td>
</tr>
</tbody>
</table>

The period of time which must elapse in other cases before the conviction becomes “spent” may vary considerably according to the nature of the offence and other circumstances. The rehabilitation period may, for example, be extended by the commission of a further offence during the rehabilitation period.