

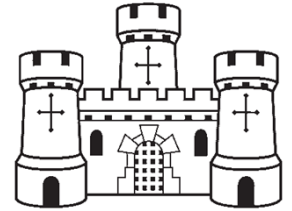
Public Document Pack

Date of meeting Tuesday, 11th June, 2019

Time 6.30 pm

Venue Castle House

Contact Geoff Durham 742222



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

Castle House
Barracks Road
Newcastle-under-Lyme
Staffordshire
ST5 1BL

Licensing & Public Protection Committee

AGENDA

PART 1 – OPEN AGENDA

1 PART 1 - LICENSING

2 APOLOGIES

**3 DECLARATIONS OF INTEREST IN RELATION TO LICENSING
MATTERS**

To receive declarations of interest from Members on items contained within the agenda

4 MINUTES OF PREVIOUS MEETING

(Pages 3 - 6)

5 URGENT BUSINESS IN RELATION TO LICENSING MATTERS

To consider any business which is urgent within the meaning of Section 100B (4) of the Local Government Act 1972

6 PART 2 - PUBLIC PROTECTION (OPEN)

**7 DECLARATIONS OF INTEREST IN RELATION TO PUBLIC
PROTECTION MATTERS**

To receive declarations of interest from Members on items contained within the agenda

8 TWO SPEAKERS (ONE HACKNEY AND 1 PRIVATE HIRE)

9 TAXI POLICY REPORT

(Pages 7 - 316)

10 PART 3 - PUBLIC PROTECTION (CLOSED)

11 DISCLOSURE OF EXEMPT INFORMATION

To resolve that the public be excluded from the meeting during consideration of the attached report, because it is likely that there will be disclosure of exempt information as defined in paragraphs 1, 2 and 7 in Part 1 of Schedule 12A of the Local Government Act 1972.

12 MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS (Pages 317 - 328)

To consider the minutes of the Public Protection Sub-Committees which have met since the previous Licensing and Public Protection Committee.

13 URGENT BUSINESS

To consider any business which is urgent within the meaning of Section 100B (4) of the Local Government Act 1972

Members: Councillors Miss J Cooper, J. Cooper, S. Dymond, G. Heesom, Hutton (Vice-Chair), T. Kearon, M. Olszewski (Chair), A. Parker, K. Robinson, S. Sweeney, J. Walklate, J Waring, G White, G Williams, J Williams and R. Wright

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

NOTE: THERE ARE NO FIRE DRILLS PLANNED FOR THIS EVENING SO IF THE FIRE ALARM DOES SOUND, PLEASE LEAVE THE BUILDING IMMEDIATELY THROUGH THE FIRE EXIT DOORS.

ON EXITING THE BUILDING, PLEASE ASSEMBLE AT THE FRONT OF THE BUILDING BY THE STATUE OF QUEEN VICTORIA. DO NOT RE-ENTER THE BUILDING UNTIL ADVISED TO DO SO.

LICENSING & PUBLIC PROTECTION COMMITTEE

Tuesday, 30th April, 2019
Time of Commencement: 7.00 pm

Present:-	Councillor Mark Olszewski – in the Chair
Councillors	J. Cooper, S. Dymond, T. Johnson, T. Kearon, A. Parker, K. Robinson, S. Sweeney, J Tagg, J Waring, G Williams, J Williams and R. Wright
Officers	Matthew Burton - Licensing Administration Team Manager, Geoff Durham - Mayor's Secretary / Member Support Officer, Nigel Gardner -Environmental Health Team Manager, Anne-Marie Pollard - Solicitor and Trevor Smith - Partnership Intervention Officer
Also in attendance	Sergeant John Gritton – Staffordshire Police

1. **APOLOGIES**

Apologies were received from Councillor S White.

2. **DECLARATIONS OF INTEREST IN RELATION TO LICENSING MATTERS**

There were no declarations of interest stated.

3. **MINUTES OF PREVIOUS MEETING**

Resolved: That, subject to the inclusion of Councillor T Johnson as being in attendance, the Minutes of the meeting held on 19 March, 2019.

4. **CUMULATIVE IMPACT POLICY**

Consideration was given to a report asking for Member's consideration as to whether the Cumulative Impact Policy was still required.

The Council's Licensing Administration Team Manager introduced the report which was accompanied by a presentation given by Sergeant John Gritton of Staffordshire Police. A copy of the presentation was handed to Members at the meeting.

The presentation provided evidence and support to enable Members to make a decision regarding continued support of the Cumulative Impact Policy.

The figures showed an 2% increase of crime from last year, within the Borough and a 1% increase on incidents.

Within the Town Centre, there had been 183 more crimes reported than last year. More serious violent crime had increased by 5 on last year, and there had been 45 less serious violent crimes and 125 more Anti-Social Behaviour Incidents.

The presentation also gave a breakdown of days and times of committed crimes and the top locations.

Councillor John Cooper queried whether the boundaries of the Zone needed shrinking or expanding. Sergeant Gritton stated that they were about right.

Councillor Sweeney stated that the pubs heading up towards Hartshill (known as the Hartshill Mile), was catered for the 'older' generation – who wanted a quiet drink. He queried whether the Cumulative Impact Zone (CIZ) needed to stretch that far now that Zanzibar was closed.

The Council's Partnerships Interventions Officer, Mr Trevor Smith stated that the Policy was around the proliferation and frequency on licensed premises and it was best to keep that area within the Zone. Mr Smith added that the CIZ was helped by the staggered closing times of premises.

Councillor Robinson asked Sergeant Gritton how serious incidents within the Town Centre impacted upon other Wards in the Borough if all police Officers had to attend.

Members were informed that it was a different team. Within the town Centre it was a 'community team' (PCSO's) whereas the 'incident team' would respond to 999 calls.

Resolved: That the Cumulative Impact Policy continue in its current form pending transition to a Cumulative Impact Assessment.

5. DECLARATIONS OF INTEREST IN RELATION TO PUBLIC PROTECTION MATTERS

There were no declarations of interest stated.

6. FOOD SAFETY SERVICE PLAN 2019/20

Consideration was given to a report advising Members of work planned by the Food and Safety Team in 2019/20 along with a review of last year's performance. Five hundred and twenty two inspections would be carried out.

The Council's Food Safety Officer, Mr Nigel Gardner introduced the report and drew Members' attention to Appendix A, the Food Safety Service Plan for 2019/20.

Councillor John Cooper asked what the cost was to send food samples away for testing.

Mr Gardner advised that the costs of this were not met by the Council.

Councillor Kearon asked Mr Gardner how confident he was that the service could be maintained with limited resources.

Newcastle was working with a Local Authority in Devon to meet any shortfall.

Councillor Kearon enquired about Category E premises (lowest risk) who moved to a self-assessment process. How was the Council made aware of any issues that arose.

Every three years the Council would make a visit to ensure that the standards were still high. In addition, the public are very good at reporting any problems.

Councillor Kearon asked if there were any plans to run a public intelligence campaign.

Members were advised that this could work and that a similar programme was run a few years ago.

Councillor Gill Williams asked if the Council still dropped in on premises or if they were pre-informed of a visit.

Mr Gardner confirmed that paperwork was asked for in advance of a visit taking place on a non-specified date.

Councillor Jill Waring asked what the 'food related diseases' referred to.

Members were advised that these were diseases such as the Nora Virus, Legionnaires Disease, Salmonella and Campylobacter. Very few e-coli cases arose.

Councillor Dymond asked what the response time was when someone made a complaint.

If it was a local premise, it would be within 48 to 72 hours.

Resolved: That the Food Safety Service Plan for 2019/20 be received and endorsed.

7. PUBLIC SPACE PROTECTION ORDER PUBLIC CONSULTATION UPDATE

Consideration was given to a report updating Members on the recent public consultation which had recently been taken on the Public Spaces Protection Orders (PSPO's) and to seek approval to adopt two PSPO's in the Borough.

Trevor Smith introduced the report, drawing Members' attention to paragraph 3.1, number 4 which gave slightly amended prohibitions.

Members were advised that prohibitions 2 and 3 would be adapted for Queen Elizabeth Park as there were no council owner car parks nearby.

Councillor Gill Williams queried the gathering of gangs of youths in a park where a PSPO was in place and calling a PCSO to assist.

PSPO's did not apply to under 18's but there were other methods/powers in place for this.

Councillor Kearon stated that he would feel more comfortable with a better description of aggressive and persistent begging as some of the people just sat quietly.

It was a broad term but individuals were given the chance to accept any help given to them.

If enforcement is used to deal with a situation, it would be backed up with evidence. Officers were aware of those who were 'genuine' beggars.

Councillor Robinson said that there was a deep rooted problem in society when people felt the need to beg aggressively. In addition, Councillor Robinson asked what IT support to the homeless to give them an email address to help with their search for accommodation.

Councillor Jill Waring said that it was tragic that people found themselves on the street. The Council did everything that they could to help the homeless but there were those who didn't accept the help.

Councillor Robinson requested regular updates on PSPO's, running alongside the existing update reports that are already brought to this Committee.

Resolved: That, the making of Public Space Protection Orders for Newcastle Town Centre and for Queen Elizabeth Park be approved.

8. DISCLOSURE OF EXEMPT INFORMATION

Resolved:- That the public be excluded from the meeting during consideration if the following matter because it is likely that there will be disclosure of exempt information as defined in paragraphs 1,2 and 7 contained within Part 1 of Schedule 12A of the Local Government Act, 1972

9. MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS

Resolved: That the Minutes of the meetings held on 27 March and 10 April, 2019 be received.

10. URGENT BUSINESS

There was no urgent business.

COUNCILLOR MARK OLSZEWSKI
Chair

Meeting concluded at 8.50 pm

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

PUBLIC PROTECTION COMMITTEE

Date 11th June 2019

1. Taxi and Private Hire Licensing Policy 2019-2022

Submitted by: **Head of Environmental Health Services & Licensing
Administration Team Manager**

Portfolio: **Finance & Resources**

Ward(s) affected: **All**

Purpose of the Report

To review the consultations received in respect of the draft taxi policy and to discuss and agree any amendments to the proposed new Taxi and Private Hire Licensing Policy following the consultation period.

Recommendations

- 1. To note the contents of the report;**
- 2. To take account of the content of each response received during the consultation period;**
- 3. To decide from the options detailed at Appendix 1 what provisions will be included in the final policy;**
- 4. To receive at a future meeting the final policy document for approval and consideration of implementation timescales.**

1. Background

- 1.1 The Council's current Taxi and Private Hire Licensing Policy was implemented on 1st May 2015. A review of this policy began in August 2017 and a draft policy was put to Members on 18th September 2018. At the Committee meeting Members approved that the proposed document should be sent out for a 12 week consultation period.
- 1.2 The policy document proposed a wide scale reform of the current policy. The review determined that there were a number of areas that required updating, amending, removing or including to ensure that the Council has a policy that was fit for purpose in respect of the legislative framework and administration of the service.
- 1.3 The proposals were considered appropriate to ensure the protection of the public by improving the standard of vehicles, operators and drivers and to assist and/or simplify the administrative process.
- 1.4 The draft policy was sent out for consultation at the start of October 2018 for a 12 week period due to finish on 21st December 2018. A letter was sent to every driver, vehicle proprietor and operator licensed by the Council. The letter detailed the closing date for representations, where the document could be viewed and the methods of submitting representations in writing. The draft policy was also emailed to the other bodies listed within the document as consultees.

- 1.5 The draft policy was made available electronically on the Council website alongside an online form to submit comments, and physical copies were available at Castle House and Kidsgrove Town Hall.
- 1.6 The document was drafted in such a way that it read as if it was the finalised document. E.g. the section detailing the organisations and persons that were to be consulted with was written in the past tense, as if the consultation had been carried out. This led to some confusion with various consultees stating that they had not been consulted with. It was always the intention of the Council to meet with representatives of the trade during the consultation period and this has taken place.

2. **Issues**

The Trade Group and Consultation Meetings:

- 2.1 On 11th October 2018 the Council were approached by a member of the Hackney Carriage Trade Association Committee (HCTA) to set up a meeting between Council Officers the HCTA and Private Hire Operators. Officers requested details of who would be attending the meeting, and which sections of the trade would be represented. On 5th November a member of the HCTA confirmed that the people attending the meeting would be made up of representatives from the below organisations:
 - Hackney Carriage Trade Association Committee;
 - Sids Private Hire
 - Roseville Private Hire
 - Magnum Taxis
 - Intercity Private Hire
 - Lucky 7 Private Hire Taxis
 - A 1 Embassy Taxis Ltd.
 - City Cabs
 - ABC Supreme Private Hire
 - Autocab Private Hire
 - City Centre Private Hire
 - Kidsgrove Taxis
- 2.2 On 12th November a letter was received from the HCTA on behalf of the representatives listed above ("the trade group") with details of sections of the policy they wished to discuss at the meeting. The trade group proposed a meeting date of 19th November which unfortunately Officers could not accommodate. Officers suggested 20th November which was accepted but then Officers had to rearrange due to Officer non-availability. Subsequently a meeting was arranged to take place on 27th November 2018.
- 2.3 At the meeting on 27th November the trade group had produced a written representation against sections of the draft policy. A representative of the trade group read the representation which detailed a number of concerns about the proposals, questioned the reasons for their inclusion and offered a number of alternatives that could be considered. These matters were discussed verbally at the meeting. A copy is attached at Appendix 2. At the meeting the trade group verbally requested that the consultation period be extended stating that they had not had enough time to consider the full proposals. The request was put to the Public Protection Committee on 11th December and the Committee determined to extend the period until 14th February 2019.
- 2.4 Following the meeting Officers produced a written response which was sent to the trade group on 14th December, along with details of the next meeting to be held on 22nd January 2019. A copy is attached at Appendix 2.

- 2.5 On 18th December Officers wrote to the Private Hire Operators (“PHO”) that were not part of the trade group inviting them to a meeting due to be held on 23rd January. Only one licensed PHO attended the meeting. They offered two points for consideration; firstly that they had concerns on having operator door signs displayed on a vehicle when it was working outside of the Borough as it would indicate that vehicle was not local and may be targeted; and secondly that there were no fully electric vehicles available that were suitable for the type of work they carried out. There would need to be a larger electric vehicle available on the market to be considered viable.
- 2.6 The trade group had made written comments on the earlier Officer response and at the meeting on 22nd January their representative explained the matters they wished to raise. During the meeting the trade group made a number of counter proposals to the draft policy document which were recorded by Officers. The trade group also requested that the consultation period be extended again, and that representatives be allowed to speak at the Committee meeting where the policy will be determined. On 26th January a copy of the comments were submitted to the Council and a copy is attached at Appendix 2. On 8th February the Chair of Public Protection Committee determined that the consultation period would be extended until 14th March 2019 with the primary reason that it would allow the trade group to submit a final written representation, as they would not be permitted to speak at the meeting as requested.
- 2.7 Officers responded to the trade group’s comments on 20th February including a list of the verbal counter proposals given at the previous meeting, along with details of the next meeting scheduled to be held on 5th March 2019. A copy of the response is attached at Appendix 2.
- 2.8 At the meeting on 5th March the trade group made a number of requests. Following a meeting between Officers, the Chair of the Public Protection Committee and the relevant portfolio holder a response was sent to the group on 11th March. A summary of requests and responses are outlined below. The full response can be found at Appendix 3:
- That representatives of the trade meet with the Officers and Members of the Public Protection Committee to discuss the policy;
- That it is not appropriate, it is the Officer’s role to carry out consultation.
 - To put the Council policy consultation and implementation on hold until the Department for Transport (DfT) Statutory Guidance has been finalised, and to extend the current policy until that time;
- The policy will be a live document and can be amended at any time.
 - To extend the current consultation to allow for a 12 month period in which the trade can consider the proposals in full
- The consultation period was extended twice to a total of approx. 5 months. This was considered to be sufficient to consider the draft policy;
 - To allow a representative/s of the trade to speak at the Committee meeting
- This had been considered previously and the request was declined.
- 2.9 The written representations from the trade group are all attached as part of Appendix 2. Both the written and verbal comments from the group indicate that they have serious concerns about a number of the proposals. It is accepted and agreed that the safety of the public is of the upmost importance however, they are of the opinion that generally speaking the proposals have gone too far and are unnecessary, are not justified and not proportionate, and argue that the impact of implementing the draft policy as written would significantly impact upon the private hire and hackney carriage sector in the Borough and surrounding areas. A major concern of the group was the financial implications that would be put upon

drivers, vehicle proprietors and operators alike if the proposals for younger vehicles, electric vehicles, more frequent medical certificates, additional training/qualifications go ahead. Another concern was the impact that having to reach a reasonable standard of spoken and written English, and having to undergo a new knowledge test would have on existing drivers. They have argued that neither requirement is necessary and should not be included at all. At the meeting of 22nd January the trade group put forward a number of Counter Proposals to Officers. When the group have offered counter proposals they have been included in the options available to Members to choose between when determining the various parts of the draft policy. They are outlined in Appendix 1 of the report.

Consultation Responses:

2.10 On 14th March 2019 the consultation period ended. During the consultation the Council received a total of 424 responses:

- The written comments submitted by the trade group (outlined above) as attached at Appendix 1 (1 representation);
- A letter signed by 389 people stating that they support the actions of the trade group (389 representations);
- Seven letters/emails from licensed drivers and/or PHOs (7 representations);
- Four letters/emails from other organisations/interested parties (4 representations); and
- Twenty three responses made via the online survey (23 representations).

2.11 The Council received 390 copies of the same letter signed by various individuals, endorsing the representations being made by the trade group:

- 349 drivers licensed by the Council;
- 33 drivers licensed by Stoke City Council;
- 7 PHO or base staff; and
- 1 individual with unknown capacity/job role.

A copy of the letter and spreadsheet with details of those who submitted it is attached at Appendix 4.

2.12 The 7 letters/emails received from licensed drivers and/or PHOs are attached at Appendix 5.

Generally, the representations were in objection to specific sections of the draft policy. Several of the representations made suggestions that the Council could include, or replace within the policy document, and these are detailed in Appendix 1.

2.13 The 4 letters/emails received from other organisations/interested parties are attached at Appendix 6. Correspondence was received from:

- Guide Dogs for the Blind;
- Staffordshire County Council;
- Chair of Crewe Hackney Carriage Association; and
- Lay person with interest in Electric Vehicles.

The representation from Chair of Crewe Hackney Carriage Association made suggestions for the Council knowledge test and that of the lay person outlined why, in his opinion, a condition that certain licensed vehicles should be fully electric was not proportionate or suitable. The representations from Guide Dogs for the Blind and Staffordshire County

Council were supportive but also made suggestions that the Council could include, or replace within the policy document, and these are detailed in Appendix 1.

- 2.14 For the online survey there were a total of twenty seven (27) representations however one was the Guide Dogs for the Blind, who also submitted their representation via email, and four of the responses were from the same driver with the same comments. As such Officers have concluded that there were a total of twenty three (23) online responses:

- Four responses from individuals identifying themselves as Private Hire or Hackney Carriage Vehicle Proprietors;
- Six responses from individuals identifying themselves as licensed drivers (including one of the responses from the driver who submitted the same response four times);
- Three responses from individuals identifying themselves as Private Hire Operators; and
- Ten responses from members of the public.

A copy of the data submitted and Council analysis based on the full 27 responses is attached as Appendix 7. Generally, the representations made by current licence holders were in objection to specific sections of the draft policy, however those received from members of the public were supportive. Several of the comments made suggestions that the Council could include, or replace within the policy document, and they are detailed in Appendix 1.

Department for Transport (DfT) Statutory Guidance Consultation:

- 2.15 On 12th February the DfT published their proposed statutory guidance that was to be consulted upon nationally for 10 weeks, ending on 22nd April 2019, which overlapped with the end date for the Council Policy consultation. This was reported to Members at the Public Protection Committee on 19th March 2019.
- 2.16 This is the first time that there will ever be Statutory Guidance for Licensing Authorities with regards to Taxi Licensing. Prior to this the DfT last updated their 'Best Practice Guidance' in 2010. The proposed guidance document is comprehensive in the areas that it covers, explains that '*taxis and PHVs are a high risk environment*', and that DfT '*expects these recommendations to be implemented unless there is compelling local reason not to*'.
- 2.17 Many of the areas contained within the draft DfT guidance, such as language proficiency for drivers, having a convictions policy, and carrying out criminal records checks on those applying to be PHO's, are covered in the draft Council Policy which suggests that the Officers' proposals are supported by the relevant Central Government department. Whilst the end date for the DfT Guidance has now passed there has been no indication as to when the finished document will be implemented. The trade group had proposed that the Council Policy be put on hold until the Guidance has been finalised but the Chair of the Committee and Portfolio Holder agreed that the Policy, in whatever form it takes, will be a 'live' document which is capable of being reviewed and amended when there are changes to Guidance and/or legislation.

Trade Industrial Action:

- 2.18 Following the end of the consultation period and the response from members, as outlined in section 2.9 of the report, the members of the trade group organised 'strike' action that took place on the evening of Friday 15th March. The Council were first made aware of the action by the local media and a statement was issued. Staffordshire Police had not been informed and were unaware until the action had started. The Police telephoned the Council's "Director

on call” as they had concerns over the potential for public order in the town centre. As a result the Director spoke to the Portfolio Holder. The Police spoke with a representative of the trade and agreed to an informal meeting on 16th March, which was attended by 12 members of the trade group.

2.19 The information from director on call and police resulted in the trade group calling off similar action that was due to take place on 16th March on the provision that the Police would contact the Council to:

- Highlight the concerns that the trade had raised;
- Request that the Public Protection Committee on 19th March be postponed to allow further consultation; and
- Request that the Police were included in these talks.

2.20 A meeting was arranged to take place on Tuesday 19th March. Present were Officers of the Council, Chair of the Public Protection Committee, Portfolio Holder responsible for taxi licensing and 12 members of the trade group. Representatives of the trade outlined that they hadn't had long enough to respond to the proposals, that they didn't feel as though they had been listened to, their concerns at not being able to speak at the Committee meeting and that they were concerned about the final contents of the report not reflecting the representations. Chair explained that the meeting due to be held later that evening wasn't due to determine anything about the Taxi Policy as the Council needed time to review and respond to the representations received, and that the consultation period had only closed 5 days ago. Members agreed that before the report was finalised that they would meet with the trade group once more to outline the options the Officers intended on putting before the Committee.

2.21 A Sergeant from Staffordshire Police attended part of the meeting to speak to the trade group. Whilst the meeting was taking place a 'slow drive' protest was taking place on the ring road that had been organised by the group. The Sgt asked why it was taking place when the Council had agreed to meet with them as they had requested. They agreed to call off the protest.

2.22 The Chair of the Public Protection Committee, the Portfolio Holder responsible for taxi licensing, and two Officers met with nine members of the trade group on 14th May to inform them of the recommendations that Officers were intending on putting to the Committee, alongside the other options that would be available, that included all of the counter proposals made by the group during the consultation period. The group reiterated their concerns, as outlined above, and that they still preferred the options that they had put forward as counter proposals rather than what the Officers were intending on recommending.

Verbal Statements from the Trade:

2.23 At the meeting on 14th May the Members agreed that at the Committee meeting they would allow one representative from the Private Hire sector and one representative from the Hackney Carriage sector to give verbal representations to the Committee, and that each representative would be allowed no more than 10 minutes to give their statement.

Policy Documents

2.24 The Council's current 2015-2018 Taxi and Private Hire Licensing Policy is attached at Appendix 10. The draft policy document that was agreed for consultation is attached at Appendix 11.

3. **Options Considered**

3.1 That Members consider the options outlined below and at Appendix 1. Each option has:

- A brief title;
- Which sections of the draft policy it relates to;
- The Options to be considered:
 - 1) = The proposal contained in the draft policy;
 - 2) = Any Counter Proposals submitted during the consultation period;
 - 3) = Any alternative options considered viable following review of the consultation responses;
 - 4) = What the current 2015-18 policy says;
- An Officer recommendation;
- The reason for the recommendation. **(RECOMMENDED)**.

3.2 That Members agree to receive at a future meeting the final policy document for approval and consideration of implementation timescales. This is to allow Officers time to draft the final policy document, and put forward a suitable time frame for implementation. **(RECOMMENDED)**.

4. **Proposal**

4.1 That Members discuss and determine which of the options listed above and at Appendix 1 should form part of the new Council Taxi and Private Hire Licensing Policy.

4.2 That Members agree to receive at a future meeting the final policy document for approval and consideration of implementation timescales.

5. **Reasons for Preferred Solution**

5.1 To create a robust and proportionate taxi licensing policy that is fit for purpose and to ensure that those licensed by the Local Authority as Drivers, Vehicle Proprietors and Operators meet the highest possible standards ensuring Public Safety at times.

6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

6.1 *The Council's corporate priorities are:*

- Local services that work for local people
- Growing our people and places
- A healthy, active and safe borough
- A town centre for all

7. **Legal and Statutory Implications**

7.1 There are no statutory requirements on the Council to have a Taxi Licensing Policy, however once in place it can be used as the basis of administrative decisions that we are required to take under the relevant legislation.

7.2 That decisions made by the Committee when formulating the final policy document may be subject to Judicial Review.

8. **Equality Impact Assessment**

- 8.1 Not applicable
- 9. **Financial and Resource Implications**
 - 9.1 The function is set on a cost recovery basis where possible, with the cost of the licenses set to recover the Councils costs.
 - 9.2 Individual elements of the applications and renewals are new functions, such as the introduction of an in-house knowledge test, which will incur additional staff resource to support, however the cost of which will be covered by the fee charged.
- 10. **Major Risks**
 - 10.1 Not applicable
- 11. **Sustainability and Climate Change Implications**
 - 11.1 Not applicable
- 12. **Key Decision Information**
 - 12.1 Not applicable
- 13. **Earlier Cabinet/Committee Resolutions**
 - 13.1 Licensing & Public Protection Committee – 18th September 2018
Licensing & Public Protection Committee – 11th December 2018
- 14. **List of Appendices**
 - 14.1 Appendix 1 – Proposals and recommendations document
Appendix 2 – Trade Group and Officer Correspondence
Appendix 3 – Officer email to Trade Group following requests to Councillors
Appendix 4 – Letters supporting Trade Group
Appendix 5 – Consultation responses from Drivers/Operators
Appendix 6 – Consultation responses from Outside bodies/persons
Appendix 7 – Consultation responses received via online survey
Appendix 8 – CEFR guidance sheet
Appendix 9 – Council's current Guidelines for Convictions
Appendix 10 – Councils' current Taxi Licensing Policy 2015-2018
Appendix 11 – Council's Draft Taxi & Private Hire Licensing Policy v7
- 15. **Background Papers**
 - 15.1 Draft Taxi & Private Hire Licensing Policy v7

Decision 1 – English speaking and writing requirement for drivers

Relevant Sections in original draft proposal:

Section 3.2 and Appendix C

Options to be considered:

1. All new applicants and current licence holders must be able to converse orally and in writing in English to a standard that would reasonably be expected of a person undertaking the role of a taxi driver **(RECOMMENDED)**;
2. Counter Proposal/Suggested amendment received during the consultation period:
 - 2a. To remove the requirement from the proposed draft policy entirely;
 - 2b. That the requirement is implemented but only relates to new applicants and not existing licence holders;
 - 2c. That the requirement is implemented but only relates to new applicants and those existing licence holders where a concern is identified;
3. N/A – All viable options are included in options 1 and 2.
4. N/A - As not a requirement under the current policy

Reasons for Recommendation or Preferred Option:

Option 1 is the officer recommendation. The requirement was included in the draft policy following concerns raised by Members and Licensing staff that there was a minority of licensed drivers whose level of English was unsatisfactory to carry out their role. During the consultation the Trade Group made the counter proposals listed above as they did not feel it was appropriate for existing drivers when they had completed various courses and qualifications that were carried out in English.

If option 1, 2b or 2c are decided then the Committee will need to determine how the individual's level of English will be determined and what that level should be. See Decisions 2 and 3 below.

<p>Decision 2 – English speaking and writing requirement for drivers (Standards) – Only relevant if Option 1, 2b or 2c is decided for Decision 1 above.</p>
<p><u>Relevant Sections in original draft proposal:</u> Section 3.2 and Appendix C</p>
<p><u>Options to be considered:</u></p> <ol style="list-style-type: none"> 1. If the applicant is unable to satisfy the Council then it may require them to undertake an English speaking qualification from a Council approved provider (E.g. English for Speakers of Other Languages (ESOL) or Secure English Language Test (SELT)) 2. N/A – No suggestions or proposals received 3. If option 1 is decided upon then Members must determine the level and type of qualification to be considered satisfactory. Viable options are: <ol style="list-style-type: none"> 3a. A qualification that meets the standards that applicants for British Citizenship or Settlement, known as Indefinite leave to remain, must achieve a qualification that meets the B1 CEFR standard or higher; 3b. A qualification that meets the A1 or A2 CEFR basic language user standard; 3c. A qualification that meets the C1 or C2 CEFR proficient language user standard; 3d. A qualification that meets the B2 CEFR intermediate language user standard; 3e. That elements of the application procedure and criteria are used to determine whether an individual meets the required standards e.g. at the appointment interview the individual must represent themselves and be able to answer questions asked of him/her, and the proposed knowledge test could contain open questions that require a written response. (RECOMMENDED); 4. N/A as not a requirement under the current policy
<p><u>Reasons for Recommendation or Preferred Option:</u> Option 3e is the officer recommendation. The reason for the recommendation is to ensure that the individual meets an appropriate standard of English that will allow them to fulfil the role as a taxi driver and that the Council will be able to assess that standard via a mixture of in-house and external tests, without the need for the applicant to obtain a specific English speaking qualification.</p> <p>N.B. The Common European Framework of Reference for Languages (CEFR) is a widely accepted international framework that allows levels of language proficiency to be compared. There are six common reference levels within the CEFR (A1, A2, B1, B2, C1 and C2). A1 and A2 are primarily for basic users, B1 and B2 are for independent/intermediate users and C1 and C2 are for proficient users. A self-assessment guide to determine what level an individual is at is attached as Appendix 8.</p> <p>Applicants who wish to apply to be a British Citizen, or for Settlement, often known as Indefinite Leave to Remain ('ILR'), must have successfully achieved an English speaking and listening qualification that is the equivalent to level B1 on CEFR (or higher), that is on the Home Office's approved list of recognised tests and was taken at an approved test centre OR have a degree completed in the UK OR have a degree certificate with appropriate statement/s from UK NARIC that the qualification meets the required standard.</p> <p>UK NARIC is the UK's National Agency responsible for providing information and opinions on academic qualifications from across the world.</p> <p>If options 1 or 3a-3d were decided then it is proposed that applicants would need to successfully pass a qualification that meets the relevant CEFR standard. Each qualification would be considered on it's merits.</p>

Decision 3 – English speaking and writing requirement for drivers (Checks) - Only relevant if Option 1, 2b or 2c is decided for Decision 1 above AND if Option 1, 3a, 3b, 3c or 3d is decided for Decision 2 above (i.e. if Members decide that they want an English requirement in the Policy and want it tested in any other way than by an in-house Council Knowledge test.)

Relevant Sections in original draft proposal:

Section 3.2 and Appendix C

Options to be considered:

1. That applicants and current licence holders must be able to satisfy officers of the Council that their standard of English is suitable otherwise their application may be referred to the Public Protection Sub-Committee or authorised officers for further consideration; **(RECOMMENDED)**;
2. Counter Proposal/Suggested amendment received during the consultation period:
2a. That conversational English appointments be made available to individuals prior to making an application to assess whether they meet the required standard. These may be by way of a telephone call or face to face appointment as deemed necessary;
3. Whether option 1 and/or 2 are determined:
3a. That following the successful completion of a relevant qualification that the applicant or licence holder has a secondary appointment with a Council Officer to confirm that they meet the required standard **(RECOMMENDED)**;
4. N/A as not a requirement under the current policy

Reasons for Recommendation or Preferred Option:

Options 1 and 3a are the officers' recommendations. Option 1 details how a concern would be progressed by a member of Licensing staff if they were not satisfied with an individuals' standard of English. Option 3a was raised by a Member at the Public Protection meeting that granted approval to consult on the draft policy. Option 2a has not been recommended as it is the officers' opinion that the burden of proving an individual is suitable to be a licensed driver should fall on them and if an individual was concerned then they should seek to meet the required English standard set within the policy.

Decision 4 – Knowledge Test for Drivers

Relevant Sections in original draft proposal:

Section 3.2 and Appendix C

Options to be considered:

1. All new applicants are required to pass the Council's written test before the Council will grant them a driver's licence. The test will be carried out in English. In addition, all existing driver must successfully complete the Council's in-house knowledge test prior to the first renewal application of their licence following the implementation of this policy.

The test comprises an exam covering the following areas:

- the highway code;
- taxi legislation;
- the Council's vehicle conditions and driver Code of Conduct;
- safeguarding and child sexual exploitation awareness;
- Disability awareness
- Local area knowledge
- Working out fares and giving change;
- The understanding of and testing of written English

A 75% pass mark is required for each section, all sections must be passed at the same time and failure to answer certain questions correctly will result in automatic failure.

Where an applicant fails the knowledge test there is an additional fee for every subsequent test and every missed test. Once an appointment has been allocated for the test, the applicant must give 2 clear working days' notice to cancel an appointment otherwise they will be required to pay the test fee. In such circumstances the Council will deem that the applicant has failed the test. Anyone failing the test will be entitled to re-sit the test twice, at a cost to themselves.

If the applicant fails the test three times then the application will be cancelled and the applicant will be unable to reapply again for a licence until a minimum period of 12 months has elapsed from the date of the last failure and be treated as a new applicant. **(RECOMMENDED)**;

2. Counter Proposal/Suggested amendment received during the consultation period:

2a. That this requirement be removed altogether and to retain the current 'Topographical Test' requirement;

2b. That only new drivers should have to meet the requirement. Existing drivers would not have to pass the new knowledge test.

2c. That only new drivers should have to meet the requirement. However existing drivers may be required to pass the new knowledge test should concerns be raised relating to any of the subjects areas covered by the proposed test.

3. N/A – All viable options are included in options 1 and 2.
4. Before granting a licence the Council requires that:....
 - i) The applicant has passed the Council's geographical test for Private Hire and Hackney Carriage drivers. The test is currently provided locally at Burslem College.

Reasons for Recommendation or Preferred Option:

Option 1 is the officer recommendation. It is considered that the current driver licensing criteria does not adequately demonstrate and ensure that an individual has the level of understanding and knowledge required to be a professional taxi driver. Whilst they do undergo testing for the local area knowledge element they are not currently tested on any of the other elements listed above.

Decision 5 – Driver Requirements for Medical certificates

Relevant Sections in original draft proposal:

Section 3.2 and Appendix C

Options to be considered:

1. All applications must - Undergo Group 2 medical examination and provide the medical certificate issued by their registered GP or a Medical Practitioner who confirms they have had access to the full medical records when determining the applicant's fitness to drive issued within the previous 3 months; and All licensed drivers aged 65 and over must undertake a medical examination annually and produce the report to the Council. **(RECOMMENDED);**
2. Counter Proposal/Suggested amendment received during the consultation period:
2a. To maintain the current position (as detailed in option 4) in that applicants should only be required to have a medical examination for every other application. I.e. normally once every 6 years.
3. N/A – All viable options are included in options 1 and 2.
4. New applicants - The applicant produces a medical report undertaken by their own GP which has regard for the DVLA Medical Standards of Fitness to drive Level II and shows that the applicant meets the required medical standard;
Renewal applicants - Where the previous application was accompanied by a medical certificate no such certificate will be necessary. The Council's policy is, where applications are continuous, a medical certificate will only be required at every other application. For drivers who have reached 65 years of age a medical certificate will be required for every application.

Reasons for Recommendation or Preferred Option:

Option 1 is the officer recommendation. There are two main reasons for this. Firstly, the current Council Policy does not meet the best practice guidelines issued by the Department for Transport that recommend a Group 2 medical exam for taxi drivers every 3 years. Secondly, Officers are concerned that by not having a medical with every application an applicant's medical fitness is not checked each time a licence is issued.

Decision 6 – Hackney Carriage Vehicle Licensing Criteria – Age of Vehicles

Relevant Sections in original draft proposal:

Section 3.3 and Appendix E

Options to be considered:

1. Upon first application that all vehicles must be a purpose built hackney carriage or wheelchair accessible, or converted to conform to European type approval, or be fully electric and be less than 3 years old. The maximum age for vehicles to be licensed will be 7 years old. The maximum age for Electric vehicles to be licensed will be 10 years old.

Vehicles that are wheelchair accessible or previously categorised as ‘minibuses’ which are licensed at the time this version of the policy is implemented may continue to be licensed until they fail the Council’s mechanical vehicle test when it will cease to be suitable for licensing, or when they reach the maximum age of 10 years, whichever is soonest. These vehicles will be subject to a mechanical vehicle test every 6 months. The cost of the tests will be met by the vehicle owner. At each renewal test, and subsequent 6 month test will be permitted one retest only. Once a vehicle fails a test and retest it will cease to be suitable for licensing.

Current holders of Hackney Carriage licences for non-wheelchair accessible vehicles (i.e. saloons, hatchbacks and estates) will cease to benefit from existing grandfather rights allowing them to replace their current vehicle, either during the licence period or at the expiry date of the licence, with another non-wheelchair accessible vehicle. All replacement vehicles will be required to meet the criteria for a new Hackney Carriage Vehicles.

2. Counter Proposal/Suggested amendment received during the consultation period:
 - 2a. To adopt the same age/vehicle licensing policy at Stoke City Council currently use. That is that vehicles must be less than 7 years old when first licensed. When the vehicles become 10 years old they require safety/MOT tests at 6 monthly intervals and there is no maximum age. All new Hackney Carriages must be wheelchair accessible but owners of currently licensed saloon/hatchback/estate vehicles may replace the vehicle with one of a similar body type.
 - 2b. To retain the grandfather rights for proprietors of non-wheelchair accessible hackney carriages, known as ‘saloon taxis’ as they are at present. The proprietor of a ‘saloon taxi’ can replace it with a similar type of vehicle providing it meets the vehicle licensing criteria.
 - 2c. That all vehicles must be less than 4 years old when first licensed. That the maximum age for vehicles would be 8 years for ‘saloon taxis’, 10 years for purpose built/wheelchair accessible/fully electric vehicles, and 15 years for purpose built/wheelchair accessible vehicles licensed before the implementation of the policy which have mechanical safety tests every 6 months. The cost of the tests will be met by the vehicle owner. At each renewal test, and subsequent 6 month test will be permitted one retest only. Once a vehicle fails a test and retest it will cease to be suitable for licensing.

Owners of ‘saloon taxis’ vehicles will retain their grandfather rights to replace the vehicle. The replacement vehicle can be a saloon/hatchback/estate but will have to be a hybrid vehicle. Those rights cease if the vehicle is transferred to another proprietor/s and the vehicle will cease to be licensed when it reaches the maximum age limit.

3. Alternatives to the above options 1 or 2:

3a. That all vehicles must be less than 4 years old, or have carried out less than 40,000 miles, when first licensed. That the maximum age for vehicles would be 8 years for 'saloon taxis', 10 years for purpose built taxis/wheelchair accessible vehicles/fully electric vehicles, and 15 years for purpose built/wheelchair accessible vehicles licensed before the implementation of the policy which have mechanical safety tests every 6 months. The cost of the tests will be met by the vehicle owner. At each renewal test, and subsequent 6 month test will be permitted one retest only. Once a vehicle fails a test and retest it will cease to be suitable for licensing.

Owners of 'saloon taxis' vehicles to retain their grandfather rights to replace the vehicle. The replacement vehicle can be a saloon/hatchback/estate. Those rights cease if the vehicle is transferred to another proprietor/s and the vehicle will cease to be licensed when it reaches the maximum age limit. **(RECOMMENDED);**

4. Purpose built Hackney Carriages and those vehicles which have been converted to incorporate the standards laid down by the Public Carriage Office will continue to be relicensed despite their age subject to passing an annual test and the licences running consecutively.

Vehicles that are not purpose-built - that is saloon vehicles, estate vehicles and hatchback vehicles - will continue to be re-licensed up to eight years of age subject to passing an annual test and the licences running consecutively.

Operators can apply to re licence a saloon type vehicle that is over 8 years of age under the "exceptional condition" rule. This protocol enables operators who consider that their vehicle is in such exceptional condition that it should be considered outside the Councils age policy.

Reasons for Recommendation or Preferred Option:

The Officers recommendation is to take forward option 3a. Following consultation with the trade the original option 1 may cause unnecessary financial burden on them and not significantly improve the level of public safety above that of options 3a. The delay in the requirement for electric vehicles is recommended to allow the Council more time to introduce required infrastructure and explore options to obtain Central Government funding in respect of electric vehicles.

Option 2a is not recommended as it would significantly reduce the current policy standards and have an impact on public safety. Analysis of the age profile and pass/fail rate of the Council safety tests suggests 25% of Hackney Carriages fail the test when they are 6,7 and 8 years old and that number increases to 50% when they are 10 years old.

Option 3a is preferred to 2b as it allows greater flexibility for applicants when first licensing a new vehicle.

Decision 7 – Private Hire Vehicle Licensing Criteria – Age of Vehicles

Relevant Sections in original draft proposal:

Section 3.4 and Appendix H

Options to be considered:

1. Upon first application all vehicles must be less than 3 years old

The maximum age for vehicles to be licensed will be 7 years old (from date of first registration or if imported from the date of manufacture). The maximum age for Electric Vehicles to be licensed will be 10 years old

Vehicles previously categorised as ‘minibuses’ which are licensed at the time this version of the policy is implemented may continue to be licensed until they fail the Council’s mechanical vehicle test when it will cease to be suitable for licensing, or when they reach the maximum age of 10 years, whichever is soonest. These vehicles will be subject to a mechanical vehicle test every 6 months. The cost of the tests will be met by the vehicle owner. At each renewal test, and subsequent 6 month test will be permitted **one** retest only. Once a vehicle fails a test and retest it will cease to be suitable for licensing.

2. Counter Proposal/Suggested amendment received during the consultation period:

2a. To adopt the same age/vehicle licensing policy at Stoke City Council currently use. That is that vehicles must be less than 7 years old when first licensed. When the vehicles become 10 years old they require safety/MOT tests at 6 monthly intervals and there is no maximum age.

2b. That all vehicles must be less than 4 years old when first licensed. That the maximum age for vehicles would be 8 years for saloon/hatchback/estate/MPV type vehicles, 10 years for wheelchair accessible/fully electric vehicles, and 15 years for vehicles previously categorised as ‘minibuses’ licensed before the implementation of the policy which have mechanical safety tests every 6 months. The cost of the tests will be met by the vehicle owner. At each renewal test, and subsequent 6 month test will be permitted one retest only. Once a vehicle fails a test and retest it will cease to be suitable for licensing.

3. Alternatives to the above options 1 or 2:

3a. That all vehicles must be less than 4 years old, or have carried out less than 40,000 miles, when first licensed. That the maximum age for vehicles would be 8 years for saloon/hatchback/estate/MPV type vehicles, 10 years for wheelchair accessible/fully electric vehicles, and 15 years for vehicles previously categorised as ‘minibuses’ licensed before the implementation of the policy which have mechanical safety tests every 6 months. The cost of the tests will be met by the vehicle owner. At each renewal test, and subsequent 6 month test will be permitted one retest only. Once a vehicle fails a test and retest it will cease to be suitable for licensing.

(RECOMMENDED);

4. When a vehicle has been licensed as a Private Hire Vehicle it is capable of being re-licensed annually until the vehicle is eight years old, providing that the licences run consecutively.

The Council will use the date of first registration shown on the vehicle’s logbook to determine the age of the vehicle. Where a licence is issued and the expiry date is after the eight year rule the licence will remain in place until its expiry.

Operators can apply to re licence a saloon type vehicle that is over 8 years of age

under the “exceptional condition” rule. This protocol enables operators who consider that their vehicle is in such exceptional condition that it should be considered outside the Councils age policy.

In respect of mini buses, these vehicles should be less than five years of age when first tested and can continue to be licensed for as long as the vehicle continues to pass the Council's annual test, provided that the applications to renew the licence run consecutively to the expiring licence.

Reasons for Recommendation or Preferred Option:

The Officers recommendation is to take forward option 3a. Following consultation with the trade the original option 1 may cause unnecessary financial burden on them and not significantly improve the level of public safety above that of option 3a.

Option 2a is not recommended as it would significantly reduce the current policy standards and have an impact on public safety. Analysis of the age profile and pass/fail rate of the Council safety tests suggests 35% of Private Hire Vehicles fail the test when they are 7 and 8 years old and that number increases to 50% when they are 10 years old.

Option 3a is preferred to 2b as it allows greater flexibility for applicants when first licensing a new vehicle.

Decision 8 – Vehicle testing requirements

Relevant Sections in original draft proposal:

Sections 3.3 and 3.4

Options to be considered:

1. That all vehicles undergo a mechanical safety test twice per year. Once by way of a MOT test at a DVSA authorised vehicle testing station. The second test (the NULBC taxi safety test) to be carried out by the Council Garage, or authorised alternative.
(RECOMMENDED);
2. Counter Proposal/Suggested amendment received during the consultation period:
2a. For vehicles to be tested once per year at the Council Garage, or authorised alternative, and an MOT test certificate be issued as part of this test;
3. Alternatives to the above options 1 or 2.
3a. For proprietors to be able to choose whether their vehicle is tested once per year at the Council Garage, or authorised alternative, and an MOT test certificate be issued as part of this test; OR whether their vehicle is tested twice per year, once at the Council Garage, or authorised alternative, and once by way of a MOT test at a DVSA authorised vehicle testing station.

3b. For vehicles to be tested once per year at the Council Garage, or authorised alternative, to the MOT standard only and have an MOT test certificate issued as part of this test;

3c. For vehicles to be tested once per year at a DVSA authorised vehicle testing station to the MOT standard only and have an MOT test certificate issued as part of this test;
4. All applications, whether for a grant of a licence or a renewal of a licence, should be accompanied by ... A current VOSA MOT certificate where the vehicle is over three years of age ... AND ... before a licence is issued, the vehicle will be examined and tested at the Council's Operational Services department. In most circumstances where an advisory item has been identified on a VOSA MOT certificate, this will constitute a failure at the Council test.

Reasons for Recommendation or Preferred Option:

Option 1 is the officers' recommendation. It is the officers' opinion that vehicles should be tested at least twice per year, and at least one of those tests should be to a higher standard than that of the MOT test. The average mileage of a HCV/PHV driver is far greater than that of your regular road user. HCV/PHV drivers' average mileage is approximately 25,000 to 35,000/yr. Regular road users' average approximately 7,000-8000 miles per year. The MOT standard is the lowest legal standard and it is the Officers' view that with the mileage that licensed vehicles carry out the MOT standard is not high enough to ensure the safety of the fare paying passengers.

For these reasons options 2a, 3b and 3c are not considered viable alternatives.

Option 3a has been included as Officers are committed to exploring the feasibility of offering a 'combined test' that would include a statutory MOT test and the additional higher standard NULBC taxi test but do not want to prohibit proprietors from being able to have the MOT test done at a garage of their choice. If it is considered feasible then by passing the 'combined test' the proprietor would meet the requirements of Option 1.

Decision 9 – Hackney Carriage and Private Hire Vehicle Proprietor Requirements

Relevant Sections in original draft proposal:

Sections 3.3 and 3.4

Options to be considered:

1. Any person wishing to licence a hackney carriage or private hire vehicle must submit:
 - b) A Basic Disclosure Certificate issued within the last 12 months or a DBS certificate registered on the update service;AND....
 - d) A pass certificate for the Council's Knowledge Test (see Decision 4 above)
2. Counter Proposal/Suggested amendment received during the consultation period:
 - 2a. That vehicle owners should not be required to submit a certificate for either a Basic Disclosure or the Council's Knowledge Test
3. Alternative to the above options 1 or 2:
 - 3a. That vehicle owners should be required to submit a Basic Disclosure certificate but not for the Council's Knowledge Test (**RECOMMENDED**);
 - 3b. That vehicle owners should be required to submit a certificate for the Council's Knowledge Test but not a Basic Disclosure certificate
4. N/A as not a requirement under the current policy

Reasons for Recommendation or Preferred Option:

Option 3a is recommended by Officers. After consideration following the consultation period it is felt that the requirement for vehicle licence holders to take the Council Knowledge test is unnecessary.

Decision 10 – Private Hire Operator Base Location

Relevant Sections in original draft proposal:

Section 3.5

Options to be considered:

1. The Operator must have a base within the administrative area of Newcastle-under-Lyme in order to ensure that the Council can inspect the base and associated operator records to check compliance with licence conditions.

The Council will not grant an operator's licence to apply to any physical premises that falls outside the administrative area of the Borough Council of Newcastle-under-Lyme. Those operators who hold an operator's licence that applies to premises falling outside of the administrative area of the Borough Council of Newcastle-under-Lyme at the time of this policy coming in to force will not be affected until their licence requires renewing. At renewal the operator must apply to operate from a physical premises falling inside the Borough Council of Newcastle-under-Lyme.

If the licence of a current operator, that applies to premises falling outside of the administrative area of the Borough Council of Newcastle-under-Lyme at the time of this policy coming in to force, is due to expire within 6 months of the implementation date then the Council may, at its discretion, issue a 12 month licence to allow operator sufficient time to source a suitable premises within the Borough area. After this period no licences will be issued to premises that fall outside of the Borough area **(RECOMMENDED)**;

2. Counter Proposal/Suggested amendment received during the consultation period:

2a. To retain the position in the current taxi licensing policy (see option 4);

3. Alternative to the above options 1 or 2:

3a. To allow Private Hire Operators that hold a licence with the authority and operate their business from premises located outside of the Borough, at the time of policy implementation, to continue being licensed to operate from that premises providing that they renew their licence prior to it expiring. After the implementation date new licences will only be issued to operators whose prospective premises are located with the Borough.

3b. To include an additional condition on Private Hire Operator licence conditions that stipulates that the Operator must allow Police Officers and authorised officers of the Council access to the business address, at any time the business is in operation, for the purpose of carrying out inspections and obtaining copies of relevant records.

(RECOMMENDED);

4. Section 57 Local Government (Miscellaneous Provisions) Act 1976 allows local authorities to issue Private Hire Operators Licences to applicants who intend to carry on their business outside the boundary of the relevant local authority. The Council, in recognising that this section of the Act, have resolved that no licence will be granted to an applicant who intends to carry out his/her business at an address or addresses which are more than one mile outside the Borough boundary. An exception applies to operators who can claim grandfather rights, that is they currently hold a licence and their business address is more than 1 mile outside the Borough boundary.

Reasons for Recommendation or Preferred Option:

The Officer recommendation is options 1 and 3b. The current taxi licensing policy specifically refers to a section in the legislation that suggests local authorities may licence operators with

a base outside of the Council area however there is an alternative interpretation as to the provisions of the legislation.

Since the current policy was introduced there has been an alternative legal view has been raised that the current view is incorrect. The alternative view is that when the provisions at s46(1)(d) of the Local Government (Miscellaneous Provisions) Act 1976 are read alongside the definition of 'operate' at s80(1) it suggests that to accept/invite a booking in a Borough an Operator must have a licence and base in that Borough. Officers of the Council have considered both views and prefer the alternative to the current position which has led to the proposal being included within the draft policy and recommended above.

However as there is no binding Court precedent Members are free to determine how they interpret the legislation.

If Option 1 is not considered appropriate then Officers would recommend that Options 3a and 3b are the only viable alternative which would remove any new licences being granted in the 'one mile boundary' of the Borough, but would allow existing Operators with licences issued for bases outside of the Borough to continue. It would also ensure that authorised officers could carry out their duties.

Decision 11 – Light Transmission through rear passenger window requirements

Relevant Sections in original draft proposal:

Appendices E and H

Options to be considered:

1. Have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light (tolerance of 2%) and must comply with the Road Vehicles (Construction & Use) Regulations 1986; **(RECOMMENDED)**;
2. Counter Proposal/Suggested amendment received during the consultation period:
 - 2a. To permit vehicles to have factory fitted manufacturer tinted windows regardless of the level of light they transmit, but to not permit tinted film to be used.
3. Alternative to the above options 1 or 2.
 - 3a. To permit vehicles to have tinted windows fitted regardless of the level of light they transmit, but to not permit tinted film to be used.
4. Shall not be fitted with rear passenger windows that do not allow a 35% transmission of light

Reasons for Recommendation or Preferred Option:

Option 1 is the officer recommendation. In the officers' opinions there are public safety implications in not being able to see into the rear of a licensed vehicle. Most vehicles with factory fitted tinted windows fall with the 35% (+/- 2%) limits with the exception of those with privacy glass fitted.

Decision 12 – Motoring Convictions Guidelines

Relevant Sections in original draft proposal:

Appendix J

Options to be considered:

1. Motoring convictions

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

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

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

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

Other motoring offences

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

- A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. The 7 year period remains in place even when penalty points expire and are removed from the DVLA licence. **(RECOMMENDED);**

2. Counter Proposal/Suggested amendment received during the consultation period:

2a. To remove the proposed section and replace it with a statement that action would not be taken against a driver until they had received a total of 12 penalty points endorsed upon their DVLA driving licence.

3. Alternative to the above options 1 or 2.

3a. To replace the proposed section with the sections from the Council's existing guidelines

4. That motoring offences are split into three categories (A, B and other). Each motoring offence falls into a particular category and is treated as being in the category above if the offence occurred in a licensed vehicle. There are time scales that suggest when a

licence would normally be granted and these vary dependent on the category, type and number of offences. The full requirements are set out in Appendix 9 of this report – the Council's Guidelines Relating to the Relevance of Convictions for Applicants for the Grant and Renewal of Licences to Drive Hackney Carriages and Private Hire Vehicles.

Reasons for Recommendation or Preferred Option:

Option 1 is the officer recommendation. The reason for this is that the proposed Appendix J is an extract from a document that has been created by the Institute of Licensing in conjunction with several other bodies in an effort to create a national approach to how local authorities assess an applicant's fitness to be granted a licence. Local Authorities are being encouraged to adopt this document in order that an applicant can not be refused a licence in one area and be granted one in another due to differing guidelines.

Option 1 would also lead to a more efficient way of dealing with individuals with a single minor motoring offence. Currently, in most situations, drivers that have a single minor offence (e.g. SP30 offence) must be taken to Public Protection Sub-Committee to determine whether any action needs to be taken against their taxi driver licence. If Option 1 is determined then drivers would only be required to attend Public Protection Sub-Committee if they had multiple minor motoring offences, or a more serious motoring offence.

Decision 13 – Penalty Points System

Relevant Sections in original draft proposal:

Section 4.4 and Appendix L

Options to be considered:

1. Option from Current Draft Policy Document
 - Hackney Carriage and Private Hire Operators, drivers and vehicles are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, Councils Byelaws and the Rules, Regulations and Conditions set by the Licensing Committee.
 - Should operators, drivers or proprietors of vehicles commit an offence or breach those rules, regulations or conditions of licence, persons involved are asked to attend the offices for an interview and then once investigations are completed, letters are sent out detailing the outcome and a permanent record kept on the persons' file. The outcome of investigations may result in no further action being taken, penalty points being awarded, a formal warning, referral to the Public Protection Committee and /or prosecution.
 - The aim of a penalty point scheme is to work in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of drivers, vehicle proprietors and operator's behaviour and conduct so as to ascertain whether they are a fit and proper person. It does not prejudice the Council's ability to take other actions.
 - The primary objective of the penalty point's scheme is to improve levels of compliance and help improve the standards, safety and protection of the travelling public.
 - Penalty points remain on the licensee's record for twenty four months. The period is a roll forward basis, so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licensee.
2. Counter Proposal/Suggested amendment received during the consultation period:
 - 2a. To remove the penalty points system entirely and replace it with a '3 strikes and out' system. Action would only be taken against a person/company if they received 3 warnings within a 12 month period.
3. Alternative to the above options 1 or 2.
 - 3a. To remove the penalty points system entirely and replace it with a '3 strikes and out' system. Action would only be taken against a person/company if they received 3 warnings within a rolling 3 year period. After 3 warnings the individual's licence would automatically be referred to the Public Protection Sub-Committee, however action may be taken sooner if deemed appropriate in the circumstances.

(RECOMMENDED);

4. N/A –every case is dealt with individually in line with the Corporate Enforcement Policy

Reasons for Recommendation or Preferred Option:

Option 3a is the officers' recommendation. This system would be easy to understand and administer and considers elements of the representations made. It would not preclude the Council from taking action earlier if a complaint of a particularly serious nature had been received and the Council thought it appropriate and proportionate to deal with it sooner.

With options 2a and 3a it is proposed that the system would be used in the same way across all three categories of:

- Drivers; Vehicle Proprietors; and Private Hire Operators.

Decision 14 – Door Livery to be displayed on Private Hire Vehicles

Relevant Sections in original draft proposal:

Appendix G

Options to be considered:

1. Each private hire vehicle, unless granted an exemption by the Council, must display door livery. The form, location and wording must be approved by the Council. It must have the name and telephone number of the operator and the words “private hire” or “office bookings only” on the livery. All parts of the sign must be clearly legible from a reasonable distance. The livery of any private hire vehicle must not include the words “for hire”, the word “taxi” or any derivative thereof. **(RECOMMENDED);**

2. Counter Proposal/Suggested amendment received during the consultation period:

2a. That option 1 be amended to include a prohibition on magnetic signs.

3. Alternative to the above options 1 or 2.

3a. That option 1 be amended to state that the operator telephone number being displayed is optional. **(RECOMMENDED);**

4. The current policy states that Private Hire Vehicles must comply with conditions. The standard PHV conditions state:

- There may be displayed on the vehicle, at the option of the proprietor, the proprietors name or trade name and business telephone number and if so again on the two front doors.

- The lettering for such signs should not exceed 2" high with appropriate spacing, the style and colour of such lettering to be first approved by the Council's Licensing Department.

Reasons for Recommendation or Preferred Option:

Option 1 is the officer recommendation. It is also recommended that displaying the operator telephone number is optional rather than mandatory, as per option 3a.

The trade group were broadly supportive that all private hire vehicles should have to display operator door signs but made the request that magnetic signs are prohibited to ensure that they are not easily removed and requested that the Council prohibit drivers working for multiple Operators (see Decision 16 below). However option 2a is not recommended as it is the Officers opinion that Operators have it in their power, by way of a contract, to limit a driver working for anyone but them.

Option 3a is recommended as officers feel that operators should have the discretion as to what contact details are displayed on their vehicles. This would primarily assist operators that do not wish to have private home or mobile numbers displayed, and those whose bookings are made via means other than telephones.

Decision 15 – Door Livery to be displayed on Hackney Carriage Vehicles

Relevant Sections in original draft proposal:

Appendix D

Options to be considered:

1. Door Signs – Where the owner chooses to adopt door signs the form, location and wording must be approved by the Council. It must have the name and telephone number of the operator or proprietor. It may have one of “for hire” or “taxi” but must not have the words “private hire” on the livery. All parts of the sign must be clearly legible from a reasonable distance. **(RECOMMENDED)**;

2. Counter Proposal/Suggested amendment received during the consultation period:

2a. That option 1 be amended to state that when an owner/driver works for a Private Hire Operator and from taxi ranks, the door signs must be removable, and must be removed when the owner/driver is working from a rank.

3. Alternative to the above options 1 or 2.

3a. That option 1 be amended to state that when an owner/driver works for a Private Hire Operator they must display the door signs of that operator at all times the vehicle is licensed.

3b. That option 1 be amended to state that the operator telephone number being displayed is optional. **(RECOMMENDED)**;

4. The current policy states that Hackney Carriage Vehicles must comply with conditions. The standard HCV conditions state:

- All Hackney Carriages shall ... bear no... distinguishing marks whatsoever except for..., at the discretion of the proprietor, signs incorporating the name and telephone number of the proprietor or firms composed of white lettering of not more than two inches in height with appropriate spacing, which may be displayed on the two front doors of the vehicle only.

Reasons for Recommendation or Preferred Option:

Option 1 is the officers' recommendation. The reason for this is that, the legislation allows for HCV proprietors to work from a rank in the area in which they are licensed and at the same time carry out pre-booked work. Having the door livery on the vehicles would mean members of the public and responsible officer would be able to identify which company a driver is working for if any.

Option 3a is recommended as officers feel that operators should have the discretion as to what contact details are displayed on their vehicles. This would primarily assist operators that do not wish to have private home or mobile numbers displayed, and those whose bookings are made via means other than telephones.

Decision 16 – Licensed drivers working for Private Hire Operators

Relevant Sections in original draft proposal:

Section 3.2 and Appendix B

Options to be considered:

1. The driver must provide a copy of the driver licence issued to them by the Council to their operator when they have made themselves available for private hire work for that operator. They must also give them a copy of their DVLA driver's licence.
(RECOMMENDED);
2. Counter Proposal/Suggested amendment received during the consultation period:
2a. That option 1 be amended to include a prohibition on drivers being permitted to work for more than one Private Hire Operator at a time, with the exception of owner operators that may want to supplement their business by working for a larger operator.
3. Alternative to the above options 1 or 2.
3a. Amend the wording of Option 1 to clarify that the Operator may retain a digital/electronic copy of the driver licence rather than a physical copy.
- 4 N/A as not a requirement under the current policy

Reasons for Recommendation or Preferred Option:

Option 1 is the officers' recommendation. Operators have it in their power, by way of a contract, to limit a driver working for anyone but them.

Decision 17 – Hackney Carriage and Private Hire Vehicle Specifications – Written off Vehicles

Relevant Sections in original draft proposal:
Sections 3.3-3.4 and Appendices E and H

Options to be considered:

1. Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes **(RECOMMENDED)**;
2. Counter Proposal/Suggested amendment received during the consultation period:
2a. That vehicles that have been previously written off and repaired to a satisfactory standard to be permitted to be licensed.
3. Alternative to the above options 1 or 2.
3a. N/A
- 4 N/A as not a requirement under the current policy

Reasons for Recommendation or Preferred Option:

Option 1 is the officers' recommendation. Vehicles that have been repaired following being 'written-off' are often a cheaper alternative for applicants. However, Officers consider that due to the higher mileage, and wear and tear that licensed vehicles go through, that it would be difficult to guarantee that these vehicles offer the same level of safety to the driver and passengers as those that have not been in a serious accident.

Decision 18 – Hackney Carriage and Private Hire Vehicle Conditions – Vehicle Idling

Relevant Sections in original draft proposal:

Appendices D and G

Options to be considered:

1. N/A – There is no current proposal to include a condition relating to idling when stationary.
2. Counter Proposal/Suggested amendment received during the consultation period:
2a. That when licensed vehicles are parked on the highway or in a public place during the course of their duties that the engine must be kept from idling at any time, unless there is a mitigating reason to. Drivers must turn off the engine when requested by an Authorised Officer of the Council. **(RECOMMENDED)**;
3. Alternative to the above options 1 or 2.
3a. N/A
4. N/A as not a requirement under the current policy

Reasons for Recommendation or Preferred Option:

Option 2a is the officers' recommendation. This was not included in the original draft policy. Several responses from consultees have suggested that the Council should be encouraging to reduce the time that licensed vehicles' engines are kept idling when parked on streets and/or taxi ranks.

Decision 19 – Driver Code of Conduct and Vehicle Conditions – Transportation of animals

Relevant Sections in original draft proposal:

Appendices B, D and G

Options to be considered:

1. The driver may carry any animal belonging to a passenger at his/her own discretion but only in the rear seating area of the vehicle and he/she shall ensure where necessary that such animals are suitably contained or restrained so as not to present a nuisance or hazard to the occupants of the vehicle.
2. Counter Proposal/Suggested amendment received during the consultation period:
2a. The driver may carry any animal belonging to a passenger at his/her own discretion and it is the responsibility of the driver to ensure that the animal is suitably restrained in order that it will not cause a distraction, or cause injury to you or themselves if you have to stop quickly. **N.B.** if you are carrying an animal in the front of the vehicle, your vehicle has an airbag and it is not lying in the footwell you must notify the owner. **(RECOMMENDED)**;
3. Alternative to the above options 1 or 2.
3a. N/A
- 4 N/A as not a requirement under the current policy

Reasons for Recommendation or Preferred Option:

Option 2a is the officers' recommendation. A response from one of the consultees has suggested that the Council consider allowing animals to travel in the front of the vehicle as sometime sit is the best place for them, and the owners may want them to. Officers have reviewed the Highway Code and advice from Guide Dogs from the Blind which has been incorporated into Option 2a. The information is available online.

Decision 20 – Private Hire Operator Conditions – Vehicle Maintenance Records

Relevant Sections in original draft proposal:

Section 3.5 and Appendix I

Options to be considered:

1. Safety and good order – The operator must ensure that all vehicles on the Operators Vehicle Schedule are maintained in a safe, comfortable, clean and tidy condition at all times **whether or not the operator owns the vehicle**. The operator must ensure that at all times all vehicles on their Operators Vehicle Schedule meet all relevant legal obligations including the vehicle conditions imposed by the Council.

Maintenance programme – The operator must at all times ensure that all vehicles on their Operator Vehicle Schedule are properly and regularly maintained. The operator must have in place a programme to ensure that vehicles are inspected regularly and record in writing. The programme must be submitted to the Council on request and must include details of how often the vehicle is inspected, serviced and what checks are carried out.

2. Counter Proposal/Suggested amendment received during the consultation period:
2a. To remove the requirement on operators. It is the vehicle owner that is best placed to keep a record of the vehicles maintenance, which is included in the proposed vehicle conditions, and that it would be too onerous and disproportionate to require an Operator who may not own that vehicle to keep those records and make those checks. **(RECOMMENDED)**;
3. Alternative to the above options 1 or 2.
3a. N/A
- 4 N/A as not a requirement under the current policy

Reasons for Recommendation or Preferred Option:

Option 2a is the officers' recommendation. Responses from several consultees made the point that most, or in some cases all, of the vehicles they operate are owned by the specific drivers and not themselves. Officers have proposed that the vehicle owners are required to maintain their vehicle and keep records of the checks and work that has been carried out. However one consultee agreed with the proposal that Operators should have this requirement placed upon them.

Decision 21 – Driver Code of Conduct and Vehicle Conditions – Carrying and Stopping for Passengers with assistance dogs

Relevant Sections in original draft proposal:

Appendices B, D and G

Options to be considered:

1. Paragraph ... does not in any way remove or reduce the duty placed on the driver of the vehicle to carry assistance dogs in the passenger compartment with the dogs' owner under Equality Act 2010 unless the driver has a valid exemption certificate issue by this authority under that Act (sections 168 and 169 apply to hackney carriage drivers; sections 170 and 171 apply to private hire drivers)
(RECOMMENDED);
2. Counter Proposal/Suggested amendment received during the consultation period:
2a. To amend option 1 to state that when a driver is plying for hire/attending a booked fare a driver must stop for that passenger. Failure to do so would be considered as an illegal refusal **(RECOMMENDED);**
3. Alternative to the above options 1 or 2.
3a. N/A
4. N/A as not a requirement under the current policy

Reasons for Recommendation or Preferred Option:

Options 1 and 2a are the officers' recommendations. A response from one of the consultees has suggested that the Council go further in the proposed code of conduct and conditions to make it clear that not stopping for a passenger with an assistance dog would be considered the same as refusing a fare because of the animal.

Decision 22 – Hackney Carriage and Private Hire Vehicle Licensing Criteria – Electric Vehicles with Range Extenders

Relevant Sections in original draft proposal:

Section 3.3 - 3.4 and Appendices E and H

Options to be considered:

1. N/A – Range Extenders were not considered in the original draft policy.
2. Counter Proposal/Suggested amendment received during the consultation period:
2a. That should an applicant wish to licence an Electric Vehicle then it will be permitted for those vehicles to have been fitted with a range extender approved by the manufacturer and fitted by a suitably qualified professional. **(RECOMMENDED);**
3. Alternatives to the above options 1 or 2:
3a. N/A
4. N/A as not a requirement under the current policy

Reasons for Recommendation or Preferred Option:

The Officers recommendation is option 2a. Range extension technology was not considered when the policy was originally drafted. A response from one of the consultees has suggested that the Council should allow Electric Vehicles with range extenders which would be of benefit to applicants thinking of licensing an electric vehicle.

Decision 23 – Penalty Points System – Additional misdemeanour items - Only relevant if Option 1 from Decision 13 above is decided (i.e. to retain the proposed Penalty Points Scheme)

Relevant Sections in original draft proposal:
Section 4.4 and Appendix L

Options to be considered:

1. N/A – These are additional suggestions
2. Counter Proposal/Suggested amendment received during the consultation period:
2a. If the penalty Points system remains then there are items that should be included or amended:
 - Amend Item 14 to include a reference to notices issued by DVSA Officers;
 - Amend item 28 to include DVSA Officers;
 - Amend item 54 to give higher penalties for defective tyres;
 - Amend item 58 to include handheld devices and increase the penalty;
 - Add an item detailing that overcharging a customer would incur a penalty;
 - Add an item detailing that using a vehicle that without a current LOLER certificate should incur a penalty; and
 - Add an item for drivers that have found to have been working excessive hours.**(RECOMMENDED);**
3. Alternative to the above options 1 or 2.
3a. N/A.
4. N/A as not a requirement under the current policy

Reasons for Recommendation or Preferred Option:

Option 2a is the officers' recommendation if Members have determined to include the Penalty Points Scheme in the policy. A response from one of the consultees has suggested that the Council should include these items in the Penalty Points scheme.

Decision 24 – Driver Code of Conduct – Working Hours

Relevant Sections in original draft proposal:

Appendix B

Options to be considered:

1. N/A – This is an additional suggestion
2. Counter Proposal/Suggested amendment received during the consultation period:
2a. To include a code stating that a driver must ensure that they are properly rested between shifts, and do not work an excessive number of hours in accordance with the existing GB Domestic Drivers Hours Rules for Passenger-carrying Vehicles.
(RECOMMENDED);
3. Alternative to the above options 1 or 2.
3a. N/A
4. N/A as not a requirement under the current policy

Reasons for Recommendation or Preferred Option:

Option 2a is the officers' recommendations. A response from one of the consultees has suggested that the Council go further in the proposed code of conduct and add that drivers should ensure that they are rested enough to carry out their duties.

Decision 25 – Private Hire Operator Conditions - Various

Relevant Sections in original draft proposal:

Section 3.5 and Appendix I

Options to be considered:

1. Condition 2 - Change of Vehicles – The operator must inform the Council in writing *before* they wish to operate an additional vehicle. Where an operator ceases to operate a vehicle on the Operator Vehicle Schedule (see condition 10) he/she must notify the Council within 72 hours in writing.

Condition 5 - Accident damage – The operator must report any accident damage to any vehicle under their control to the Council in writing within 72 hours and it must be repaired as soon as possible.

Condition 10 - Complaints - Each operator must have in place a complaints procedure and must maintain a record of all complaints received, including details of any investigation and/or actions taken as a result of a complaint.

Condition 11 - The complaints procedure and complaint records must be made available to the licensing authority or Staffordshire Police on request and will be audited and checked by an authorised officer of the Council as appropriate on a risk based approach. Where a child under the age of 18 years is involved the local safeguarding procedures will be used by the licensing authority on receipt of the complaint. Where a complaint is received about the behaviour/conduct of a driver towards a vulnerable person the operator must notify the Council in writing within 72 hours.

Condition 15 - The operator must keep a schedule of all drivers s/he employs or uses ("the Operator Driver Schedule"). The Operator Driver Schedule must record the name, address, contact details together with the date of expiry of his private hire licence, the date of his next medical and the date when his driving licence expires on the Operator Driver Schedule. The Operator Driver Schedule must be kept up to date.

2. Counter Proposal/Suggested amendment received during the consultation period:

2a. To amend or remove conditions 2, 5, 10, 11 and 15 as below:

- Condition 2 – Amend to say that an operator can inform the Council after they add a vehicle to their fleet within a 72 hour period;
- Condition 5 – Remove the condition;
- Conditions 10 and 11 – Amend to state the type of complaints that are to be reported, give a timeframe for reporting and what details are required;
- Condition 15 – Remove the requirement to keep details of their drivers' medical expiry dates. **(RECOMMENDED)**;

3. Alternative to the above options 1 or 2.

3a. N/A

- 4 N/A as not a requirement under the current policy

Reasons for Recommendation or Preferred Option:

Option 2a is the officers' recommendation. A response from one of the consultees has suggested that the Council should amend Condition 2 to make it easier for drivers to start work with a new operator immediately, to remove Condition 5 as there is already a proposed

condition on vehicle proprietors to inform the Council following an accident, to amend conditions 10 and 11 to clarify the complaints notification requirements, and to remove the requirement that operators must keep details of their driver's medical examination expiry dates.

Decision 26 – Driver Conduct – Transporting Children

Relevant Sections in original draft proposal:

Section 3.2, Appendices B and K

Options to be considered:

1. Drivers must inform parents/carers that the decision to permit children to travel in the vehicle, without the correctly sized seat restraints (as permitted by relevant legislation) and with the obvious risks associated with such an action, remains with the parent/carer responsible for the children. Failure to use a child car seat or similar designed apparatus where available, will enable the driver to refuse the carriage of that child/young person.

However once in the vehicle it is the driver's responsibility to ensure that passengers under 14 years old are correctly restrained.

Front seat – The driver must not convey more persons in the front of the vehicle than the vehicle is designed for and must not convey any child below the age of fourteen years.

A vulnerable passenger must not be transported in the front passenger seat of the vehicle.

2. Counter Proposal/Suggested amendment received during the consultation period:
 - 2a. To amend the sections in option 1 to reflect that a driver working under a Staffordshire County Council, or other relevant body, contract for carrying vulnerable persons can not refuse to carry children and may if appropriate carry them in the front passenger compartment of the vehicle. **(RECOMMENDED);**
3. Alternative to the above options 1 or 2.
 - 3a. N/A
- 4 N/A as not a requirement under the current policy

Reasons for Recommendation or Preferred Option:

Option 2a is the officers' recommendations. A response from one of the consultees has suggested that the Council ensure that their policy does not expressly contradict the School Contract Policy that is in place. There are situations where it is necessary to transport children with specific needs in the front seat of a vehicle.

Decision 27 – Wording amendments and clarification

Relevant Sections in original draft proposal:

All sections and Appendices

Options to be considered:

1. Throughout the consultation period it has become apparent that, through consultee responses and from Officers discussion and review, certain sections of the draft policy would benefit from minor typographical amendments to assist with the interpretation and administration of those sections. Officers consider that the points listed below would benefit from the described amendment, but that amendment would not result in a change to the original intention of each section, merely to assist with the understanding of it:

- a. To clarify that where there is a reference to Electric Vehicles it should include other 'Zero Emission' capable vehicles E.g. Hydrogen fuel cells and any future technology. This is to future proof the content of the policy and given greater options to prospective vehicle purchasers.
- b. To replicate section 3.3.3 into the Private Hire Vehicle section at 3.4:
All hackney carriages, whilst plying for hire, shall be immediately capable of providing for at least one wheelchair if designated as a Wheelchair Accessible Vehicle by the Council. Under s.167 Equality Act 2010 the Council may create a list of all licensed Wheelchair Accessible Vehicles, placing the below duties on the driver:
 - *to carry the passenger while in the 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;*
 - *to give the passenger such mobility assistance as is reasonably required.*
- c. At section 6.0, Policy Consultation – add the consultees that the policy was sent to but weren't stated as having done so in the original draft.
- d. At Appendix B, code 4 – clarify at what point of receiving a Fixed Penalty Notice the Council consider to be the conviction date. E.g. the date on which they accept the liability by paying the penalty charge.
- e. In sections 3.3, 3.4 and Appendices E and H clarify that a vehicle licence does not lapse on the anniversary of it being registered, it lapses at the next expiry date of the licence following the anniversary. E.g. if the vehicle licence is renewed when it is 6yrs and 8 months old, and the maximum age of that type of vehicle is 7 years, then a licence will still be issued for a year and the vehicle would cease to be suitable for licensing at the end of that licence.
- f. At section 5.4, Hackney Carriage Tariffs – add a paragraph that explains the legal requirements of when a meter must be used.
- g. At Appendices D and G, condition 7 – clarify that trailers can be towed on the way to and from a booking, as well as during the booking itself.
- h. At Appendix B, code 38 and Appendices D and G, conditions 38 and 36 respectively – make it clear that drivers must carry assistance dogs free of charge. Use positive language that is negative e.g. 'must not'.
- i. At Appendix C, paragraph 38 – Add that drivers issued with medical exemptions by the Council will receive a tactile exemption card in order that visually impaired customers can confirm the validity of the exemption.
- j. Amend all references of 'Disability Awareness Training' to 'Disability Equality Training'.
- k. At section 3.1.6, relationship between School contracts and DBS requirements – add a link to the school contracts team details and their DBS requirements.
- l. At section 3.2.4 and 3.2.5, driver specifications - clarify that we will accept

CSE/Safeguarding training issued by Staffordshire County Council. It already says this in Appendix C.

- m. At sections 3.3.7 and 3.4.6 change the reference from 'vehicle owner' to 'vehicle keeper'.
- n. At sections 3.3.16 and 3.4.13 – confirm that LOLER certificates need to be obtained every 6 months.
- o. At sections 3.3.27 and 3.4.25 – add a link to the ICO's guidance on CCTV fitted in licensed vehicles.
- p. At Appendix B, code 2 – clarify that a driver must notify us of any medical condition, illness, injury etc that means they fall outside of the Group II standards.
- q. At Appendix E, paras 5.4 and Appendix H, para 26– Confirm that it is best practice to have passengers travelling in wheelchairs facing forward
- r. At Appendix E, paras 5.7 and Appendix H, para 29– Confirm that the lifting device needs to go through the LOLER testing regime.
- s. All typographical errors, such as misspelled words and incorrect paragraph numbering that require amendment. **(RECOMMENDED)**

2. N/A

3. To amend all typographical errors but leave the original wording of the draft policy as written.

4. N/A

Reasons for Recommendation or Preferred Option:

Option 1 is the Officers' recommendation. The original draft policy would benefit from minor typographical amendments to assist with the interpretation and administration of certain sections.

Newcastle Borough Consultation Representation

This document has been produced taking into consideration the Newcastle under Lyme Borough Council Draft Taxi Policy Document.

The new draft policy is valid for three years. Most of the proposals have no fundamental base to reach a mutual agreement between the parties. The view of all the relevant stakeholders has not been taken into consideration.

The entire Draft Taxi Policy has been considered and the areas where issues of concern have been identified by the Newcastle Taxi Trade these are listed below. The sections of the Policy are included in italics with the representations below these sections. Additional comments and issues from the Newcastle and Kidsgrove Hackney Association are shown in italic red.

3.2 Dual Hackney Carriage and Private Hire Drivers Licences

3.2.4 In addition to submitting the application form and fee an applicant must:

- *Be over 21 years of age*
- *Provide a full UK driving licence (or the European equivalent) that has been held for at least 3 years. If the driving licence; was not issued in the UK or EU, then the applicant must comply with the requirements set out by the Government for exchanging/applying for a DVLA licence*

Change from the previous policy where it was 1 year for a full licence, why does this need to be changed. Does this also mean that a non-EU applicant has to wait for 3 years before they can apply???

- *Pass the Council's knowledge test;*
- *Pass Disability awareness training approved by the Council*
- *Have attended the Safeguarding and Child Sexual Exploitation Awareness Training within the previous 3 months*

Will the Council provide more information about the LKT (Appendix C Section 24) This is not Included in the current Policy where it is purely a geographical test provided by Burslem College. Likewise, will the Council still be providing the Disability Awareness and Safeguarding Training during the duration of this Policy. (until 2021)

- *Satisfy the Council that they have a satisfactory level of conversational and written English in order to carry out the role of a hackney carriage/private hire driver. If the applicant is unable to satisfy the Council then it may require them to undertake an English-speaking qualification from a Council approved*

provider (e.g. English for Speakers of Other Languages (ESOL), Secure English Language Test (SELT)).

Is it necessary for this additional testing for new applicants, if they have already passed the other elements required in the Application process, BTEC, Knowledge Test, Disability Awareness and Safeguarding Training, all of which are conducted in English, then the Applicant will already have displayed a satisfactory understanding of English.

Comments: The Association believes that the English language satisfactory level is not necessary because to get a license you need to have a driver's theory test in English language also the driving test is required in English. Also, you have to do BTEC or NVQ Certificate to hold a licence and you have to have the English language skills. Also, when undertaking the Knowledge Test, you have to do this in English. Therefore, the Councils' requirements are not necessary and are only extra burden and costs on the drivers.

3.2.5 On renewal of an existing licence, applicants must:

- Provide a Safeguarding and Child Sexual Exploitation Awareness training certificate issued within the previous 3 months;*
- Pass the Council's knowledge test (first renewal after policy implementation only);*
- Pass Disability awareness training approved by the Council. (first renewal after policy implementation only)*
- Undergo Group 2 medical examination and provide the medical certificate issued by their registered GP or a Medical Practitioner who confirms they have had access to the full medical records when determining the applicant's fitness to drive issued within the previous 3 months*

These need to be considered again by the Council and the reason these amendments have been included in this Policy document explained. None of these are required in the current Policy so what is the rationale for these changes. Existing drivers will already have undergone the Disability Awareness and Safeguarding Training so is there any need to renew this. Also, the current Policy states for Renewal applications "There will be no requirement to undertake the knowledge test" so what is the rationale for this change? Drivers may have been established for some years without any issues then why do they need to complete this additional training, and then only on one occasion.?

- *Undergo Group 2 medical examination and provide the medical certificate issued by their registered GP or a Medical Practitioner who confirms they have had access to the full medical records when determining the applicant's fitness to drive issued within the previous 3 months*

Currently Drivers have to undergo the medical every other application, in other words the medical is valid for 6 years. Medicals are expensive to obtain and as the driver has a requirement to inform the Council of any changes to his/her medical history the requirement to obtain a medical at every renewal application would seem to be unnecessary.

- *Satisfy the Council that they have a satisfactory level of and written English in order to carry out the role of a hackney carriage/private hire driver. If the applicant is unable to satisfy the Council then it may require them to undertake and English-speaking qualification from a Council approved provider (e.g. English for Speakers of Other Languages (ESOL), Secure English Language Test (SELT)).*

How will this be achieved? Further information will be required as to how the Council will test the level of English for an established driver. Again, if a driver has been driving for 3 or more years without any issues then why should he need to prove that he has a satisfactory level of English. This again would have been assessed at his initial application level and does not to be tested again.

Comments: The association does not agree that the existing drivers have to prove their level of English, pass the Knowledge Test, attend the Disability awareness course and Safeguarding or they have to go again take medical examination which currently has to be every six years. Here you are talking about the experienced drivers who have been driving for number of years and the Council places financial burden on each individual driver.

Smoking in vehicles

3.2.16 Drivers must not, at any time, smoke or permit passengers to smoke in their vehicle as required by the Health Act 2006 and the Smoke-Free (Exemptions and Vehicles) Regulations 2007. This includes the use of electronic cigarette and/or vapourisers etc. If drivers are witnessed smoking, or allowing a passenger to smoke, in a licensed vehicle then they may be served with a fixed penalty notice, issued with a warning and/or referred to the Public Protection Sub-Committee. Drivers smoking when their vehicle is parked / not hired must get out and step away from their vehicle.

Comments: Some passengers despite the request of the driver continue smoking in the taxi vehicle, those passengers are not willing to listen to the driver and in return abuse the drivers. Hence the driver could be liable for passengers not obeying the law.

Overcharging

3.2.21 Drivers of hackney carriages must not charge more than is permitted under the current table of fares. Drivers undertaking journeys ending outside the Council's area and in respect of which no fare and no rate of fare was agreed before the journey commenced must not charge more than that indicated on the taximeter or more than the current table of fares allows.

Comments: The Hackney drivers must be allowed to take money upfront prior to starting the journey to avoid not being paid at the end of the trip. Some passengers/ customers will take the hackney fare to their required destination and then inform the driver they do not have money to pay them what are you going to do? This happens on a regular basis or they run away without paying the fare.

Obstruction

3.2.24 Hackney carriage drivers must not obstruct other hackney carriage drivers/vehicles from undertaking their normal hiring and driving activities, on a rank or other designated collection point.

Comments: on the rank there is a queue system the hackney carriage driver must pick up the fare in turns. The first in the queue will get the job to do.

3.3.5 The Council does not limit the number of hackney carriage vehicle licences that it will issue.

Comments: The Hackney Association feel there is, at the moment, no unmet demand for saloon, estate and hatchback. The Association would ask the Council to consider reintroducing a limit on HC Licences. To put a limit back on HC's the Council has to conduct a survey, the costs of which should be borne by Council. Also, there is not enough space to park the vehicles on the taxi rank. Provision must be made for additional Hackney Carriage Ranks within the Borough. The current taxi vehicles are already struggling hugely.

3.3 Hackney Carriage Vehicle Licences

3.3.3 All hackney carriages, whilst plying for hire, shall be immediately capable of providing for at least one wheelchair if designated as a Wheelchair Accessible Vehicle by the Council.

This condition needs to be clarified and possibly reworded as it seems to indicate that all Hackney Carriages will have to be wheelchair accessible.

Vehicle Type and Age

3.3.10 Upon first application all vehicles must be a purpose-built hackney carriage, wheelchair accessible, converted to conform with European type approval or be a fully electric powered vehicle (also known as 'Battery Electric Vehicles' or 'Pure Electric Vehicles' and be less than 3 years old.

3.3.11 The maximum age for vehicles to be licensed will be 7 years old. The maximum age for Electric vehicles to be licensed will be 10 years old.

These sections need to be reviewed and reflected in the Appendices attached to the Draft Policy. Neither of these sections are acceptable to the Taxi trade and there is no justification or reasoning within the Draft Policy document to indicate why the Council wish for these conditions to be included.

These conditions seem to have been included at this early stage in order that the Council can express their interest in the Office for Low Emission Vehicles to apply for the Ultra-Low Emission Taxi Infrastructure Scheme – Round 2 Funding. Within this document there are funds available, which the Local Authorities can apply for, to put into place the infrastructure (charging points) at Hackney Carriage Stands for electric Taxi vehicles. There are also funding/grants available to assist Taxi owners to purchase electric vehicles. Having looked at the OLEV documents it would seem that the process should have been commenced some time ago and the closing date for bids will be 26th October 2018.

There is no indication that the Council have engaged in this early bidding process and there is also no timescales set in the OLEV document for the implementation of the infrastructure. The logistical issues in providing charging points at Hackney Carriage stands in Newcastle would seem to be considerable and would certainly not be addressed in the near future and certainly not within the lifetime of the Taxi Policy now out for consultation which will be in place from 2019 until 2021.

The cost to the Taxi Trade of changing to electric vehicles will be quite onerous. Presently the cost of a new all electric TX London Taxi is £55,599. The cost of a Nissan Leaf saloon is currently £25,150, a Nissan E-NV200 Combi is £26,999 and a Volkswagen E Golf is £32,730. There are other electric vehicles available, these are the new prices for these vehicles as the OLEV funding is only available on New vehicle purchases. Combine this with the fact that electric vehicles have a limited mileage range at present (Nissan Leaf has a maximum range of only 168 miles, which would mean that if a customer wanted to be taken to any location more than 85 miles from Newcastle then the vehicle could not get back home without the need to charge the battery) Without the charging points being readily available then this makes this requirement for electric vehicles quite unnecessary and not justified.

Within the Draft Policy is 1.2 **The Council's Mission Statement** which states at ***Our approach***

1.7.3 The Council aim to balance protection of the public against requirements which are too onerous. Requirements which are too onerous may ultimately reduce the availability and increase the cost of taxis/private hire vehicles. We aim to be pragmatic and work with the trade to improve the service provided to the public.

The Council are committed to being as open as possible in our dealings with the public and the trade. We will seek to put as much information as possible on the website in as user friendly form as possible.

These changes to the Policy are not a fair requirement and the Council have not considered the impact this change will have on the Taxi Trade in Newcastle. It does not meet the above Mission Statement. If these changes came into force this would place an onerous financial burden on the Taxi Trade and would inevitably result in a reduction in the number of vehicles working in Newcastle and the costs of taking journeys with Newcastle Licensed vehicles will rise. This would ultimately mean that there would be an influx of vehicles licensed in other areas, predominantly Stoke on Trent Licensed Vehicles, which would be cheaper and more readily available to the Public.

The Council do not seem to have a similar policy for their own fleet of vehicles and there does not appear to be any decision by the Council to replace any vehicles in the current fleet with electric vehicles or newer vehicles. If the Council is not going to set a standard for its own vehicles, then why should the Taxi Trade be forced to accept these new conditions. Also, there is no requirement for other sectors of the transport trade to replace their fleets with

either newer or electric vehicles. Buses using the Bus Station in Newcastle are not required to be electric or under 3 years of age. The First Bus fleet that regularly uses the bus station and roads in Newcastle consists of 117 vehicles, only 24 of these vehicles are under 5 years of age, of the remaining 93 vehicles all are over 10 years old and 72 vehicles are over 13 years old. These vehicles making numerous journeys around North Staffordshire but there is no indication that these vehicles will need to conform to the same restrictions as the Council are proposing for the Taxi Trade.

Comments: The Committee does not agree with having an electric vehicle as a hackney carriage, firstly hackney carriage has to be 5 years old and maximum duration must be 10 year after passing the first test

Secondly electric vehicles are not suitable for hackney because at the moment there is no infrastructure for them, there will not be enough car charging points. There are also many common faults and the current mechanics are not suitably experienced and equipped to deal with the faults of electric vehicles.

Thirdly, the battery life is a serious concern when making a journey from Newcastle under Lyme to London and back.

If someone has to catch the flight but there is no battery in the car what would the passengers do?

The battery charging requires couple of hours which as a taxi driver is not sufficient to meet drivers needs. It is clearly not practical for day to day running of the taxi vehicles.

The Government intention is to have all electric taxi vehicles by 2040, why is the Council pushing for this at such an early stage when there is neither the infrastructure in place or any commitment from the Council to set the standard by making their own vehicles all electric in the next few years.

Grandfather Rights

3.3.12 Vehicles that are wheelchair accessible or previously categorised as 'minibuses' which are licensed at the time this version of the policy is implemented may continue to be licensed until they fail the Council's mechanical vehicle test when it will cease to be suitable for licensing, or when they reach the maximum age of 10 years, whichever is soonest. These vehicles will be subject to a mechanical vehicle test every 6 months. The cost of the tests will be met by the vehicle owner. At each renewal test, and subsequent 6-

month test will be permitted one retest only. Once a vehicle fails a test and retest it will cease to be suitable for licensing.

3.3.13 Current holders of Hackney Carriage licences for non-wheelchair accessible vehicles (i.e. saloons, hatchbacks and estates) will cease to benefit from existing grandfather rights allowing them to replace their current vehicle, with another non-wheelchair accessible vehicle either during the licence period or at the expiry date of the licence. All replacement vehicles will be required to meet the criteria for a new Hackney Carriage Vehicles.

The Council have included these sections in the Draft Policy where there was no mention of “Grandfather Rights” in the current policy. Again, there is no rationale for these changes and no justification or reason included in the draft policy to indicate why the Council wish for these changes to be made. The Taxi Trade would wish to make some points about these changes and suggest other alternatives that should be considered.

Option	Age when first licensed	Maximum Age	Safe and suitable test	Comment
1 Current	>5 years old	Purpose Built indefinite Saloon 8 years	6 monthly exceptional condition test	Change this to safe and suitable
2	>5 years	10 years	After 10 years 6 month testing	
3	>7 years	10years	After 10 years 6 month testing	Current conditions applicable to Stoke on Trent Vehicles.
4 Proposed	>3 years	WAV 7 years Electric 10 years	WAV after 10 years 6 month testing	Non WAV lose Grandfather Rights and have to be replaced.
5	>7 years	10 years	No	Licence

				ceases at 10 years (11 years actual)
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The Taxi trade would like the Council to consider the alternatives outlined in the table above and put these into the consultation process. The Draft Policy has not considered any alternatives and has not consulted with the trade for them to put forward any alternatives to the very restrictive suggestion which is currently under consideration.

The Taxi Trade would prefer to have consideration given to changing these proposals with the preferred option being Number 3 in the table above. This option is the same age Policy as that in place in Stoke on Trent and would enable the Taxi Trade to compete on an equal footing as the vehicles operating under the Stoke on Trent Licensing regime. At present there are a number of Licensed Operators with Newcastle who also have Operators Licences with Stoke on Trent these operators use vehicles quite legally within both Authority areas. As the Cross-border hiring restriction was removed from the legislation some years ago there is no requirement for Operators to only use vehicles registered within their Licensed district. This means that Stoke on Trent Licensing Vehicles and drivers are regularly working within Newcastle conveying the residents and visitors in vehicles that do not conform to the current vehicle age Policy at Newcastle and certainly wouldn't meet the proposed conditions in the Draft Policy Document. The logical decision would be to have similar conditions as those in Stoke on Trent.

If the Council did not consider this option to be suitable then the Taxi Trade would ask that Option 1, which is the current situation be considered, the only change to this would be that the exceptional condition requirement in this Option be replaced with a Safe and Suitable test which is similar to the annual test currently required. The Taxi Trade would ask that some discussion be conducted around this issue before any decisions are made regarding this matter.

Comments: The Association wants to hold onto the benefits of Grandfather rights from the current hackney, saloon, hatchback and estate vehicles.

Within the **TYPES OF LICENCE & APPLICATIONS** section of the Draft Policy is the following section in:

3.3 Hackney Carriage Vehicle Licences

3.3.16 Any person wishing to licence a hackney carriage vehicle must submit:

a) A completed application form;

b) A Basic Disclosure Certificate issued within the last 12 months or a DBS certificate registered on the update service;

c) A Statutory Declaration detailing the complete history of any criminal and motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices including any pending charges and 'spent' convictions';

d) A pass certificate for the Council's Knowledge Test.....

Sections b), c) and d) would appear to have been included unnecessarily for an application for a vehicle Licence.

MOT

3.3.17 MOTs are required in accordance with the following requirements:

1. a) Vehicles must be submitted for an MOT inspection at least once per year, and if deemed necessary by an authorised officer. The applicant must produce valid MOT certificates to the Council in this respect;
2. b) MOTs must be undertaken by a 'Nominated Tester' or Authorised Vehicle Examiner at a Vehicle Testing Station appointed under Section 45 of The Road Traffic Act 1988; the cost of all tests must be met by the vehicle operator;
3. c) If the vehicle is less than 12 months old when first licensed then the first MOT is due during the first licence period. If a vehicle is over 12 months old when first licensed then it will require an MOT prior to being licensed;

d) With respect to a licensed vehicle, in the event of a proprietor failing to present to the Council an MOT test certificate as required (unless delayed or prevented by sufficient cause accepted and agreed by the Council), the Council may suspend the licence and require the proprietor of that vehicle to return the plate to them within 72 hours of receipt of the written request.

3.3.18 The Council requires all vehicles to be tested at least once a year, to ensure that they are suitable and 'fit' to be licensed.

Comments: The association believes there has to be only one MOT for the car, Council does not need 2 MOT's. One privately and one from the Council. Most of the vehicles MOT expire at the same period as Council MOT, this is an unnecessary financial burden on the drivers, whilst Council can conduct MOT

and provide certificate required for it. Hence the requirement to have 2 MOTs at the same time is unnecessary and useless. The association would ask that the Council consider appointing three garages in Newcastle/Stoke on Trent where the vehicle can have the MOT test. Once the vehicle has passed the MOT the certificate should be enough for the Council to then conduct the suitability test and issue the relevant certificate. Or that the Council conduct the MOT and Suitability Test at the same time at the depot and remove the requirement for the additional MOT. Also, the Association would ask that the Council look again at the cost of the MOT at the depot. Currently the Council is charging £150 for MOT whilst outside it costs £60.00.

Advertising

3.3.25 Proprietors are not permitted to advertise any third-party company/person on hackney carriages vehicles at any time.

Comments: The association would ask that the Council reconsider this and see if there is the possibility to allow Hackney Vehicles to advertise sensible material if the owner wants to do this. This is allowed in many areas of the country and many HC's display advertising for a variety of businesses, this is a possible revenue stream for the HC Trade.

3.3.26 All Hackney Carriage vehicles must display the vehicles signs shown in appendix M on the exterior of the rear passenger door on both sides of the vehicle, at all times that the vehicle is a licensed by the Council.

Comments: The vehicle already have signage at the front of the screen, why do they need to place the same signage at the rear? It would obstruct the drivers back view risking the safety of driver and passengers when turning to the left and right or whilst changing lane.

3.3.29 The Highways section of Staffordshire Council is primarily responsible for the creation of ranks and will work with the hackney carriage trade, the Council and Staffordshire Police to determine where ranks/stands ought to be situated.

Comments: All the vulnerable, special needs, elderly people are in collective agreement that Hassel Street Rank must be operated 24hours a day to meet their needs. The High Street Rank is too far away and there are too many street furniture and A boards and barriers that make it difficult for the disabled/ elderly people to walk to alternative ranks.

Electric Vehicles

3.3.35 The Council encourages and promotes the purchase of fully electric vehicles to be licensed as Hackney Carriages. Fully electric vehicles will be the only type of non-wheelchair accessible vehicle permitted to be licensed as Hackney Carriages. Where possible the Council will seek to implement a number of 'plug-in' points around the Borough which will be available for vehicle proprietors to use, and also to actively target funding opportunities. Hybrid vehicles will not be permitted as Hackney Carriages unless they also fulfil the Wheelchair Accessible Vehicle requirements.

This condition needs to be considered in conjunction with the previous representations made. This section does not give any consideration regarding the cost of replacing the vehicles or where and how many charging points will be required or available. There is no time scale for the infrastructure to be in place so to make a condition that all non WAV have to be electric vehicles would appear to be ill advised and not justified without more information and research. See <https://londonist.com/london/transport/300-of-these-electric-taxis-are-now-on-london-s-roads>

3.4 Private Hire Vehicle Licences

Vehicle Age

3.4.8 Upon first application all vehicles must be less than 3 years old

3.4.9 The maximum age for vehicles to be licensed will be 7 years old (from date of first registration or if imported from the date of manufacture). The maximum age for Electric vehicles to be licensed will be 10 years old.

Grandfather Rights

3.4.10 Vehicles previously categorised as 'minibuses' which are licensed at the time this version of the policy is implemented may continue to be licensed until they fail the Council's mechanical vehicle test when it will cease to be suitable for licensing, or when they reach the maximum age of 10 years, whichever is soonest. These vehicles will be subject to a mechanical vehicle test every 6 months. The cost of the tests will be met by the vehicle owner. At each renewal test, and subsequent 6 month test will be permitted one retest only. Once a vehicle fails a test and retest it will cease to be suitable for licensing

These sections are also areas that the Taxi Trade would wish the Council to reconsider. The representations regarding this are similar to the those already expressed within this document.

With regard to the Grandfather Rights section there is no indication that vehicles other than “minibuses” have grandfather rights, this would be similar to the proposed condition within the Hackney Carriage section. However there seems to be an issue with regard to this section (and also the Grandfather Rights section of the section in Hackney Carriage Licence conditions) in that it states that vehicles will cease to be suitable for licensing if they fail the Council’s mechanical test or when they reach the maximum age of 10 years. It then goes on to state: *“These vehicles will be subject to a mechanical vehicle test every 6 months”*. When do the vehicles require the 6-month test? Does this mean that once a vehicle is 10 years of age it can continue to be licensed provided it is tested successfully every 6 months? If this is the case, then does this not contradict the age policy proposed and why does this only apply to Minibuses when a saloon should also be subject to the same conditions. This should also apply to the Hackney Carriages.

Comments: The Association wants to hold onto the benefits of Grandfather rights from the current hackney, saloon, hatchback and estate vehicles.

3.4.13 Any person wishing to licence a private hire vehicle must submit:

- a) A completed application form;*
- b) A Basic Disclosure Certificate issued within the last 12 months or a DBS certificate registered on the update service;*
- c) Complete a Statutory Declaration detailing the complete history of any criminal or motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices;*
- d) A pass certificate for the Council’s Knowledge Test*

Again, Sections b), c) and d) would appear to have been included unnecessarily for an application for a vehicle Licence.

Electric/Hybrid Vehicles

3.4.31 The Council encourages and promotes the purchase of fully electric or hybrid vehicles to be licensed as Private Hire Vehicles. Where possible the Council will seek to implement a number of ‘plug-in’ points around the district which will be available for vehicle proprietors to use, and also to actively target funding opportunities

As previously discussed this is a proposed condition that the Taxi Trade would wish to have removed.

3.5 Private Hire Operator Licences

Operator's Premises

3.5.3 The Operator must have a base within the administrative area of Newcastle-under-Lyme in order to ensure that the Council can inspect the base and associated operator records to check compliance with licence conditions.

3.5.4 The Council will not grant an operator's licence to apply to any physical premises that falls outside the administrative area of the Borough Council of Newcastle-under-Lyme. Those operators who hold an operator's licence that applies to premises falling outside of the administrative area of the Borough Council of Newcastle-under-Lyme at the time of this policy coming in to force will not be affected until their licence requires renewing. At renewal the operator must apply to operate from a physical premises falling inside the Borough Council of Newcastle-under-Lyme.

If the licence of a current operator, that applies to premises falling outside of the administrative area of the Borough Council of Newcastle-under-Lyme at the time of this policy coming in to force, is due to expire within 6 months of the implementation date then the Council may, at its discretion, issue a 12 month licence to allow operator sufficient time to source a suitable premises within the Borough area. After this period no licences will be issued to premises that fall outside of the Borough area.

3.5.5 The Council will only grant operator licences applicable to the physical premises from which the operator's business will be run.

This is a change that will affect a number of Operators issued Licences previously by Newcastle under Lyme Borough Council where the Operational Base does not fall within the Borough Councils area.

Section 57 (2)(b)(ii) of the LGMPA 1976 states that the Local Authority can issue an operator's licence to the operational base at the address or addresses whether within the area of the council or not from which he intends to carry on business in connection with private hire vehicles licensed under this Part of this Act

This was the legislation under which the licences were issued and therefore there is no need to amend the conditions in this regard. Operators who hold a Current Licence in an area outside the Council District should be allowed to renew the licences at the premises currently Licensed and this should continue indefinitely provided the Licence remains in force. **As the Taxi Trade are not**

aware of any problems resulting from Private Hire Operators having bases outside the district and there is no indication within the draft Policy document to justify this change then the Taxi Trade would ask that this proposal be removed.

4.4 Penalty Points Scheme

This section does not appear in the current Policy and seems to have been included without reference as to the reasoning behind this. The Taxi Trade would ask for more information regarding this. Such as “Will there be any conversion of the drivers records to the points scheme where the driver has previously been dealt with by the Council?” “Will there be any consultation or discussion on the Penalty Points Table as some of the points awarded appear to be severe, some misconduct does not warrant the points being awarded and is not necessary?” The Taxi Trade have no objection to the Penalty points system being used in principle but would ask that this be applied fairly and consistently by the Council after due consideration and consultation.

POLICY CONSULTATION

6. 0 Members of the public were invited to put forward their comments to the proposed policy document during a series of consultation periods. In addition consultation was undertaken with the following stakeholders and partners: -

- Hackney Carriage and Private Hire Operators, Drivers and Proprietors*
- The Borough Council of Newcastle-under-Lyme Public Protection Committee*
- The Borough Council of Newcastle-under-Lyme Legal Services*
- The Borough Council of Newcastle-under-Lyme Licensing and Environmental Services Team*
- The Borough Council of Newcastle-under-Lyme Garage Vehicle Inspectors*
- The Borough Councils Partnerships team*
- Staffordshire County Council Passenger Transport Service (Education and Welfare)*
- Staffordshire Safeguarding Children’s Board Child and Adult Safeguarding Services*
- Staffordshire Police*
- Staffordshire Fire and Rescue Service*
- Neighbouring local authorities*

a. The draft policy was approved to go out for consultation by the Public Protection Committee on 18 September 2018. The consultation was taken over a 12 week period from 2 October 2018 to 21 December 2018. At the end of the 12 week period the responses were collated, amendments were made where deemed appropriate and the updated policy was referred back to the Public Protection Committee to be approved. Public Protection Committee agreed to adopt the Policy in its current form on 22 January 2019 (proposed date) and for it to be implemented on 1 April 2019 (proposed date).

b. During the consultation period the Council held meetings with the Hackney Carriage Association and representatives of holders of Private Hire Operator and Vehicle Licences.

The policy has not been sent out to the various Disability Groups which would seem to be an error as many sections of the Draft Policy will have impact on the disabled and they should be allowed to have a say in this process.

This section is not correct and appears to have been written in anticipation of the Draft Policy going through the consultation without representations being considered. This section is written in the past tense and there is reference to meetings with the Taxi Trade being held but as yet no meetings have been arranged and the Taxi Trade have not yet had chance to voice the trades concerns at the Draft Policy. The timescale within this section will have to be revised to allow the Council time to assess the representations, hold the meetings with the trade and compile the revised policy for submission to the Public Protection Committee.

Appendix C

Criteria to Become a Driver.

7. In addition, all current drivers must successfully complete the Council's in-house knowledge test prior to the first renewal application of their licence following the implementation of this policy.

The Taxi Trade believe this requirement is unnecessary and unless there has been issues with an established driver then there should be no requirement for existing drivers to pass the Local Knowledge test.

Knowledge test

24. All new applicants are required to pass the Council's written test before the Council will grant them a driver's licence. The test will be carried out in English. In addition, all existing drivers must successfully complete the Council's in-

house knowledge test prior to the first renewal application of their licence following the implementation of this policy.

The test comprises an exam covering the following areas:

- ☐ the highway code;*
- ☐ taxi legislation;*
- ☐ the Council's vehicle conditions and driver Code of Conduct;*
- ☐ safeguarding and child sexual exploitation awareness;*
- ☐ Disability awareness*
- ☐ Local area knowledge*
- ☐ Working out fares and giving change;*
- ☐ The understanding of and testing of written English*

A 75% pass mark is required for each section, all sections must be passed at the same time and failure to answer certain questions correctly will result in automatic failure.

There are no details within the Draft Policy Document to indicate what will be included in this Knowledge Test. How many questions will be in each section and where when and how this test will be conducted? At present the Current Policy requires new applicants only to undergo the Council's geographical test which is provided locally at Burslem College, there is no requirement for existing drivers applying for a renewal to undertake the LKT. The details of the new LKT would have to be considered by the Taxi Trade as this may have a significant impact on the flow of drivers applying for Licences with Newcastle.

Medical requirements

30. All new applicants must undertake the medical examination and provide a satisfactory medical certificate before a licence is issued for the first time and then every 3 years in line with a renewal application. All licensed drivers aged 65 and over must undertake a medical examination annually and produce the report to the Council. Failure to do so may result in the licence being suspended or revoked.

As previously stated this requirement is not acceptable and contradicts the current Policy where the need for Medical certificates are only required every other application (every 6 years)

Appendix H

10. Have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light (tolerance of 2%) and must comply with the Road Vehicles (Construction & Use) Regulations 1986.

Remove this requirement. Almost every vehicle has tinted windows in the rear, allow factory fitted tinted windows without any tests as vehicles fitted with factory fitted tinted windows must comply with the Construction and Use Regulations.

Appendix J

Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades

This section has replaced the Guidance on the relevance of the convictions within the current policy. The Taxi trade have no objections to this Appendix replacing the current guidance in principle however, there are sections that the Trade would like to comment on as some matters appear to have harsh and unjustified timescales included.

The draft Appendix breaks down the offences considered to be relevant and places a timescale on when a licence will be granted if an applicant has a conviction for these offences. Having looked at the various offences outlined in the Appendix there is a considerable disparity in certain areas from the previous Guidance and the reasons for implementing these new timescales has not been explained. One particular area is the Offences involving violence where a 10-year period is the guidance.

Offences involving violence

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

There is no qualification of these offences to indicate the degree of severity of the offence. The current guidance breaks these offences down by severity (Common Assault through to Arson and Malicious Wounding) with a timescale of 3 years to 5 years. Likewise, the dishonesty offences are not considered in view of the severity and a 7 year period is the guidance, in the current policy the guidance is 3 to 5 years depending on the nature and circumstances of the particular offence. The taxi trade would ask that the Council reconsider this Appendix and have regard to the Rehabilitation of Offenders Act 1974 which sets the rehabilitation period for offences dependant on the severity of the

sentence and this would appear to be a fair and consistent way to approach these decisions. If the Government have set a time period for an offender to be considered rehabilitated and therefore “fit and proper” then this should be the standard set by the Council.

The section for Motoring offences gives particularly harsh time scales and these should be reviewed and considered. In particular the section for Other motoring offences states that:

“Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. The 5 year period remains in place even when penalty points expire and are removed from the DVLA licence”.

This is a considerable departure from the current Policy Guidance and is neither fair or justified. 7 points on your DVLA Licence is a very harsh starting point and to have to wait for 5 years before a licence will be granted is equally harsh. There is no reasoning within this draft Policy as to why these timescales have been imposed and to even consider that a 5-year period is relevant, when points are not considered after 3 years and removed altogether after 4 years, is ridiculous. Other areas of this section also have unfair and unjustified timescales imposed on them which the Taxi Trade would ask the Council to reconsider and take into consideration the previous guidance which was in place for many years and was accepted as a fair and consistent way of dealing with these matters.

There need to be a statement from the Council with regard to how this new Guidance will be considered when drivers are renewing licences where the drivers have convictions which would be relevant under the new Guidance. There should be no retrospective action taken against any existing drivers in these circumstances (Sandwell Borough Council)

APPENDIX L

Penalty Points Scheme

The issue with this Appendix has been briefly outlined previously however the Taxi Trade would like the Council to look at the table and review the points awarded against certain misconduct as some appear to have points set which are not consistent with severity of the misconduct. These need to be reassessed and justified in light of the fact that some of the acts of misconduct are also offences covered by other legislation and would automatically result in

the driver being referred to the Public Protection Committee to review the driver's suitability.

Comment: This is unreasonable, unfair and disproportionate for the drivers to create unnecessary point system. It feels Council is not trying to create a reasonable, and workable environment for the driver. The drivers are pushed and pushed beyond limits.

We request the Council to sort this matter out urgently.

Officer response to trade group's representation

Officers would like to thank the Hackney Carriage Association Committee and the Private Hire Operators that attended the meeting on 27th November and have contributed to the trade's representation in respect of the Council's proposed taxi licensing policy document.

Officers have now had time to consider the proposals submitted by the trade and would like to make the following comments which address your points in turn. This document should be read alongside the trade's representation document.

Please note that all comments below have been made by Officers and not the Public Protection Committee. Members of the Committee will be asked to decide on a final policy to be implemented following the close of the representation period, which has been extended to 14th February 2019. Officers will provide options and make recommendations to the Committee having considered all of the representations received but ultimately it will be the Committee that determine the final content of the new Council Taxi Licensing Policy.

The overriding principle of regulating taxi drivers, vehicles and operators is to ensure public safety. The Council have used this starting point for every part of the policy draft.

Dual Hackney Carriage and Private Hire Drivers Licences

- *A full DVLA or EU driving licence to be held for 3 years before applying, rather than 1yr as in the current policy.*

This was proposed to ensure that new applicants for drivers licences have sufficient driving experience. Officers felt that drivers that had only been driving for 12 months may not have the requisite driving skills to be licensed to fulfil the role of a professional driver. If the proposal is passed then it would mean that any individual will have had to have held a full current driving licence for a period of 3yrs before applying and would mean that a non-EU applicant could not apply until they had transferred the driving licence from their country of residence to one issued by the DVLA and held that licence for 3yrs.

- *Applicants to have passed the new Council Knowledge Test, Disability Awareness training and attended the Council Safeguarding/CSE training within 3 months of application.*

The proposal is to replace the Topographical Test, currently carried out at Burslem College, with a new Knowledge Test (KT) that incorporates the sections outlined in Appendix C of the proposed policy, and referred to on page 17 of your representation. This has been proposed as Officers feel that a topographical test is not sufficient to ensure that applicants have the requisite knowledge to be a professional driver licensed by the Council. The exact details have not yet been finalised as it is still just a proposal but there is additional information contained further on in this document as the matter has been raised multiple times in your representation.

The Council will continue to provide the Safeguarding/CSE training as it does currently. The Council will likely tender for an organisation/s to provide suitable Disability Awareness Training to applicants. It is proposed that the Council would be responsible for making bookings for applicants but a 3rd party organisation would carry the training out, and if the Committee

determine that the training requirement should be implemented then it would be run at a frequency that would cater for all existing drivers and new applicants to attend.

- *Applicants/drivers to satisfy the Council that they possess a satisfactory level of conversational and written English.*

As discussed in the meeting on 27th November, Officers believe that this would only affect a very small number of the drivers we currently have licensed. It has become apparent through appointments with the Licensing team and appearances at Public Protection Sub-Committee that despite drivers being able to provide BTEC/NVQ and Topographical Test certificates there is a minority that cannot answer basic questions in English, cannot understand the licence conditions issued to them and/or write their name, address or contact details out. Both Officers and Councillors have serious concerns over these individuals being able to understand passengers, respond to the Police/Enforcement Officers, deal with an emergency or write a receipt effectively.

- *On renewal of a licence applicants must provide a certificate from the Safeguarding/CSE training issued in the last 3 months, pass the new knowledge test (on first renewal) and pass the disability awareness training.*

The Safeguarding/CSE training was always intended to take place every 3yrs, unfortunately it was not implemented that way. This is because the topic changes regularly and it is important that drivers that upto date knowledge and awareness surrounding this very important issue.

It is proposed that the new knowledge test will be undertaken by all new applicants and existing drivers to ensure that they meet the level of knowledge expected by the Council. The geography of the Borough is only one of the subject areas that Officers believe is important to the skill set of licensed drivers.

It is proposed that all new and existing drivers will have the pass Disability Awareness training. The reasons for this are complying with a recommendation made by Guide Dogs UK, part of the fleet being wheelchair accessible and drivers of those vehicles requiring knowledge and understanding of their responsibilities, and ensure that all drivers have a pan-disability awareness and know how to approach situations where they encounter a customer with a disability. The Council receive numerous complaints from customers alleging that they have been discriminated against by drivers and several of these complaints have resulted in the Council successfully prosecuting them for their behaviour therefore the Council wish to ensure that drivers have the skills and knowledge to support all passengers.

- *Undergo a medical exam every 3yrs instead of 6yrs as is currently*

There are a number of reasons for this proposal. Firstly, currently we do not meet the best practice guidelines issued by the Department for Transport that recommend a Group 2 medical exam for taxi drivers every 3yrs. Secondly, Officers are concerned that by not having a medical with every application an applicant's medical fitness can not be full checked each time a licence is issued. Lastly, whilst there is a requirement for drivers to inform the Council of any reasons they may not be fit to drive when they make an application, the number of instances where information is disclosed very small. This is despite the Council being made aware through

complaints, conversations with drivers etc that there are individuals that have had relevant medical diagnoses that would have impacted on their fitness to meet the Group 2 standard which have not been disclosed.

- *Applicants/drivers to satisfy the Council that they possess a satisfactory level of conversational and written English.*

The reasons behind the proposal are outlined above. The original proposal suggested that if an applicant could not satisfy a Council Officer that their level English was satisfactory then they would be told that they required a specific English qualification. At the Public Protection Committee meeting that agreed the draft document could be consulted upon one of the members requested that if an applicant had been asked to obtain a qualification then after successfully completing the course they would come back in for a second appointment to ensure that their level of English had improved.

Officers do not believe that just because a driver has been without complaint for 3 years (or any time period) that necessarily means that they should not have a satisfactory level of spoken and written English, for the reasons outlined above.

- *Smoking in vehicles*

The Council will not be seeking to penalise drivers when customers refuse their instructions to stop smoking in the vehicle. The point in the policy states that drivers must not 'permit' customers to smoke in the vehicle. If a driver has requested that they stop and they refuse then it is likely that the driver will have exercised their due diligence. The Health Act 2006 prohibits drivers from smoking in licensed vehicles and also places a duty on them to not allow any passengers to smoke.

- *Overcharging*

Officers accept that drivers are able to take a deposit of money upfront at the start of the journey to ensure that the fare will be paid. However if you ask for £20.00 and the meter says £15.00 at the end of the journey then you must give the £5.00 back unless the customer specifically states you can keep it.

- *Obstruction*

Officers agree that in general the etiquette is that customers should use the first taxi in a queue at a rank however there is no legal obligation to do so this can not be enforced.

- *Limiting Hackney Carriage Vehicles*

It is against best practice guidance to limit Hackney Carriages and against the general ethos that market forces will determine the required number. The Council are not proposing to re-implement a limit unless the best practice guidance is amended or new legislation provides that we can.

Space on ranks is a subject that the trade and the Council need to engage with Staffordshire County Council upon. There are proposed changes to Hassell Street and High Street ranks that

are currently being consulted up by the County Council. It is suggested that the trade should make representations to the County Council in relation to their proposals. This does not form part of the policy documentation and will not be considered as part of this consultation.

Hackney Carriage Vehicle Licences

- *All hackney carriages, whilst plying for hire, shall be immediately capable of providing for at least one wheelchair if designated as a Wheelchair Accessible Vehicle by the Council.*

The Council are able to introduce a list of 'designated vehicles' under s167 Equality Act 2010 and this relates to wheelchair accessible vehicles. The Council have not yet implemented this but are intending on doing so. The condition will only take effect if/when the Council introduce the list.

- *New Hackneys to be purpose built taxis, converted to relevant approval scheme or Battery Electric Vehicles.*
- *Maximum age for vehicles to be 7yrs old, or 10yrs for Electric Vehicles*

The Council believe that it is important to retain a mixed fleet of Hackney Carriages but equally are committed to improving the air quality within the Borough which is why Battery Electric Vehicles have been specifically included within the policy. As discussed in the meeting on 27th November the Council are subject to two Ministerial Directions from DEFRA to improve the level air quality of within certain areas in the Borough. The Council have also submitted a joint bid with Stoke City Council and Stafford Borough Council to OLEV for funding to implement electric vehicle charging infrastructure across the 3 areas. If the bid is successful then it would assist with making available suitable infrastructure for charging electric taxis.

The trade representation suggests that this condition has been included in the draft policy in order that the Council could show an interest in this bid which is not true.

The Council were engaged in the early bidding process and submitted an Expression of Interest alongside Stoke CC and Stafford BC at the end of August. As a result the Councils were offered full support from OLEV and the Energy Saving Trust (EST) in submitting the final bid which was submitted on 30th November 2018.

The proposed ages of the vehicles are for two reasons. The 7yr old limit is due to the number of Hackney Carriage vehicles (25%) that start to fail their mechanical safety tests at 6, 7 and 8yrs old. The reason for the longer life for Electric vehicles is mainly to encourage take up of the vehicles and reduce the burden of the higher purchase costs when first licensed.

In addition to the OLEV bid the Council have also been approached by a company called Electric Blue that are prepared to install a number of charge points in suitable locations within the Borough at relatively short notice, and certainly during the proposed policy period of 2019-2021.

Officers understand the trade's concerns around the costs of Electric vehicles, their range and current lack of charging infrastructure however the Council are working towards solutions to these issues and remain committed to improving the air quality within the Borough. Increasing the number of ULEV is one part of this commitment. The Council are prepared to organise a demonstration and testing of electric vehicles event for the trade.

- *Mission Statement*

The trade's representation suggests that the Council have not considered the impact of introducing the Electric vehicle requirement and reducing the age limits on the taxi trade, and that it doesn't meet the mission statement. Officers have considered the impact on the trade and also the improvements in public safety that would come from implementing the proposed changes. Vehicles start to fail the mechanical safety test at a higher rate when they reach the age of 6, 7 and 8 yrs old. The Council are committed to improving the standards of vehicles that we licence and believe that lowering the age limits is one way to achieve that. The Council are not refusing to licence petrol or diesel vehicles, the provision of electric vehicles is to give the trade of choice when purchasing a replacement vehicle. There is more information further into the response where you have detailed the trade's preferred licensing regime for age of vehicles.

The trade have also stated their concern that implementing these changes would lead to an increase in licensed vehicles from neighbouring authorities and in particular Stoke Council. Increasing the age limits would only serve to increase the numbers in the fleet which is something that the taxi trade have sought to reduce.

With respect to the comment re: the Council not having a similar policy for the Council fleet of vehicles. Within Environmental Health the Council are currently tendering for new vehicles for the fleet and this includes a proposal for Electric vans.

The Council do not have any regulatory powers over other sectors of public transport and therefore can not require them to follow a similar path in converting/switching their vehicles to Electric vehicles. However Central Government have recently required a number of buses to be retrofitted in order to reduce emissions and improve the Borough's air quality. Work on implementing this currently underway.

In respect to the comment re: there being common faults that current mechanics can not repair for electric vehicles. As with common faults on all types of vehicles this will reduce over time as the vehicles become more common on the roads.

The concerns over the battery life/range of the vehicle are noted but your example of what would you do if a passenger needed to catch a flight and there was no battery can be answered by saying it is a similar problem to not having enough fuel to carry out a journey. If a journey is pre-booked then it would be the responsibility of the driver to factor the charging time into the journey planning. It is accepted that this might not be possible if a customer approached a taxi on a rank and asked to go to an airport.

Rapid charge points, which are the type that the Council are bidding to OLEV for to implement, can typically charge a battery to 80% in 20-40 minutes and not the couple of hours suggested in the representation.

You are already aware of the Government Strategy to stop the sale of petrol and diesel cars after 2040. In July 2018 the Government also released the 'Road to Zero Strategy' which has the ambition that by 2030 half of all vehicles in the UK will be Ultra Low Emission and includes a committed to spend £1.5 billion on infrastructure to support the move to these types of vehicles. In addition to the aforementioned Council commitment to improve air quality we are

also committed to start working towards the Government strategies that relate to increasing and improving the ULEV network.

As discussed above the Council are prepared to organise an event where the trade will be able to ask questions of providers of electric vehicles in order to dispel concerns that they may have.

- *Grandfather Rights – wheelchair accessible vehicles and ‘minibuses’ stopping being licenced when 10yrs old, or sooner if they fail the Council mechanical safety test*
- *Current holders of saloon vehicles will cease to benefit from grandfather rights and all replacement vehicles must meet the new Hackney Carriage Vehicle specification*

We have used the term grandfather rights to explain the benefits that current vehicle proprietors have that go beyond the ‘normal’ age and vehicle type specifications at pages 9-10 in the current policy.

The rationale for the age proposal is that 50% of Newcastle-under-Lyme Borough Council licensed Hackney Carriages that are 10yrs old fail their mechanical safety test. That number rises the older the vehicles are. In respect of the ceasing rights to replace a saloon for another saloon there are two reasons for the proposals. Firstly, we often see vehicles being sold between parties just before they are due to be renewed and they then fail the test. It appears that some owners are benefiting financially by selling on vehicles to new drivers that are no longer fit to be licensed. Secondly, is the Council commitment to introduce more ULEV into the fleet.

The representation states that the Council have not considered alternatives to the option proposed in the draft policy. Officers have considered this area of the draft policy in great detail and are determined that to improve public safety vehicles ages should be lowered from the current policy.

The trade’s preferred option for the age of vehicles is the same as the current policy of Stoke City Council. That is >7yrs when first licensed and when they turn 10yrs old the vehicles are then tested every 6 months. This would be a reduction in the standards and age limits that the Council currently work to and is not an option that Officers or Members would support. Stoke City Council are entitled to take their own view on what is suitable for vehicles licensed by their authority. It is worth bearing in mind that Stoke’s taxi licensing policy is due for review in 2019 which may result in changes to their vehicle age and suitability criteria. The trade have stated that *‘the logical decision would be to have similar conditions as those in Stoke-on-Trent’*. Officers would prefer if Stoke CC moved closer to our age limits and vehicle suitability criteria.

The second option put forward in the trade’s representation is to keep the status quo, replacing the ‘exceptional condition test’ with a ‘safe and suitable test’. Again the Council have identified issues with the current policy age limits and suitability criteria due to the number of vehicles that fail the current tests. This is the underlying reason as to why the proposal is to reduce the age limits. However, Officers understand that this is one of the major points of concern for the trade and are prepared to suggest an alternative option,

outlined below, and recommend it to Committee following the close of the consultation period.

Age when first licensed: less than 4 yrs old

Maximum Age: Saloons 8yrs old/WAV and Electric 10yrs old/Current WAV's 15yrs old with 6 monthly test from 10yrs

There will be no exceptional/safe and suitable test. The vehicle will cease to be suitable for relicensing at the first licence expiry after the maximum age limit.

Grandfather rights: Owners of Hackney Carriage Saloon/Hatchback/Estate vehicles will retain their grandfather rights to replace the vehicle. The replacement vehicle can be a saloon/hatchback/estate but will have to be a hybrid vehicle. Those rights cease if the vehicle is transferred to another proprietor/s and the vehicle will cease to be licensed when it reaches the maximum age limit.

- *Applications for Hackney Carriage Vehicles. Submitting Basic Disclosure, Statutory Declaration and Knowledge Test Certificate*

The representation states that these items are unnecessary. They have been included deliberately as Officers believe that in carrying out its due diligence when issuing licence it should check to see that vehicle proprietors do not have relevant convictions and understand the knowledge required to operate a vehicle in the Borough. If a licensed driver is the proprietor then by subscribing to the DBS update service they will meet this requirement and they will also have completed the Knowledge test already. For everyone else it will mean applying for a basic disclosure once a year. Officers do not believe that this is an onerous requirement.

- *MOT*

Section 3.3.17 relates to the legal requirement to have an MOT on a vehicle and not the Council Mechanical test. 3.3.18 follows up this legal requirement. Officers disagree with the Trade's comments that vehicles only require one test per year. It is clear from the number of vehicles that fail the Council test that large number of vehicles are not properly maintained throughout their lifetime and in some instances are dangerous and unsafe for the carriage of passengers. Vehicle safety is of paramount concern to the Council. Officers would suggest that proprietors move their legal MOT to be at a 6 month interval to their Council test. This would assist in reducing the financial burden of two tests in close succession and mean that issues can be raised every 6 months rather than annually. The Council do not intend to issue an MOT certificate at the time of the Council test as they are carried out under separate regimes.

In relation to the request to appoint additional garages; There is a section in the proposed policy that allows the Council to authorise additional garages to conduct Council safety tests and this is something that could be looked at once the policy is implemented.

The fee for the Council test is not £150.00 as stated in the representation. The fee setting of Council fees is different to that of MOT fees. MOT fees are set by central government and can only be up to a maximum amount. Council fees are set locally and do not only cover the cost of the test. It also covers the administration behind the booking of the test, staffing costs, building costs and various other on-costs. It is a fee set on a cost recovery basis whereas businesses that carry out MOT tests are free to charge less than the MOT maximum fee if they want to.

- *No Advertising*

Officers have reconsidered this proposal and in the report to the Committee will give them the option to decide whether to keep the original proposal or allow Hackney Carriages to be liveried with adverts. If it is allowed then the recommendation will be that the signage must be approved in writing by the Council prior to it being displayed on the vehicle. Also providing that it does not relate to promoting alcohol, gambling, drugs etc and does not contain offensive language or inappropriate pictures.

- *Signage from Appendix M*

There has been a misunderstanding with this. The proposal is that signs/stickers are attached to the rear passenger doors to assist the public with whether they can get in without having pre-booked. Similar to the yellow stickers in Stoke that are on the rear doors of private hire vehicles and white stickers that say 'Jump In' on hackney carriage vehicles.

- *Ranks*

As discussed above the provision of ranks is a County Council function and any desire to amend the current provision does not form part of this policy consultation. There is a current consultation from the County Council as they are proposing changes to the use of Hassell Street and High Street ranks. The trade are encouraged to make representations to the County Council in line with their consultation period.

- *Electric Vehicles – 3.3.35*

This condition runs alongside the proposed vehicle age and type specifications as laid down in the policy. If the Electric vehicle provision is removed or amended then this condition will reflect those changes.

Private Hire Vehicle Licences

- *Age*

The proposed ages of the vehicles are for two reasons. The 7yr old limit is due to the number of Private Hire vehicles (35%) that start to fail their mechanical safety tests at 7 and 8yrs old. The reason for the longer life for Electric vehicles is mainly to encourage take up of the vehicles and reduce the burden of the higher purchase costs when first licensed.

- *Grandfather rights*

We have used the term grandfather rights to explain the benefits that current vehicle proprietors have that go beyond the 'normal' age and vehicle type specifications at pages 15-18 in the current policy.

The rationale for the age proposal is that 50% of Newcastle-under-Lyme Borough Council licensed Private Hire Vehicles that are <10yrs old fail their mechanical safety test.

The representation states that the Council have not considered alternatives to the option proposed in the draft policy. Officers have considered this area of the draft policy in great detail and determined that to improve public safety vehicle ages should be lowered from the current policy.

With reference to the 6 monthly test for vehicles. The intention of the proposal was for vehicles between 7 and 10 years would have 6 monthly tests, and all vehicles that are over 10 years would cease to be suitable for relicensing.

The trade's preferred option for the age of vehicles is the same as the current policy of Stoke City Council. That is >7yrs when first licensed and when they turn 10yrs old the vehicles are then tested every 6 months. This would be a reduction in the standards and age limits that the Council currently work to and is not an option that Officers or Members would support. Stoke City Council are entitled to take their own view on what is suitable for vehicles licensed by their authority. It is worth bearing in mind that Stoke's taxi licensing policy is due for review in 2019 which may result in changes to their vehicle age and suitability criteria. The trade have stated that 'the logical decision would be to have similar conditions as those in Stoke-on-Trent'. Officers would prefer if Stoke CC moved closer to our age limits and vehicle suitability criteria.

The second option put forward in the trade's representation is to keep the status quo, replacing the 'exceptional condition test' with a 'safe and suitable test'. Again the Council have identified issues with the current policy age limits and suitability criteria due to the number of vehicles that fail the current tests. This is the underlying reason as to why the proposal is to reduce the age limits. However, Officers understand that this is one of the major points of concern for the trade and are prepared to suggest an alternative option, outlined below, and recommend it to Committee following the close of the consultation period.

Age when first licensed: less than 4 yrs old

Maximum Age: Saloons 8yrs old/WAV and Electric 10yrs old/Current minibuses 15yrs old with 6 monthly test from 10yrs

There will be no exceptional/safe and suitable test. The vehicle will cease to be suitable for relicensing at the first licence expiry after the maximum age limit.

- *Applications for Private Hire Vehicles. Submitting Basic Disclosure, Statutory Declaration and Knowledge Test Cert*

The representation states that these items are unnecessary. They have been included deliberately as Officers believe that in carrying out its due diligence when issuing licence it should check to see that vehicle proprietors do not have relevant convictions and understand the knowledge required to operate a vehicle in the Borough. If a licensed driver is the proprietor then by subscribing to the DBS update service they will meet this requirement and they will also have completed the Knowledge test already. For everyone else it will mean applying for a basic disclosure once a year. Officers do not believe that this is an onerous requirement.

- *Electric/Hybrid Vehicles*

This condition runs alongside the proposed vehicle age and type specifications as laid down in the policy. If the Electric vehicle provision is removed or amended then this condition will reflect those changes.

Private Hire Operator Licences

- *Base to be within Newcastle Borough*
- *Not renewing current licences that have bases outside of the Borough*
- *Only grant a licence applicable to physical premises where business is run from*

The current policy was introduced in May 2015 and refers to s57(2)(b)(ii) of the Local Government (Miscellaneous Provision) Act 1976 ('LGMPA76') and states that it allows for Councils to issue operator licence to businesses with bases outside of their administrative area. Since the current policy was introduced there has been an alternative legal view has been raised that this is incorrect. The alternative view is that when the provisions at s46(1)(d) of LGMPA76 are read alongside the definition of 'operate' at s80(1) LGMPA76 it is clear that to accept/invite booking in a Borough an Operator must have a licence and base in that Borough. Officers of the Council have considered both views and prefer the second view which has led to the proposal being included within the draft policy. However Officers will give the Committee the option as to which view they prefer.

Penalty Points Scheme

The reason for the inclusion of the penalty points scheme is to give the Council a quicker enforcement tool to deal with offences, poor conduct etc. It would result in fewer referrals to the Public Protection Sub-Committee as lower level matters could be dealt under pre-determined criteria by Authorised Officers. As discussed at the meeting of 27th November the scheme if introduced would not be used to punish people twice ('double jeopardy'). E.g. if a driver/owner/operator received a CU30 offence (using a vehicle with a defective tyre) on their DVLA licence then they would not receive points under the scheme, however if a driver/owner/operator presented a vehicle to the Council garage and had a bald tyre then penalty points may be given in accordance with the scheme at Appendix L. There is no intention to undertake a review of each driver's record and attribute points for past incidents. These will only be reviewed upon receipt of new incidents.

If there are concerns over the number of points that could be awarded being too high for certain misdemeanours then Officers would ask that the Trade inform them of what those are so that they can be considered.

Policy Consultation

- *Not sent to disability groups*

Whilst the groups do not appear in the list published in the Policy Officers can confirm that it was sent to Guide Dogs UK and Disability Solutions West Midlands that operate out of Hartshill. The list in the Policy will be updated accordingly.

- *Written sections in past tense*

As discussed in the meeting of 27th November and answered in response to the email sent by the trade to Officers prior to this, the section was written in that way view a view to it being included in the final policy document. It has always been the intention of the Council to engage with the trade via meetings during the consultation period.

Criteria to become a driver

- *Current drivers to complete the Knowledge Test*

As already stated on pages 1-2 of this response:

“The proposal is to replace the Topographical Test, currently carried out at Burslem College, with a new Knowledge Test (KT) that incorporates the sections outlined in Appendix C of the proposed policy, and referred to on page 17 of your representation. This has been proposed as Officers feel that a topographical test is not sufficient to ensure that applicants have the requisite knowledge to be a professional driver licensed by the Council. The exact details have not yet been finalised as it is still just a proposal but there is additional information contained further on in this document as the matter has been raised multiple times in your representation.”

“It is proposed that the new knowledge test will be undertaken by all new applicants and existing drivers to ensure that they meet the level of knowledge expected by the Council. The geography of the Borough is only one of the subject areas that Officers believe is important to the skill set of licensed drivers.”

As the exact details are yet to be finalised Officers can only give an estimate as to how the test will be conducted. The idea is that it will be carried out on computer/mobile device in the Council offices. Applicants will have to provide identification to the Officer conducting the test before starting. The test will consist of multiple choice questions in all of the areas listed under Appendix C/page 17 of your representation. There will be somewhere between 5-10 questions in each section and the applicant will have to pass all sections in one sitting.

- *Medical requirements every 3yrs and yearly if over 65yrs old.*

As discussed on p2 of this response:

“There are a number of reasons for this proposal. Firstly, currently we do not meet the best practice guidelines issued by the Department for Transport that recommend a Group 2 medical exam for taxi drivers every 3 yrs. Secondly, Officers are concerned that by not having a medical with every application an applicant's medical fitness can not be fully checked each time a licence is issued. Lastly, whilst there is a requirement for drivers to inform the Council of any reasons they may not be fit to drive when they make an application, the number of instances where information is disclosed is very small. This is despite the Council being made aware through complaints, conversations with drivers etc that there are individuals that have had relevant medical diagnoses that would have impacted on their fitness to meet the Group 2 standard which have not been disclosed.”

With respect to the yearly medicals after 65 yrs of age, this is to meet the Group 2 medical standards as set down by the DVLA.

Appendix H

- *Rear windows to allow 35% transmission of light (tolerance of 2%)*

Officers are not prepared to remove this proposal. There is a public safety implication in not being able to see into the rear of a licensed vehicle. Most vehicles with factory fitted tinted windows fall within the 35% (+/- 2%) limits.

Appendix J

- ***Guidance on determining the suitability of applicants and licensees in the Hackney and Private Hire Trade***
- *Disparity against current guidelines not explained*

For an explanation as to how the guidelines have been created please see [the full document here](#). The reason behind using this document is to improve the standard of drivers

- *Offences involving violence*

The proposal forms part of the document produced by the Institute of Licensing, Local Government Lawyers, Local Government Association and National Association of Licensing and Enforcement Officers. An explanation as to the timescales and how they have been reached is contained in the full document at the link above.

The Rehabilitation of Offenders Act 1974 does set out when convictions should be considered spent based on the sentences received. However the role of a taxi driver is exempt from these provisions, and falls in the same category as lawyers, doctors etc. This is because of the responsibility and situations that people in the role find themselves in. As such the Council are entitled to consider the full history of any convictions, cautions and reprimands that a taxi driver has received during their life and not only recent offences.

- *Motoring offences*

In the trade representation it is stated that it is a considerable departure from the Council's current guidelines to suggest that individuals with 7 or more DVLA points should not receive

a licence for 5yrs. On the contrary the current policy treats motoring offences that occur in licensed vehicles, which most do due to the job role, more seriously than in a personal vehicle. In the current guidelines if you have 1x speeding offence in a taxi that can mean you should not be eligible for a licence for 2yrs. If you have multiple speeding offences and normally 6pts on your DVLA licence, this can be raised to a 5yr period.

The proposed guidelines suggest that an individual could get 2x speeding offences and not face any action by the Public Protection Sub-Committee. It would only be a third minor offence, or a serious motoring offence that would cause any action to be taken against a taxi driving licence.

Officers are not prepared to recommend amendments to the document as it has been created with a view to providing consistency nationally. To move away from that would continue the trend of there being different standards at each authority. Once implemented it is intended that all applicants, both new and renewal, would be considered against the new policy.

Appendix L

- *Penalty Points scheme*

As discussed on page 10 of this response:

“The reason for the inclusion of the penalty points scheme is to give the Council a quicker enforcement tool to deal with offences, poor conduct etc. It would result in fewer referrals to the Public Protection Sub-Committee as lower level matters could be dealt under pre-determined criteria by Authorised Officers. As discussed at the meeting of 27th November the scheme if introduced would not be used to punish people twice (‘double jeopardy’). E.g. if a driver/owner/operator received a CU30 offence (using a vehicle with a defective tyre) on their DVLA licence then they would not receive points under the scheme, however if a driver/owner/operator presented a vehicle to the Council garage and had a bald tyre then penalty points may be given in accordance with the scheme at Appendix L. There is no intention to undertake a review of each driver’s record and attribute points for past incidents. These will only be reviewed upon receipt of new incidents.

If there are concerns over the number of points that could be awarded being too high for certain misdemeanours then Officers would ask that the Trade inform them of what those are so that they can be considered.”

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Officer response to trade group's representation

Officers would like to thank the Hackney Carriage Association Committee and the Private Hire Operators that attended the meeting on 27th November and have contributed to the trade's representation in respect of the Council's proposed taxi licensing policy document.

Officers have now had time to consider the proposals submitted by the trade and would like to make the following comments which address your points in turn. This document should be read alongside the trade's representation document.

Please note that all comments below have been made by Officers and not the Public Protection Committee. Members of the Committee will be asked to decide on a final policy to be implemented following the close of the representation period, which has been extended to 14th February 2019. Officers will provide options and make recommendations to the Committee having considered all of the representations received but ultimately it will be the Committee that determine the final content of the new Council Taxi Licensing Policy.^[1]

The overriding principle of regulating taxi drivers, vehicles and operators is to ensure public safety. The Council have used this starting point for every part of the policy draft.^[2]

Dual Hackney Carriage and Private Hire Drivers Licences

- *A full DVLA or EU driving licence to be held for 3 years before applying, rather than 1yr as in the current policy.*

This was proposed to ensure that new applicants for drivers licences have sufficient driving experience. Officers felt that drivers that had only been driving for 12 months may not have the requisite driving skills to be licensed to fulfil the role of a professional driver. If the proposal is passed then it would mean that any individual will have had to have held a full current driving licence for a period of 3yrs before applying and would mean that a non-EU applicant could not apply until they had transferred the driving licence from their country of residence to one issued by the DVLA and held that licence for 3yrs.




- *Applicants to have passed the new Council Knowledge Test, Disability Awareness training and attended the Council Safeguarding/CSE training within 3 months of application.*

The proposal is to replace the Topographical Test, currently carried out at Burslem College, with a new Knowledge Test (KT) that incorporates the sections outlined in Appendix C of the proposed policy, and referred to on page 17 of your representation. This has been proposed as Officers feel that a topographical test is not sufficient to ensure that applicants have the requisite knowledge to be a professional driver licensed by the Council. The exact details have not yet been finalised as it is still just a proposal but there is additional information contained further on in this document as the matter has been raised multiple times in your representation.^[3]

The Council will continue to provide the Safeguarding/CSE training as it does currently. The Council will likely tender for an organisation/s to provide suitable Disability Awareness Training to applicants. It is proposed that the Council would be responsible for making bookings for applicants but a 3rd party organisation would carry the training out, and if the Committee

Summary of Comments on Microsoft Word - Officer response to trade group - Final

Page: 1

	Number: 1	Author: glync	Subject: Inserted Text	Date: 15/01/2019 12:17:14
Will the trade be able to see the final options and recommendations before the Committee make their decision. Will the trade be able to make comment on this document.				
	Number: 2	Author: glync	Subject: Inserted Text	Date: 15/01/2019 12:21:43
The trade agree that Public Safety is the paramount concern of the Council and the trade. There are several references in this document made by the Officers that refer to standards rather than safety, which seems to indicate that some matters have been included or changed to improve standards and Council Image but have little to do with Public safety.				
	Number: 3	Author: glync	Subject: Inserted Text	Date: 15/01/2019 12:22:37
Will there be a charge for this new test				

determine that the training requirement should be implemented then it would be run at a frequency that would cater for all existing drivers and new applicants to attend.^[1]

- *Applicants/drivers to satisfy the Council that they possess a satisfactory level of conversational and written English.*

As discussed in the meeting on 27th November, Officers believe that this would only affect a very small number of the drivers we currently have licensed. It has become apparent through appointments with the Licensing team and appearances at Public Protection Sub-Committee^[2] that despite drivers being able to provide BTEC/NVQ and Topographical Test certificates there is a minority that cannot answer basic questions in English, cannot understand the licence conditions issued to them and/or write their name, address or contact details out. Both Officers and Councillors have serious concerns over these individuals being able to understand passengers, respond to the Police/Enforcement Officers, deal with an emergency or write a receipt effectively.^[3]

- *On renewal of a licence applicants must provide a certificate from the Safeguarding/CSE training issued in the last 3 months, pass the new knowledge test (on first renewal) and pass the disability awareness training.*

The Safeguarding/CSE training was always intended to take place every 3yrs, unfortunately it was not implemented that way. This is because the topic changes regularly and it is important that drivers that upto date knowledge and awareness surrounding this very important issue.





It is proposed that the new knowledge test will be undertaken by all new applicants and existing drivers to ensure that they meet the level of knowledge expected by the Council. The geography of the Borough is only one of the subject areas that Officers believe is important to the skill set of licensed drivers.

It is proposed that all new and existing drivers will have the pass Disability Awareness training. The reasons for this are complying with a recommendation made by Guide Dogs UK, part of the fleet being wheelchair accessible and drivers of those vehicles requiring knowledge and understanding of their responsibilities, and ensure that all drivers have a pan-disability awareness and know how to approach situations where they encounter a customer with a disability. The Council receive numerous complaints from customers alleging that they have been discriminated against by drivers and several of these complaints have resulted in the Council successfully prosecuting them for their behaviour therefore the Council wish to ensure that drivers have the skills and knowledge to support all passengers.

- *Undergo a medical exam every 3yrs instead of 6yrs as is currently*

There are a number of reasons for this proposal. Firstly, currently we do not meet the best practice guidelines issued by the Department for Transport that recommend a Group 2 medical exam for taxi drivers every 3yrs.^[4] Secondly, Officers are concerned that by not having a medical with every application an applicant's medical fitness can not be full checked each time a licence is issued. Lastly, whilst there is a requirement for drivers to inform the Council of any reasons they may not be fit to drive when they make an application, the number of instances where information is disclosed very small. This is despite the Council being made aware through

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-  Number: 1 Author: glync Subject: Inserted Text Date: 15/01/2019 12:25:29
Will there be a charge levied for these training sessions? There is currently no charge for the safeguarding training but if a 3rd party organisation is carrying out the training then presumably they will require payment for the training so who will pay for this.
-
-  Number: 2 Author: glync Subject: Inserted Text Date: 15/01/2019 12:34:04
What qualifications do officers and members have to assess the level of English of any individual? If a driver has been through the application process or been driving for many years then their level of English has already been proved satisfactorily.
-
-  Number: 3 Author: glync Subject: Inserted Text Date: 15/01/2019 12:29:40
If there is only small numbers of drivers who the Officers/Members have concerns about the level of English then why implement this requirement across the board? If there is a problem with such small numbers why not use this as a solution when this becomes an issue.
-
-  Number: 4 Author: glync Subject: Inserted Text Date: 15/01/2019 12:40:17
This is not correct. DVLA Guidance states that an initial medical is valid until a driver is 45 years old after this a medical is required at every reapplication which is required every 5 years. If this is the standard then a new medical report is not required for a driver until they are 45 and in any case a new medical is only required every 5 years so therefore if a PH Licence is valid for 3 years then a 5 year medical report would cover two 3 year licences

complaints, conversations with drivers etc that there are individuals that have had relevant medical diagnoses that would have impacted on their fitness to meet the Group 2 standard which have not been disclosed.^[1]

- *Applicants/drivers to satisfy the Council that they possess a satisfactory level of conversational and written English.*

The reasons behind the proposal are outlined above. The original proposal suggested that if an applicant could not satisfy a Council Officer that their level English was satisfactory then they would be told that they required a specific English qualification. At the Public Protection Committee meeting that agreed the draft document could be consulted upon one of the members requested that if an applicant had been asked to obtain a qualification then after successfully completing the course they would come back in for a second appointment to ensure that their level of English had improved.^[2]

Officers do not believe that just because a driver has been without complaint for 3 years (or any time period) that necessarily means that they should not have a satisfactory level of spoken and written English, for the reasons outlined above.^[3]

- *Smoking in vehicles*

The Council will not be seeking to penalise drivers when customers refuse their instructions to stop smoking in the vehicle. The point in the policy states that drivers must not 'permit' customers to smoke in the vehicle. If a driver has requested that they stop and they refuse then it is likely that the driver will have exercised their due diligence. The Health Act 2006 prohibits drivers from smoking in licensed vehicles and also places a duty on them to not allow any passengers to smoke.

- *Overcharging*

Officers accept that drivers are able to take a deposit of money upfront at the start of the journey to ensure that the fare will be paid. However if you ask for £20.00 and the meter says £15.00 at the end of the journey then you must give the £5.00 back unless the customer specifically states you can keep it.

- *Obstruction*

Officers agree that in general the etiquette is that customers should use the first taxi in a queue at a rank however there is no legal obligation to do so this can not be enforced.


- *Limiting Hackney Carriage Vehicles*

It is against best practice guidance to limit Hackney Carriages and against the general ethos that market forces will determine the required number. The Council are not proposing to re-implement a limit unless the best practice guidance is amended or new legislation provides that we can.


Space on ranks is a subject that the trade and the Council need to engage with Staffordshire County Council upon. There are proposed changes to Hassell Street and High Street ranks that

 Number: 1 Author: glync Subject: Inserted Text Date: 15/01/2019 12:42:43

There is a requirement to notify the Council of any changes to the drivers medical status. If the driver fails to inform the council of any change then the Council have the ability to take action against the driver for this failure.

 Number: 2 Author: glync Subject: Inserted Text Date: 15/01/2019 12:49:31

Do not include this condition. It is unnecessary and unjustified. Officers and Committee Members do not have the ability to assess any persons level of English and therefore cannot make a driver attend an ESOL course.

 Number: 3 Author: glync Subject: Inserted Text Date: 15/01/2019 12:53:46

If there has been no complaints against a driver regarding their ability to communicate why would the Licensing Officers be assessing the drivers level of spoken or written English. This appears to be a discriminatory assessment without any justification.

are currently being consulted up by the County Council. It is suggested that the trade should make representations to the County Council in relation to their proposals. This does not form part of the policy documentation and will not be considered as part of this consultation.

Hackney Carriage Vehicle Licences

- *All hackney carriages, whilst plying for hire, shall be immediately capable of providing for at least one wheelchair if designated as a Wheelchair Accessible Vehicle by the Council.*

The Council are able to introduce a list of 'designated vehicles' under s167 Equality Act 2010 and this relates to wheelchair accessible vehicles. The Council have not yet implemented this but are intending on doing so. The condition will only take effect if/when the Council introduce the list.

- *New Hackneys to be purpose built taxis, converted to relevant approval scheme or Battery Electric Vehicles.*
- *Maximum age for vehicles to be 7yrs old, or 10yrs for Electric Vehicles*

The Council believe that it is important to retain a mixed fleet of Hackney Carriages but equally are committed to improving the air quality within the Borough which is why Battery Electric Vehicles have been specifically included within the policy. As discussed in the meeting on 27th November the Council are subject to two Ministerial Directions from DEFRA to improve the level air quality of within certain areas in the Borough. The Council have also submitted a joint bid with Stoke City Council and Stafford Borough Council to OLEV for funding to implement electric vehicle charging infrastructure across the 3 areas. If the bid is successful then it would assist with making available suitable infrastructure for charging electric taxis.^[1]

The trade representation suggests that this condition has been included in the draft policy in order that the Council could show an interest in this bid which is not true.







The Council were engaged in the early bidding process and submitted an Expression of Interest alongside Stoke CC and Stafford BC at the end of August. As a result the Councils were offered full support from OLEV and the Energy Saving Trust (EST) in submitting the final bid which was submitted on 30th November 2018.^[2]

The proposed ages of the vehicles are for two reasons. The 7yr old limit is due to the number of Hackney Carriage vehicles (25%) that start to fail their mechanical safety tests at 6, 7 and 8yrs old.^[3] The reason for the longer life for Electric vehicles is mainly to encourage take up of the vehicles and reduce the burden of the higher purchase costs when first licensed.^[4]

In addition to the OLEV bid the Council have also been approached by a company called Electric Blue that are prepared to install a number of charge points in suitable locations within the Borough at relatively short notice, and certainly during the proposed policy period of 2019-2021.

Officers understand the trade's concerns around the costs of Electric vehicles, their range and current lack of charging infrastructure however the Council are working towards solutions to these issues and remain committed to improving the air quality within the Borough. Increasing the number of ULEV is one part of this commitment. The Council are prepared to organise a demonstration and testing of electric vehicles event for the trade.^[5]



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-  Number: 1 Author: glync Subject: Inserted Text Date: 15/01/2019 12:59:37
This condition seems to indicate that the only section of the Transport Sector that is responsible for the poor air quality in Newcastle is the Taxi Trade. This is not true but the only requirement to improve the air quality seems to fall to the Taxi Trade. This is grossly unfair and implementing this Policy would place an extraordinary financial burden on the Trade without any justification for doing so.
-
-  Number: 2 Author: glync Subject: Inserted Text Date: 15/01/2019 13:04:52
When will the Council know if the bid has been successful? January or February is suggested in the bid process. If the Bid is unsuccessful what will the Council do about this condition. No funding would place a significant financial burden on the Council to provide the Charging Points and without the charging points in place the requirement to have electric taxis would seem to be unnecessary.
-
-  Number: 3 Author: glync Subject: Inserted Text Date: 15/01/2019 13:11:26
Conversely 75% pass, of the remaining 25% how many fail for major problems and how many subsequently pass a retest and are relicensed?
Public Safety is the priority of the Council and this is purpose of the mechanical safety test so whether a vehicle passes the test on the first occasion or the second is irrelevant provided the vehicle passes.
-
-  Number: 4 Author: glync Subject: Inserted Text Date: 15/01/2019 13:16:21
There is no evidence that electric vehicles will be more reliable or safe as they get older. All the components of an electric vehicle are identical to other motor vehicles apart from the engine so these components will be subject to the same failure ratio as every vehicle so electric vehicles are as liable to fail the Safety tests as any other vehicle regardless of age. To increase the life of an electric vehicle for these reasons cannot be justified.
-
-  Number: 5 Author: glync Subject: Inserted Text Date: 15/01/2019 13:23:28
There will be a significant financial burden imposed on the Taxi Trade if this change becomes part of the Policy and although the Council have stated that they considered this, there is little evidence within this report that the Council have taken all this into consideration.
-
-  Number: 6 Author: glync Subject: Sticky Note Date: 21/01/2019 11:51:24
Uber in London have stated that all their vehicles operating in London will be electric by 2030? They have also implemented a 15p per mile clean air surcharge on journeys in London to help with the increased cost of purchasing an electric vehicle. If the local Taxi Trade introduced a similar price hike then this would increase the journey fare and would mean losing more business to drivers/operators who have not increased the fares. www.uber.com/en-GB/newsroom/uber-helps-london-go-electric/
See Uber article for the details.

- *Mission Statement*

The trade's representation suggests that the Council have not considered the impact of introducing the Electric vehicle requirement and reducing the age limits on the taxi trade, and that it doesn't meet the mission statement. Officers have considered the impact on the trade and also the improvements in public safety that would come from implementing the proposed changes. Vehicles start to fail the mechanical safety test at a higher rate when they reach the age of 6,7 and 8yrs old.^[1] The Council are committed to improving the standards of vehicles that we licence and believe that lowering the age limits is one way to achieve that. The Council are not refusing to licence petrol or diesel vehicles, the provision of electric vehicles is to give the trade of choice when purchasing a replacement vehicle.^[2] There is more information further into the response where you have detailed the trade's preferred licensing regime for age of vehicles.

The trade have also stated their concern that implementing these changes would lead to an increase in licensed vehicles from neighbouring authorities and in particular Stoke Council. Increasing the age limits would only serve to increase the numbers in the fleet which is something that the taxi trade have sought to reduce.

With respect to the comment re: the Council not having a similar policy for the Council fleet of vehicles. Within Environmental Health the Council are currently tendering for new vehicles for the fleet and this includes a proposal for Electric vans.^[3]

The Council do not have any regulatory powers over other sectors of public transport and therefore can not require them to follow a similar path in converting/switching their vehicles to Electric vehicles. However Central Government have recently required a number of buses to be retrofitted in order to reduce emissions and improve the Borough's air quality. Work on implementing this currently underway.

In respect to the comment re: there being common faults that current mechanics can not repair for electric vehicles. As with common faults on all types of vehicles this will reduce over time as the vehicles become more common on the roads.

The concerns over the battery life/range of the vehicle are noted but your example of what would you do if a passenger needed to catch a flight and there was no battery can be answered by saying it is a similar problem to not having enough fuel to carry out a journey. If a journey is pre-booked then it would be the responsibility of the driver to factor the charging time into the journey planning. It is accepted that this might not be possible if a customer approached a taxi on a rank and asked to go to an airport.

Rapid charge points, which are the type that the Council are bidding to OLEV for to implement, can typically charge a battery to 80% in 20-40 minutes and not the couple of hours suggested in the representation.

You are already aware of the Government Strategy to stop the sale of petrol and diesel cars after 2040. In July 2018 the Government also released the 'Road to Zero Strategy' which has the ambition that by 2030 half of all vehicles in the UK will be Ultra Low Emission and includes a committed to spend £1.5 billion on infrastructure to support the move to these types of vehicles. In addition to the aforementioned Council commitment to improve air quality we are

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Number: 1 Author: glync Subject: Sticky Note Date: 21/01/2019 11:40:11

This mentions improving Standards not Safety and by lowering the age limit is one way of achieving this. Lowering the age limits will not improve a vehicles safety.

Number: 2 Author: glync Subject: Highlight Date: 21/01/2019 11:37:22

Number: 3 Author: glync Subject: Sticky Note Date: 21/01/2019 12:21:28

This Policy mentions that all replacement vehicles will need to be electric or WAV. Also all new applications will have to be WAV, Purpose built or fully electric. This means that no saloons will be accepted unless they are electric powered, this indicates that the Council are refusing to licence vehicles powered by petrol or diesel

Number: 4 Author: glync Subject: Inserted Text Date: 15/01/2019 13:30:33

When will the Council be having these vehicles?. Are these vehicles subject to the Council being successful in the bid for the Charging Points funding. If this bid is unsuccessful will the Council be providing the Charging Points from the existing budget?

Number: 5 Author: glync Subject: Inserted Text Date: 15/01/2019 13:34:19

A petrol or diesel vehicle can be filled within 5 minutes at any number of filling stations and the range of these vehicles is 3 times that of an electric vehicle. The lack of charging points and the time it takes to charge a vehicle should be considered by the Council and not dismissed.

also committed to start working towards the Government strategies that relate to increasing and improving the ULEV network.

As discussed above the Council are prepared to organise an event where the trade will be able to ask questions of providers of electric vehicles in order to dispel concerns that they may have.

- *Grandfather Rights – wheelchair accessible vehicles and ‘minibuses’ stopping being licenced when 10yrs old, or sooner if they fail the Council mechanical safety test*
- *Current holders of saloon vehicles will cease to benefit from grandfather rights and all replacement vehicles must meet the new Hackney Carriage Vehicle specification*






We have used the term grandfather rights to explain the benefits that current vehicle proprietors have that go beyond the ‘normal’ age and vehicle type specifications at pages 9-10 in the current policy.

The rationale for the age proposal is that 50% of Newcastle-under-Lyme Borough Council licensed Hackney Carriages that are 10yrs old fail their mechanical safety test. That number rises the older the vehicles are. In respect of the ceasing rights to replace a saloon for another saloon there are two reasons for the proposals. Firstly, we often see vehicles being sold between parties just before they are due to be renewed and they then fail the test. It appears that some owners are benefiting financially by selling on vehicles to new drivers that are no longer fit to be licensed.¹ Secondly, is the Council commitment to introduce more ULEV into the fleet.²

The representation states that the Council have not considered alternatives to the option proposed in the draft policy. Officers have considered this area of the draft policy in great detail and are determined that to improve public safety vehicles ages should be lowered from the current policy.³

The trade’s preferred option for the age of vehicles is the same as the current policy of Stoke City Council. That is >7yrs when first licensed and when they turn 10yrs old the vehicles are then tested every 6 months. This would be a reduction in the standards and age limits that the Council currently work to and is not an option that Officers or Members would support. Stoke City Council are entitled to take their own view on what is suitable for vehicles licensed by their authority. It is worth bearing in mind that Stoke’s taxi licensing policy is due for review in 2019 which may result in changes to their vehicle age and suitability criteria. The trade have stated that *‘the logical decision would be to have similar conditions as those in Stoke-on-Trent’*. Officers would prefer if Stoke CC moved closer to our age limits and vehicle suitability criteria.⁴

The second option put forward in the trade’s representation is to keep the status quo, replacing the ‘exceptional condition test’ with a ‘safe and suitable test’. Again the Council have identified issues with the current policy age limits and suitability criteria due to the number of vehicles that fail the current tests. This is the underlying reason as to why the proposal is to reduce the age limits. However, Officers understand that this is one of the major points of concern for the trade and are prepared to suggest an alternative option,

	Number: 1	Author: glync	Subject: Inserted Text	Date: 15/01/2019 13:43:01
This is something that the Council have no control over and should not be seen as a reason to make this change.				
	Number: 2	Author: glync	Subject: Inserted Text	Date: 15/01/2019 13:44:24
If the Council do not succeed with the bid for funding of the charging points where does that leave the Councils commitment to ULEV vehicles.				
	Number: 3	Author: glync	Subject: Sticky Note	Date: 21/01/2019 12:28:55
See previous comments about Standards over Safety.				
	Number: 4	Author: glync	Subject: Inserted Text	Date: 15/01/2019 13:51:18
How does the age of a vehicle improve Public Safety? The safety test and the MOT test prove a vehicles safety and the tests are the same for all vehicles regardless of age. A vehicle can fail the tests at any time so by lowering the age does not improve Public safety.				
	Number: 5	Author: glync	Subject: Inserted Text	Date: 15/01/2019 14:09:19
If the Council are committed to Public Safety then surely more frequent testing of vehicles will improve this. PCV's operating within North Staffs are subject to continuous safety testing and maintenance regimes. First Bus fleet consists of 117 vehicles of which 93 are over 10 years of age and 72 are over 13 years old these remain safe and suitable for use within the area as a result of the regular safety checks that are a requirement of the PCV regulations. By allowing vehicles that are older to continue to operate subject to more frequent safety checks would seem to the Trade to be the best option. Newcastle Council cannot say what will happen at Stoke with regard to changes to their Policy in this respect so to state that they would prefer Stoke to move closer to their age limits is something they cannot influence.				

outlined below, and recommend it to Committee following the close of the consultation period.

Age when first licensed: less than 4 yrs old^[1]

Maximum Age: Saloons 8yrs old/WAV and Electric 10yrs old/Current WAV's 15yrs old with 6 monthly test from 10yrs^[2]

There will be no exceptional/safe and suitable test. The vehicle will cease to be suitable for relicensing at the first licence expiry after the maximum age limit.

Grandfather rights: Owners of Hackney Carriage Saloon/Hatchback/Estate vehicles will retain their grandfather rights to replace the vehicle. The replacement vehicle can be a saloon/hatchback/estate but will have to be a hybrid vehicle. Those rights cease if the vehicle is transferred to another proprietor/s and the vehicle will cease to be licensed when it reaches the maximum age limit.





- *Applications for Hackney Carriage Vehicles. Submitting Basic Disclosure, Statutory Declaration and Knowledge Test Certificate*

The representation states that these items are unnecessary. They have been included deliberately as Officers believe that in carrying out its due diligence when issuing licence it should check to see that vehicle proprietors do not have relevant convictions and understand the knowledge required to operate a vehicle in the Borough. If a licensed driver is the proprietor then by subscribing to the DBS update service they will meet this requirement and they will also have completed the Knowledge test already. For everyone else it will mean applying for a basic disclosure once a year. Officers do not believe that this is an onerous requirement.^[3]

- *MOT*

Section 3.3.17 relates to the legal requirement to have an MOT on a vehicle and not the Council Mechanical test. 3.3.18 follows up this legal requirement. Officers disagree with the Trade's comments that vehicles only require one test per year. It is clear from the number of vehicles that fail the Council test that large number of vehicles are not properly maintained throughout their lifetime and in some instances are dangerous and unsafe for the carriage of passengers. Vehicle safety is of paramount concern to the Council. Officers would suggest that proprietors move their legal MOT to be at a 6 month interval to their Council test. This would assist in reducing the financial burden of two tests in close succession and mean that issues can be raised every 6 months rather than annually. The Council do not intend to issue an MOT certificate at the time of the Council test as they are carried out under separate regimes.^[4]

In relation to the request to appoint additional garages; There is a section in the proposed policy that allows the Council to authorise additional garages to conduct Council safety tests and this is something that could be looked at once the policy is implemented.

	Number: 1	Author: glync	Subject: Inserted Text	Date: 15/01/2019 14:00:42
	Why is this 4 years? Could be 7 years as suggested by the Trade			
	Number: 2	Author: glync	Subject: Inserted Text	Date: 15/01/2019 14:05:12
	Have no maximum age but increase the safety tests required to 6 monthly after 10 years. Why have different ages for electric and WAV's, the vehicles are all subject to the same safety checks and the vehicles all have the same components which can fail regardless of the vehicle so there should not be a difference.			
	Number: 3	Author: glync	Subject: Inserted Text	Date: 15/01/2019 14:13:15
	There is no fit and proper test for a vehicle proprietor so this is not necessary. If the vehicle is owned by a Company, (Claims or Hire Company) how will this requirement be met in the circumstances. If this is not required for these companies how can this be fair on individual owners to have to provide this information.			
	Number: 4	Author: glync	Subject: Inserted Text	Date: 15/01/2019 14:21:37
	How does the Council Test differ from the MOT Test? The Council conduct an MOT Test and often fail vehicles as a result. Already stated 25% fail the tests so therefore the Council do conduct MOT Tests as part of the Taxi/Private Hire Test, the fact that they do not issue an MOT certificate is irrelevant. They could issue an MOT Certificate if necessary and do conduct MOT tests on Private Vehicles and Council owned vehicles at the depot in the same testing area and there is an MOT authorisation notice on display in both the testing bay and reception.			

The fee for the Council test is not £150.00 as stated in the representation. The fee setting of Council fees is different to that of MOT fees. MOT fees are set by central government and can only be up to a maximum amount. Council fees are set locally and do not only cover the cost of the test. It also covers the administration behind the booking of the test, staffing costs, building costs and various other on-costs. It is a fee set on a cost recovery basis whereas businesses that carry out MOT tests are free to charge less than the MOT maximum fee if they want to.

- *No Advertising*

Officers have reconsidered this proposal and in the report to the Committee will give them the option to decide whether to keep the original proposal or allow Hackney Carriages to be liveried with adverts. If it is allowed then the recommendation will be that the signage must be approved in writing by the Council prior to it being displayed on the vehicle. Also providing that it does not relate to promoting alcohol, gambling, drugs etc and does not contain offensive language or inappropriate pictures.

- *Signage from Appendix M*

There has been a misunderstanding with this. The proposal is that signs/stickers are attached to the rear passenger doors to assist the public with whether they can get in without having pre-booked. Similar to the yellow stickers in Stoke that are on the rear doors of private hire vehicles and white stickers that say 'Jump In' on hackney carriage vehicles.

- *Ranks*

As discussed above the provision of ranks is a County Council function and any desire to amend the current provision does not form part of this policy consultation. There is a current consultation from the County Council as they are proposing changes to the use of Hassell Street and High Street ranks. The trade are encouraged to make representations to the County Council in line with their consultation period.

- *Electric Vehicles – 3.3.35*

This condition runs alongside the proposed vehicle age and type specifications as laid down in the policy. If the Electric vehicle provision is removed or amended then this condition will reflect those changes.

Private Hire Vehicle Licences

- *Age*

The proposed ages of the vehicles are for two reasons. The 7yr old limit is due to the number of Private Hire vehicles (35%) that start to fail their mechanical safety tests at 7 and 8yrs old. The reason for the longer life for Electric vehicles is mainly to encourage take up of the vehicles and reduce the burden of the higher purchase costs when first licensed.^[1]

- *Grandfather rights*

There is no evidence that electric cars are more reliable, safe or less likely to fail the mechanical safety tests because of the age of the vehicle.

We have used the term grandfather rights to explain the benefits that current vehicle proprietors have that go beyond the 'normal' age and vehicle type specifications at pages 15-18 in the current policy.

The rationale for the age proposal is that 50% of Newcastle-under-Lyme Borough Council licensed Private Hire Vehicles that are <10yrs old fail their mechanical safety test.^[1]

The representation states that the Council have not considered alternatives to the option proposed in the draft policy. Officers have considered this area of the draft policy in great detail and determined that to improve public safety vehicle ages should be lowered from the current policy.

With reference to the 6 monthly test for vehicles. The intention of the proposal was for vehicles between 7 and 10 years would have 6 monthly tests, and all vehicles that are over 10 years would cease to be suitable for relicensing.^[2]

The trade's preferred option for the age of vehicles is the same as the current policy of Stoke City Council. That is >7yrs when first licensed and when they turn 10yrs old the vehicles are then tested every 6 months. This would be a reduction in the standards and age limits that the Council currently work to and is not an option that Officers or Members would support.^[3] Stoke City Council are entitled to take their own view on what is suitable for vehicles licensed by their authority. It is worth bearing in mind that Stoke's taxi licensing policy is due for review in 2019 which may result in changes to their vehicle age and suitability criteria. The trade have stated that 'the logical decision would be to have similar conditions as those in Stoke-on-Trent'. Officers would prefer if Stoke CC moved closer to our age limits and vehicle suitability criteria.^[4]

The second option put forward in the trade's representation is to keep the status quo, replacing the 'exceptional condition test' with a 'safe and suitable test'. Again the Council have identified issues with the current policy age limits and suitability criteria due to the number of vehicles that fail the current tests. This is the underlying reason as to why the proposal is to reduce the age limits. However, Officers understand that this is one of the major points of concern for the trade and are prepared to suggest an alternative option, outlined below, and recommend it to Committee following the close of the consultation period.







Age when first licensed: less than 4 yrs old.^[5]

Maximum Age: Saloons 8yrs old/WAV and Electric 10yrs old/Current minibuses 15yrs old with 6 monthly test from 10yrs.^[6]

There will be no exceptional/safe and suitable test. The vehicle will cease to be suitable for relicensing at the first licence expiry after the maximum age limit.

- *Applications for Private Hire Vehicles. Submitting Basic Disclosure, Statutory Declaration and Knowledge Test Cert*

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	Number: 1	Author: glync	Subject: Inserted Text	Date: 15/01/2019 14:33:28
How many subsequently pass the retest and then are relicensed with Newcastle Borough Council.?				
	Number: 2	Author: glync	Subject: Inserted Text	Date: 15/01/2019 14:36:26
There should be no upper age limit for any vehicles but the trade accept that there needs to be more regular safety testing for older vehicles.				
	Number: 3	Author: glync	Subject: Inserted Text	Date: 15/01/2019 14:41:55
How do the Council know that Members would not support this option. This has not been put to members to consider as this option has been suggested by the Trade as part of the consultation process and hasn't yet been put forward for Members to consider.				
	Number: 4	Author: glync	Subject: Inserted Text	Date: 15/01/2019 14:42:50
Again Newcastle cannot say what will happen in Stoke or what changes will be made to their Policy or when this will happen				
	Number: 5	Author: glync	Subject: Inserted Text	Date: 15/01/2019 14:47:56
Increasingly Vehicle manufacturers are offering warranties on vehicles which are valid for 3, 5 or 7 years. The age of vehicle should not determine whether a licence can be issued provided the vehicle meets the safety requirements then the age should not be an issue.				
	Number: 6	Author: glync	Subject: Inserted Text	Date: 15/01/2019 14:48:44
As previously explained in Hackney Carriage Vehicles				

The representation states that these items are unnecessary. They have been included deliberately as Officers believe that in carrying out its due diligence when issuing licence it should check to see that vehicle proprietors do not have relevant convictions and understand the knowledge required to operate a vehicle in the Borough. If a licensed driver is the proprietor then by subscribing to the DBS update service they will meet this requirement and they will also have completed the Knowledge test already. For everyone else it will mean applying for a basic disclosure once a year. Officers do not believe that this is an onerous requirement.^[1]

- *Electric/Hybrid Vehicles*

This condition runs alongside the proposed vehicle age and type specifications as laid down in the policy. If the Electric vehicle provision is removed or amended then this condition will reflect those changes.


Private Hire Operator Licences

- *Base to be within Newcastle Borough*
- *Not renewing current licences that have bases outside of the Borough*
- *Only grant a licence applicable to physical premises where business is run from*


The current policy was introduced in May 2015 and refers to s57(2)(b)(ii) of the Local Government (Miscellaneous Provision) Act 1976 ('LGMPA76') and states that it allows for Councils to issue operator licence to businesses with bases outside of their administrative area. Since the current policy was introduced there has been an alternative legal view has been raised that this is incorrect. The alternative view is that when the provisions at s46(1)(d) of LGMPA76 are read alongside the definition of 'operate' at s80(1) LGMPA76 it is clear that to accept/invite booking in a Borough an Operator must have a licence and base in that Borough. Officers of the Council have considered both views and prefer the second view which has led to the proposal being included within the draft policy. However Officers will give the Committee the option as to which view they prefer.^[2]

Penalty Points Scheme

The reason for the inclusion of the penalty points scheme is to give the Council a quicker enforcement tool to deal with offences, poor conduct etc. It would result in fewer referrals to the Public Protection Sub-Committee as lower level matters could be dealt under pre-determined criteria by Authorised Officers. As discussed at the meeting of 27th November the scheme if introduced would not be used to punish people twice ('double jeopardy'). E.g. if a driver/owner/operator received a CU30 offence (using a vehicle with a defective tyre) on their DVLA licence then they would not receive points under the scheme, however if a driver/owner/operator presented a vehicle to the Council garage and had a bald tyre then penalty points may be given in accordance with the scheme at Appendix L. There is no intention to undertake a review of each driver's record and attribute points for past incidents. These will only be reviewed upon receipt of new incidents.

 Number: 1	Author: glync	Subject: Inserted Text	Date: 15/01/2019 14:49:30
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As outlined in the Hackney Carriage Section

 Number: 2	Author: glync	Subject: Inserted Text	Date: 15/01/2019 14:56:37
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This condition should not be changed. The old Policy allowed Operators to operate from bases outside the licence district and as far as can be determined there have been no problems with this condition. Officers have stated that they have now considered the alternative view and that the operational base should now be within the Licensed Area. This appears to be the Officers preference and not a legal requirement. If you also consider that Cross Border Hiring is now legal then this requirement appears to be unnecessary.

If there are concerns over the number of points that could be awarded being too high for certain misdemeanours then Officers would ask that the Trade inform them of what those are so that they can be considered.¹

Policy Consultation

- *Not sent to disability groups*

Whilst the groups do not appear in the list published in the Policy Officers can confirm that it was sent to Guide Dogs UK and Disability Solutions West Midlands that operate out of Hartshill. The list in the Policy will be updated accordingly.

- *Written sections in past tense*

As discussed in the meeting of 27th November and answered in response to the email sent by the trade to Officers prior to this, the section was written in that way view a view to it being included in the final policy document. It has always been the intention of the Council to engage with the trade via meetings during the consultation period.

Criteria to become a driver

- *Current drivers to complete the Knowledge Test*

As already stated on pages 1-2 of this response:


“The proposal is to replace the Topographical Test, currently carried out at Burslem College, with a new Knowledge Test (KT) that incorporates the sections outlined in Appendix C of the proposed policy, and referred to on page 17 of your representation. This has been proposed as Officers feel that a topographical test is not sufficient to ensure that applicants have the requisite knowledge to be a professional driver licensed by the Council. The exact details have not yet been finalised as it is still just a proposal but there is additional information contained further on in this document as the matter has been raised multiple times in your representation.”

“It is proposed that the new knowledge test will be undertaken by all new applicants and existing drivers to ensure that they meet the level of knowledge expected by the Council. The geography of the Borough is only one of the subject areas that Officers believe is important to the skill set of licensed drivers.”²


As the exact details are yet to be finalised Officers can only give an estimate as to how the test will be conducted. The idea is that it will be carried out on computer/mobile device in the Council offices. Applicants will have to provide identification to the Officer conducting the test before starting. The test will consist of multiple choice questions in all of the areas listed under Appendix C/page 17 of your representation. There will be somewhere between 5-10 questions in each section and the applicant will have to pass all sections in one sitting.

- *Medical requirements every 3yrs and yearly if over 65yrs old.*

As discussed on p2 of this response:

 Number: 1	Author: glync	Subject: Inserted Text	Date: 15/01/2019 15:00:16
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This needs to be discussed further. To complete a list would not resolve the issue without more issues being raised.

 Number: 2	Author: glync	Subject: Inserted Text	Date: 15/01/2019 15:04:30
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As previously stated the Trade do not think this is necessary for existing drivers who have had no issues in regard to their conduct or behaviour. This could be used as a solution should the Council receive complaints about a driver and feel it necessary for the driver to prove his knowledge.

“There are a number of reasons for this proposal. Firstly, currently we do not meet the best practice guidelines issued by the Department for Transport that recommend a Group 2 medical exam for taxi drivers every 3 yrs. Secondly, Officers are concerned that by not having a medical with every application an applicant's medical fitness can not be fully checked each time a licence is issued. Lastly, whilst there is a requirement for drivers to inform the Council of any reasons they may not be fit to drive when they make an application, the number of instances where information is disclosed is very small. This is despite the Council being made aware through complaints, conversations with drivers etc that there are individuals that have had relevant medical diagnoses that would have impacted on their fitness to meet the Group 2 standard which have not been disclosed.”^[1]

With respect to the yearly medicals after 65 yrs of age, this is to meet the Group 2 medical standards as set down by the DVLA.

Appendix H

- *Rear windows to allow 35% transmission of light (tolerance of 2%)*

Officers are not prepared to remove this proposal. There is a public safety implication in not being able to see into the rear of a licensed vehicle. Most vehicles with factory fitted tinted windows fall within the 35% (+/- 2%) limits.^[2]

Appendix J

- ***Guidance on determining the suitability of applicants and licensees in the Hackney and Private Hire Trade***
- *Disparity against current guidelines not explained*

For an explanation as to how the guidelines have been created please see [the full document here](#). The reason behind using this document is to improve the standard of drivers.^[3]

- *Offences involving violence*

The proposal forms part of the document produced by the Institute of Licensing, Local Government Lawyers, Local Government Association and National Association of Licensing and Enforcement Officers. An explanation as to the timescales and how they have been reached is contained in the full document at the link above.

The Rehabilitation of Offenders Act 1974 does set out when convictions should be considered spent based on the sentences received. However the role of a taxi driver is exempt from these provisions, and falls in the same category as lawyers, doctors etc. This is because of the responsibility and situations that people in the role find themselves in. As such the Council are entitled to consider the full history of any convictions, cautions and reprimands that a taxi driver has received during their life and not only recent offences.


- *Motoring offences*

In the trade representation it is stated that it is a considerable departure from the Council's current guidelines to suggest that individuals with 7 or more DVLA points should not receive


 Number: 1	Author: glync	Subject: Inserted Text	Date: 15/01/2019 15:06:27
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As Previously stated.

This is not correct. DVLA Guidance states that an initial medical is valid until a driver is 45 years old after this a medical is required at every reapplication which is required every 5 years. If this is the standard then a new medical report is not required for a driver until they are 45 and in any case a new medical is only required every 5 years so therefore if a PH Licence is valid for 3 years then a 5 year medical report would cover two 3 year licences

 Number: 2	Author: glync	Subject: Inserted Text	Date: 15/01/2019 15:08:32
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The trade would like this removed. How is this matter tested and by whom? Are the vehicles tested as part of the test at the Depot, if so how is the test conducted.

 Number: 3	Author: glync	Subject: Inserted Text	Date: 15/01/2019 15:15:48
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The trade still believe these guidelines are too stringent and that there should be some leeway in the timescales to reflect the seriousness of offences. By incorporating these guidelines in the Policy it takes away the Council's ability to consider each application on it's own merits and make a determination based on the applicants current character.

a licence for 5yrs. On the contrary the current policy treats motoring offences that occur in licensed vehicles, which most do due to the job role, more seriously than in a personal vehicle. In the current guidelines if you have 1x speeding offence in a taxi that can mean you should not be eligible for a licence for 2yrs. If you have multiple speeding offences and normally 6pts on your DVLA licence, this can be raised to a 5yr period.^[1]

The proposed guidelines suggest that an individual could get 2x speeding offences and not face any action by the Public Protection Sub-Committee. It would only be a third minor offence, or a serious motoring offence that would cause any action to be taken against a taxi driving licence.

Officers are not prepared to recommend amendments to the document as it has been created with a view to providing consistency nationally. To move away from that would continue the trend of there being different standards at each authority. Once implemented it is intended that all applicants, both new and renewal, would be considered against the new policy.


Appendix L

- *Penalty Points scheme*

As discussed on page 10 of this response:

“The reason for the inclusion of the penalty points scheme is to give the Council a quicker enforcement tool to deal with offences, poor conduct etc. It would result in fewer referrals to the Public Protection Sub-Committee as lower level matters could be dealt under pre-determined criteria by Authorised Officers. As discussed at the meeting of 27th November the scheme if introduced would not be used to punish people twice (‘double jeopardy’). E.g. if a driver/owner/operator received a CU30 offence (using a vehicle with a defective tyre) on their DVLA licence then they would not receive points under the scheme, however if a driver/owner/operator presented a vehicle to the Council garage and had a bald tyre then penalty points may be given in accordance with the scheme at Appendix L. There is no intention to undertake a review of each driver’s record and attribute points for past incidents. These will only be reviewed upon receipt of new incidents.

If there are concerns over the number of points that could be awarded being too high for certain misdemeanours then Officers would ask that the Trade inform them of what those are so that they can be considered.”

 Number: 1 Author: glync Subject: Inserted Text Date: 15/01/2019 15:24:41

This is a contradiction. If you state on the one hand that 1 speeding offence in a taxi would prevent you having a licence for 2 years does this not indicate that you would be subject to action for the one offence. You must have a Taxi Driver Licence to commit the offence in a Taxi and therefore you cannot hold a licence for 2 years and it must be revoked. More than 2 offences would mean a 5 year period and again the licence would have to be revoked.

Officer response to the trade group's comments

Following the second meeting held on 22nd January 2019 the Council received the trade group's comments on Saturday 26th January. A number of questions, comments and proposals were made. The questions have been answered; the comments have been replied to where necessary and the proposals are listed at the end of this document. The proposals will be taken forward as part of the options available to Members when the final report goes before the Public Protection Committee, on 30th April 2019.

Please note that all comments below have been made by Officers and not the Public Protection Committee. Officer comments and replies are in **red text**.

This document should be read alongside the original response document that contains the trade group's comments (attached). The order of the replies follows the order in which they were raised in the attached document.

Officers will provide options and make recommendations to the Committee having considered all of the representations received but ultimately it will be the Committee that determine the final content of the new Council Taxi Licensing Policy.

The overriding principle of regulating taxi drivers, vehicles and operators is to ensure public safety. The Council have used this starting point for every part of the policy draft.

Page 1

Questions asked by trade group:

- Will the trade be able to see the final options and recommendations before the final report is sent to Committee? **The report will be a public document and be published with all supporting documents as early as possible but in any case at least 5 working days before the date of the Committee.**
- Will the trade be able to make comment on the report? **The trade will be able to respond to this document, including to clarify the proposals that have been raised. Once the end consultation date has passed no further representations will be accepted.**
- Will there be a charge for the new knowledge test? **Yes, the current proposal is £45.00**

Requests made by the trade group:

- That the trade are able to present their case at the Committee hearing. **It is not standard procedure to allow third parties to speak at the Committee meeting and the Chair has confirmed that no-one from the trade will be permitted to speak at the meeting. In the interests of fairness, and being open and transparent the only representations that will be considered by the Committee are those that have been submitted in writing prior to the end of consultation.**
- To further extend the consultation period. **Due to this request, and the Chair's decision to not allow speakers at the meeting the consultation period has been extended for a further four weeks. The new end date for consultation is 14th March 2019. The trade group and all interested parties are advised that they must submit written representations for their concerns to be considered by the Committee.**
- That the trade can have a month to comment on the final proposals. **The trade can comment on this document and submit written representations. They will not be able to comment on the final report once it has been published.**

Page 2

Comments made by trade:

- In respect of medical examinations. What the Council have said is incorrect in respect of DVLA guidelines for Group II medicals. **Officers did not mention the DVLA guidelines at this point. Reference was made to the Department for Transport guidelines that medicals should be every 3 years.**
- If someone has been through the application process/driving for many years then their level of English has already been proven satisfactory. **It remains that at application appointments and appearances at Public Protection Sub-Committee there are still a number of drivers who can not answer simple questions such as being asked what their address is, or how long they have been driving, and some can't write their name or telephone number. Officers do not accept that these individuals have a satisfactory level of English to carry out the role of a professional driver. Officers may make further enquiries as to how these individuals have managed to pass other application criteria.**

Questions

- Will there be a charge for the disability awareness training? **Yes, this will depend on the course providers costs once an approved provider has been found.**
- Will there be a charge for the extra safeguarding training? **Yes, the fee is included in the Council's fees and charges**
- What qualifications do officers and Members have to assess the level of English of any individual? **It is subjective but when individuals can not answer simple questions or even write their name then they are the applicants/drivers that concern the officers and Members. To avoid the subjectivity the Council would have to apply the test to all applicants.**
- If there are only a small number of drivers where officers/Members have concerns then why are you implementing the requirement across the board? If there is a problem why not use it as a solution when a problem is identified? **It needs to feature in the Policy to allow action to be taken when necessary.**

Page 3

- If there have not been any complaints then why would Officers be assessing the level of spoken or written English? **To ascertain whether applicants can speak/write to a satisfactory standard for the reasons outlined in the last Officer response.**

Comments

- There is a requirement on drivers to notify Council of changes to their medical status. If the driver does not tell them then the Council can take action. **Yes but there are drivers who do not inform the Council when they have an issue that means they don't meet the Group 2 standards and can currently be driving for upto 6 years before the Council become aware. In addition there may be some drivers who are unaware of underlying medical issues and the only way that they would come to know about it is by having a medical examination.**
- Officers and Members do not have ability to assess any person's level of English and therefore can not make a driver attend an ESOL or equivalent course. It is unnecessary and unjustified. **Officers disagree that it is unnecessary and unjustified. Whilst the matter is slightly subjective Officers feel that it is necessary that licensed drivers are able to satisfactorily converse in the English language.**

Page 4

- When will the Council know if the OLEV bid has been successful? If bid is unsuccessful then what will the Council do about the proposed condition? **The Council were notified on 5th February 2019 that we have been successful. Please see the below links:**
 - <https://www.newcastle-staffs.gov.uk/news/greener-taxis-plan-road>
 - <https://www.gov.uk/government/news/thousands-of-green-taxis-to-benefit-from-new-chargepoints>
- How many of the 25% HCVs that fail a test fail for major reasons and how many subsequently pass a retest? **10% of these vehicles required 3 tests before they passed. 5% of these vehicles were not permitted a retest due to the dangerous condition that they were presented to the Council in. When looking at HCV's between 9-15years old 9% of vehicles required 3 tests before they passed. 26% of these vehicles were not permitted a retest due to the dangerous condition that they were presented to the Council in.**

Comments

- The Electric Vehicle Condition seems to indicate that the only section of the transport sector responsible for poor air quality (AQ) in NULBC is taxis. This is not true but the requirement to improve the AQ seems to fall on the taxi trade alone. This is grossly unfair and implementing this policy would place extraordinary financial burden on the trade without any justification for doing so. **Officers have not said that the taxi trade are the only section of the transport sector responsible for the poor AQ levels in the Borough. However the taxi trade are the only section of that sector that the Council have any power to regulate and the Electric Vehicle conditions would assist in improving the AQ. As previously mentioned the Council are subject to a number of Ministerial Directions from Central Government to improve the AQ in the area. As part of the ministerial directions the Council is also looking at air pollution from buses and works will also be required to this sector of public transport. Government have stated that the Council must introduce a Clean Air Zone (CAZ) or carry out measures that achieve the same results as implementing a CAZ. Separately to the Taxi Policy consultation the Council are looking to achieve the desired end results without having to introduce a CAZ**
- No funding would place a significant financial burden on the Council to provide charging points and without the charging points in place the requirement to have electric taxis would seem unnecessary. **N/A**
- Public Safety is the purpose of the taxi test. It is irrelevant whether a vehicle passes on first or second attempt. **Officers disagree that it is irrelevant. All vehicles should be maintained to a legal and roadworthy standard at all times. Vehicles do not become unsafe overnight unless they are involved in an accident. It is often due to a lack of routine maintenance, lack of vehicle checks and some proprietors using the taxi test to find out what is wrong with the vehicle in order that they can then get it fixed. This is not acceptable and indicates that proprietors are knowingly presenting vehicles to the Council that are not roadworthy.**
- There is no evidence that EV's are more reliable or safe as they get older. All components of EVs are identical to other vehicles except the engine so these components will be subject to the same failure rate as other vehicles. To have a longer life for EVs can not be justified for this reason. **There is evidence that Electric Vehicles require less maintenance over a given period that diesel/petrol fuelled vehicles. This is down to fewer moving parts and the way that the engine assists with systems for braking etc. There is generally less wear and tear occurring in electric vehicles. Please see the below link for details of a study that had the**

results published in the Applied Energy Journal:

<https://www.sciencedirect.com/science/article/pii/S030626191731526X?via%3Dihub>

- There will be a significant financial burden imposed on the trade if the EV part of the policy is approved. The Council have stated that they have considered this but there is little evidence in this report that they have. **Officers have considered this. As a result of the consideration the Council proposed a longer life span for electric vehicles to assist with the outlay of purchasing the vehicle. This is inline with the comment above re: lower maintenance costs over the life of the vehicle. The Council have also been exploring ways in which to introduce infrastructure that would allow for electric vehicles to recharge more conveniently and quickly. Schemes such as the grant awarded from OLEV and talks with private companies will assist with this. In addition there are a number of grants available from OLEV for prospective buyers of electric vehicles including the London TX, and those wishing to install charge points at their home, on street or at their place of business. Please see below links for further details:**
 - <https://www.gov.uk/plug-in-car-van-grants/what-youll-get>
 - <https://www.gov.uk/government/publications/customer-guidance-electric-vehicle-homecharge-scheme>
 - <https://www.gov.uk/government/publications/workplace-charging-scheme-guidance-for-applicants-installers-and-manufacturers>

Officers would like to re-offer to organise a demonstration and testing of electric vehicles event for the trade.

- Uber in London have stated that all of their vehicles operating there will be EV by 2030. They have also implemented a 15p/mile surcharge on journeys in London to assist with the increased cost of purchasing an electric vehicle. If the local taxi trade introduced a similar price hike this would increase the journey fare and would mean losing more business to drivers/operators who have not increased the fares. **As the trade mentioned in the meeting on 22nd January London and Newcastle-under-Lyme/Stoke-on-Trent are not really comparable. Officers are already in talks with the NCTA to increase the metered taxi tariffs. The ability of members of the public to shop around with Private Hire Operators for the best rate is based on the principal of free market trade. It is up to each individual Operator as to what levels to set their fares at.**

Page 5

- When will the Council be getting the EVs? **As previously stated the Environmental Health Department are currently tendering for a new fleet including a proposal for Electric vans.**
- Are these vehicles subject to the OLEV funding bid success? If not then will Council be providing charging points from existing budget? **No. The Council will be looking to take advantage of external funding opportunities, similar to those outlined above.**

Comments

- The Council have said they are committed to improving standards of vehicles, not the safety, and lowering the age of vehicles does not improve a vehicle's safety. **Newer vehicles are subject to higher standards of safety testing than older vehicles have been through during their manufacture and design states. This means newer vehicles are inherently safer than**

older vehicles. In addition newer vehicles will likely have done fewer miles, had less wear and tear and a lower risk of exposure to accidents before they become licensed for the first time. The evidence discussed in the previous response supports that older vehicles are more likely to fail the Council safety test than newer vehicles.

- The policy mentions that all new and replacement vehicles would need to be EV or WAV. This indicates that the Council are refusing to licence petrol and diesel vehicles. WAVs can still be fuelled by petrol or diesel, although there would be a preference for electric WAVs to be considered by proprietors. In respect of Private Hire vehicles they would still be allowed to be petrol, diesel, hybrid or electric under the original proposals. The Council are willing to submit a proposal to the Committee to include alternative 'clean fuel technology' vehicles to be permitted to be licensed in the same way as electric vehicles. E.g. Hydrogen fuel cell powered vehicles. The implementation of a ULEV fleet would assist with reducing the number of petrol/diesel vehicles being used on the road and fits with the Government's 'Road to Zero' Strategy.

- <https://www.gov.uk/government/news/government-launches-road-to-zero-strategy-to-lead-the-world-in-zero-emission-vehicle-technology>

- Petrol and diesel vehicles can be filled within 5 minutes from a number of filling stations and have a range 3 times that of an EV. The lack of charging points and the time it takes to charge a vehicle should be considered by the Council and not dismissed. The concerns have not been dismissed, it is a valid point. However the ranges of electric vehicles are improving rapidly, and many can be purchased with a range extender. With respect to charging points there are many different types. The rapid chargers can charge vehicles quickly and often can charge more than one vehicle at a time.

Page 6

- If the OLEV is unsuccessful where does it leave the Council's commitment to ULEVs? N/A
- How does the age of a vehicle improve public safety? As stated above, newer vehicles are subject to higher standards of safety testing than older vehicles have been through during their manufacture and design states. This means newer vehicles are inherently safer than older vehicles. In addition newer vehicles will likely have done fewer miles, had less wear and tear and a lower risk of exposure to accidents before they become licensed for the first time.

Comments

- Owners selling vehicles that are no longer fit to be licensed is not something that the Council have control over and should not be used as a reason to remove grandfather rights. It is a valid concern held by Officers but it is not the only reason for the proposal to remove grandfather rights. The Council are working towards having a more accessible and lower emission fleet of taxis. Removing grandfather rights would mean that 'saloon' style vehicles would gradually come off the fleet and be replaced with either WAV or EVs.
- If the Council are committed to public safety then more frequent testing will improve this. PCVs are maintained and tested regularly. E.g. First buses have 21 vehicles between 10-13 years old, and 72 over 13 years old and these continue to operate. By allowing vehicles older to continue to operate subject to more frequent safety checks would seem to the trade to be the best option. Officers' preferred option is to lower the age limits for licensing vehicles in line with the evidence linked to current vehicles failing tests and to introduce conditions mandating that regular maintenance is undertaken.

- NULBC cannot influence Stoke CC's policy on vehicle age limits. Officers made this comment in response to a statement from the trade group about Newcastle's age policy reflecting Stoke CC's policy.

Page 7

- Why have the Council offered that new vehicles could be 4 years old? It could be 7yrs as the trade suggested. Officers were attempting to reach a compromise with the trade group, however there has not been any movement from the trade's side. The reason that 4 years was offered is because it was higher than the original proposal and lower than the current age policy. Evidence from the Council test failures show that 7 years old for licensing the vehicle for the first time is too old.
- Why have different age limits for EVs and WAVs? The reason for this was explained in the previous Council response. In the Officers attempted compromise the age limit for WAVs was extended to 10 years, the same as the original proposal for EVs.
- If the vehicle is owned by a company how would they meet the Basic DBS/Knowledge test requirement proposal? Those responsible for the company, the Directors/Managers, would need to have a basic DBS and have passed the Knowledge test.
- How does the Council test differ from an MOT test? The MOT standard is the lowest possible legal standard. The standard for passing the Council taxi test is higher than that of an MOT test. For example the current taxi policy states *"In most circumstances where an advisory item has been identified on a VOSA MOT certificate, this will constitute a failure at the Council test"*. As the testers are not conducting an MOT they have flexibility to spend more time looking at issues when they are identified and can look at matters not included under the MOT test criteria.

Comments

- Have no maximum age limit but increase safety test frequency after 10yrs. This is not common practice nationally and evidence supports that that licensing vehicles past 10 years old reduces vehicle safety.
- There is no fit and proper test for vehicle owners so requiring a DBS certificate and knowledge test certificate is unnecessary. There is a wide discretion for Councils to request any information they deem necessary to ensure that the vehicle in question is fit, safe and suitable to be used as a Hackney Carriage/Private Hire Vehicle. Officers have proposed the DBS and knowledge test requirements as we want to be satisfied that vehicle proprietors are aware of how vehicles should be used and be confident that vehicles are not being licensed for any purpose other than genuine taxi work.
- The Council conduct an MOT test and fail vehicles as a result. Already stated that 25% fail tests so therefore the Council do conduct an MOT Test as part of the taxi test, the fact that they do not issue an MOT certificate is irrelevant. The Council could issue MOT certificates if necessary and do conduct them on private and Council owned vehicles. The Council garage is a registered MOT testing station but the testers do not carry out an MOT test during the Council test. An MOT test is very prescriptive and can only be carried out in a certain way. If a tester were to carry out an MOT test incorrectly then that would jeopardise their registration as a tester and the garage that they work for. However, discussions are ongoing with the garage around whether it would be possible to combine the two tests, or carry them out consecutively.

Page 8

None

Page 9

- How many of the 50% PHVs over 10yrs pass a retest and are relicensed? **Two thirds of these vehicles required 2 tests before they passed. A third of these vehicles were not permitted a retest due to the dangerous condition that they were presented to the Council in.**
- How do officers know that Members would not support the trade's proposal for vehicle age limits? **This comment was based on Members having approved the original proposals. The trade's proposal will be put to Members at the Committee meeting.**

Comments

- There should be no upper age limit on vehicles but the trade accept that there needs to be more regular testing for older vehicles. **Please see above points.**
- Increasingly manufacturers are offering warranties on vehicles for longer periods. The age of the vehicle should not determine whether a licence can be issued provided the vehicle meets the safety requirements. **It is common practice nationally for Councils to set age limits on vehicles for licensing, both at the point of entry and when they must stop being licensed. There are some manufacturers that issue fairly long warranties (e.g. up to 5-7 years) however it is common that stipulations are put on them such as a maximum number of miles (e.g. 100,000 miles), or a reduction in the years/mileage if the vehicle is going to be used for taxi/private hire work. Given that many licensed vehicles travel 30-50,000 miles per year the vehicles would only benefit from 2-3 years of warranty before it became void due to the distance travelled. Furthermore, those licensed vehicles that travel significantly less than 30-50,000 miles per year would only benefit from the warranty for the set time period of 3,5 or 7 years. Officers are not aware of any warranties that last for longer than 7 years which was the originally proposed age when vehicles should cease to be licensed.**

Page 10

Comments

- The condition that Private Hire Operators' bases should be in NULBC area should be removed. The old policy allows for bases outside of area and there have been no problems. This appears to be an officer preference rather than a legal requirement. Given the cross border hiring is now legal then this requirement appears unnecessary. **This is an interpretation of the legislation. As stated at the meeting there is a legal argument to both sides and as it has not been settled in a case by a binding court it is a matter of interpretation. There are concerns that if a base is located outside of the Borough boundary that there may be issues for enforcement officers. This will form one of the proposals that Members will be asked to decide upon.**

Page 11

- The penalty points scheme needs to be discussed further. A complete list of would not resolve the issues without more issues being raised. **Officers have asked twice for the trade to identify the area of the penalty points scheme that they wish to discuss with a view to amending the proposed scheme, but this has not been forthcoming.**
- The trade do not think the knowledge test is necessary for existing drivers who have had no issues. It could be used as a solution should the Council receive complaints about a driver and feel it necessary for the driver to prove his knowledge. **This forms one of the proposals detailed below.**

Page 12

- The trade would like the tinted window condition removed. **Please see previous comments. This forms one of the proposals detailed below**
- The trade believe that the proposed convictions guidelines are too stringent and that there should be some leeway to reflect the seriousness of the offences. By incorporating these guidelines it takes away the Council's ability to consider each application on its own merits. **The guidelines in whatever form they take are the starting point. The Council always retains discretion to depart from the guidelines but it is up to the applicant to convince the Members sitting on the Public Protection Sub-Committee that they should depart from the standards they have set.**

Question

- How are tinted windows tested and by whom? Is it done as part of the test at the Depot? **By the testers in the Council garage as part of the Council test.**

Page 13

Comments/statements made by trade:

- The example given in the last officer response in respect of convictions is a contradiction. If 1 speeding offence in a taxi would prevent you from having a licence for 2 years does it not indicate that you would be subject to action for the one offence? You must be a taxi driver to commit an offence in a licensed vehicle and therefore you cannot hold a licence for 2yrs and it must be revoked. More than 2 offences would mean a 5yr period and again the licence would have to be removed. **The example may not have been worded in the easiest way to understand. In brief there are several scenarios in which a licensed driver can commit multiple offences in a licensed vehicle. E.g.:**
 - **The driver has a licence with another authority and has committed an offence whilst using that licence before they apply to Newcastle; or**
 - **The driver commits an offence in a Newcastle vehicle and the Public Protection Sub-Committee determined to allow them to keep their licence, but the driver then commits another offence; or**
 - **The driver commits multiple motoring offences but doesn't notify the Council until renewal in which case they won't have been dealt with until that point.**

At meeting

- Can the Post Office validate documents for DBS applications? (at meeting)
No. They only do it for OISC registration to a standard level check:
<https://www.gov.uk/government/publications/disclosure-and-barring-service-dbs-check-guidance/oisc-disclosure-and-barring-service-dbs-check-guidance>

Proposals put forward by trade:

1. Do not include the English Speaking requirement as standard. To be used only where specific concerns are raised
2. If proposal number 1 is not approved then to only apply to new drivers and not existing drivers
3. Have a conversational English appointment at start of process for those concerned as to whether they would meet the standard.
4. To adopt the same age policy for vehicles as Stoke CC currently use which is vehicles licensed for the first time must be less than 7 years old and at 10 years old the vehicles are tested every 6 months.
5. To retain the grandfather rights for proprietors of non-wheelchair accessible hackney carriages, known as 'saloon taxis' as they are at present. This means that the proprietor of a 'saloon taxi' can replace it with a similar type of vehicle and not have to replace it with a WAV.
6. To combine the taxi test and MOT test, or at least have this as an option. Vehicles to be tested once per year and an MOT certificate issued alongside the taxi test.
7. Remove proposal for vehicle owners to have Basic DBS and knowledge test
8. To keep the Private Hire Operator (PHO) base location condition as it is currently. This means that those PHO's that currently benefit from an operator licence with a base located outside of the Borough of Newcastle can retain their licences if renewed consecutively. Also that the Council will accept application for new operators with bases either within the Borough of Newcastle or within a 1 mile boundary of the border.
9. That the new knowledge test to be for new drivers only
10. Keep medical requirement the same as it is currently which is that drivers are only asked obtain a medical certificate every other application which is every 6 years.
11. Allow factory fitted manufacturer tinted windows but not film
12. Amend motoring offences section in the convictions guidelines to say that action will only be taken when the driver reaches 12 points on DVLA licence.
13. Substitute proposed Penalty points system with a 3 warnings in 12 months system.
14. Magnetic operator door signs to be prohibited for all Private Hire Vehicles.
15. Hackney Carriages to be permitted to use magnetic door signs when working for a PHO in order that they can be removed when working on a rank.
16. Drivers to be prohibited from working for multiple PHOs at the same time

Officer proposal

1. To allow alternative 'clean fuel technology' vehicles to be licensed in same way as electric vehicles. For example, hydrogen cell fuelled vehicles to be permitted to be licensed until 10 years old, and could be licensed as a 'saloon taxi' Hackney Carriage.

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Dear Sirs,

At our meeting on Tuesday 5th March the trade as a group proposed four questions that you requested Officers ask of Members. I've met with the Chair of the Public Protection Committee, and our Portfolio Holder to discuss the proposals. Please see below for their response:

Proposal 1 – That representatives of the trade meet with the Officers and Members of the Public Protection Committee to discuss the policy:

Members do not consider that meeting with the trade during the consultation period or prior to the Committee meeting is appropriate. The purpose of the Committee is to authorise the draft policy to go out to consultation in the first place and to determine the final policy once the consultation period has concluded taking account of all representations and proposals that have been made. It is the role of the Officers to carry out the consultation and report the results to Members.

Proposal 2 – To put the Council policy consultation and implementation on hold until the Department for Transport (DfT) Statutory Guidance has been finalised, and to extend the current policy until that time:

Members understand the reasoning behind this proposal, however the taxi licensing policy will be a live document and if the implementation of the DfT guidance or changes to legislation occur during the lifetime of the policy then the Council will undertake a review at that time.

Proposal 3 – To extend the current consultation to allow for a 12 month period in which the trade can consider the proposals in full:

Members have already extended the consultation period twice at the request of the trade representatives, which has resulted in an increase from the original 12 week time period to 23 weeks (approximately 5 months). We consider this to be a long enough time period for a full consultation to be undertaken and it will not be extended any further.

Proposal 4 – To allow a representative/s of the trade to speak at the Committee meeting:

This request has been considered previously. The standard Council procedures for Committee meetings are that members of the public in attendance are not permitted to speak, unless the Chair of the Committee allows it. It is unusual for this to occur. As such the Chair does not think that it is appropriate for a representative, or multiple representatives of the trade to speak at the Committee meeting. You are invited and encouraged to submit written representations to the proposals before the end of consultation. Every written representation received will be considered by the Committee during the meeting so it is important that any concerns and/or counter proposals are submitted to the Council in writing before 14th March 2019."

Thanks,
Matt

Matt Burton
Licensing Administration Team Manager
Newcastle-under-Lyme Borough Council
01782 717717

www.newcastle-staffs.gov.uk

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Address:

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Licensing Services
Castle House
Barracks Road
Newcastle-under-Lyme
Staffs
ST5 1BL

29th January 2019

Newcastle under Lyme Taxi Policy Consultation – Response

Dear Sir/Madam,

I am writing this letter in response to the proposed changes to the Taxi Policy that Newcastle under Lyme Council are considering making in the near future.

I am a licensed Hackney Carriage / Private Hire Driver / Private Hire Vehicle licence holder / Hackney Carriage Owner / Private Hire Operator and have been made aware of the Draft Taxi Policy which has been produced by Newcastle Council and circulated for consultation.

Having looked at the proposals within the Draft policy there are numerous changes that I would wish to make representations about. I am aware that the Newcastle under Lyme Council, Newcastle under Lyme Hackney Carriage Association, Private Hire Operators and representatives of the Private Hire have been meeting to discuss the Policy. The Taxi Trade have submitted representations to the Council and having seen these representations I would like to agree with the Trade position, and I ask that the Council consider this letter as my endorsement of these representations from the trade.

Many of the proposed changes will have a significant impact on my business and many will place further financial burdens onto the Taxi Trade in Newcastle. If these changes are made without due consideration of the Trades concerns then many Taxi Businesses will find it difficult to continue and result in increased costs which will ultimately lead to increased fares, poorer and less reliable services for customers and the influx of vehicles and drivers licensed in other areas operating within Newcastle.

Yours faithfully,

Name:

Licence number:

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Burton, Matthew

From:
Sent: 09 October 2018 08:29
To: licensing
Subject: New Hackney/private hire cars.

This email has been received from an address outside the Council, please be very cautious when opening any attachments or clicking on any links herein.

Dear NBC.

Not really happy with the new car proposed legislation I've seen on your consultation draft today. Electric vehicles are only just appearing on our roads, with only certain small models, non of which would be suitable for my taxi use. Also as the council put any thought, into how many charging points will be needed? I personally can see chaos, especially after rush periods when battery's are flat. Just pop down to the local Morrisons and Sainsbury's, and see how many taxi's pop in for a quick £20 top up. Have you thought about contacting the private hire bases to see how many cars would possibly need a top up charge at the end of the morning rush? Just a few charging points would not suffice, you would have to have large banks of them. Also on a personal view I only do airport transfers, how am I supposed to get to Gatwick or Heathrow and back on one charge, what if I hit the dreaded M25 chaos and my battery goes flat!! These questions need to be addressed properly. It's a lovely GREEN idea to have electric vehicles buzzing around the borough, but similar to the recycling scheme you thought up only a few years back, now due to be scrapped, IS NOT EFFICIENT AND NOT READY FOR IT. Also would like a proper answer on WHY other vehicles will only allowed to be used for 7 years, the current 8 years isn't enough, surely if a vehicle is in good working order and meets all emission tests this should be enough. And why cars of only 3 years and under will be allowed? Driver's in this trade rely on ex-lease cars being released after their three year contract, so would not qualify. Does this council have an agenda to finish us all. Come on NBC, let's be fair we the taxi trade are trying to make a living. It's very easy from your office to come up with these proposals, but REALLY!!!

Yours sincerely

Operator license

Badge number

Sent from Yahoo Mail on Android

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NEWCASTLE UNDER-LYME RESOURCES DIRECTORATE	
DATE RECEIVED	
19 DEC 2018	
REPLY NEEDED YES/NO	DATE OF REPLY
DEALT WITH BY	FILE REF:

12th December 2018

Response to Taxi Draft V7 2019-2021

Dear Sir or Madam

The Taxi Draft Policy states that under the councils approach they aim to balance protection of the public against requirements which are too onerous. Requirements which are too onerous may ultimately reduce the availability and increase the cost of taxis/private hire vehicles. We aim to be pragmatic and work with the trade to improve the service provided to the public (**Quote para 9, 1.7.3, Draft V7 document**)

Council states at **para 3.3.35** that the council encourages and promotes the purchase of fully electric vehicles to be licensed as hackney carriages, **FULLY ELECTRIC VEHICLES WILL BE THE ONLY TYPE OF NON WHEELCHAIR ACCESSIBLE VEHICLE PERMITTED TO BE LICENSED AS HACKNEY CARRIAGES.**

I consider this condition, if imposed on the hackney trade, to be totally unacceptable. There has been no thought given to the cost of such a vehicle or their use in the borough without sufficient numbers of charging points or their location at ranks and around the borough, and the councils recommendation of such a use is considered as too onerous.

Furthermore, council states that hybrid vehicles will not be permitted as hackney carriages, but gives no reason why. **Decision makers have not been given any clear directives or reasoning to implement such conditions.**

Council wants to impose a change to vehicle age. **Appendix H** private hire vehicle specifications (**page 71**) states:

*'Upon first application all vehicles **must be less than three years old**, at present a vehicle first application age is 5 years old'.*

I consider this requirement to be onerous and unsustainable. **Council have not given any reason for such a change for the decision makers**

The maximum age for a licensed vehicle is currently 8 years, with the option for further exceptional vehicle tests to 10 years.

Council proposals are for the **maximum age to be reduced to 7 years old** (from the date of first registration) with the maximum age of electric vehicles to be licensed will be 10 years old (no exceptional vehicle test).

There have been no costings provided, or reasons given to such a change, which will affect the livelihood of all proprietors. **I consider the proposal to be onerous and unsustainable.**

Council should have a common sense approach with regard to the age of vehicles used by the trade, and should reconsider their proposal.

The build, quality and advancing technology adapted to today's vehicles should be fundamental to the council's decisions, and could adopt a simple approach of a vehicle entering service up to 7 years old and finishing service at 10 years old, all subject to the strict council testing scheme.

Moreover, there has been no prior consultation with the trade to obtain a working knowledge of our borough's transport needs, and the fundamental requirements of the trade, to be able to provide a safe and efficient service to our public.

Yours sincerely



Dual badge holder no

Your Ref. 18046

28/11/2018

COUNCIL UNDER-LYME	
BOROUGH DIRECTORATE	
DATE RECEIVED	
30 NOV 2018	
REPLY NEEDED YES/NO	DATE OF REPLY
DEALT WITH	FILE REF:

Sir,

With Regard to Consultation Licensing Policy 2019-2021

- 1) When a taxi driver first starts in this new job, there is a huge financial outlay. I found that coming from a self employed fleet policy of approx. £1,000 to approx. £3,250 for just one vehicle due to the nature of the job financially difficult. The other big outlay was for a vehicle. Last year I spent £6,500 on a 4 year old vehicle. Your proposals to insist that every new vehicle when first registered must be no less that 3 years old e.g. an outlay of £8,000, would prohibit many hard working folks, who would make excellent taxi drivers, from even contemplating this type of work, unless the rates for taxi customers were increased dramatically. This would have a knock on effect in that older people would think twice about coming into Newcastle. This would mean more shop closures, less market stalls and less money for the Council.
- 2) The Council proposes an English test for taxi drivers. Seeing that all drivers have to pass an N.V.Q. and a B.T.E.C. surely this should be sufficient unless the purpose of the Council is to screw even more money out of the taxi drivers registered with the Borough. Perhaps the Council should look at its own employees with regard to the standard of English e.g. two recent examples. In the swimming baths typed on a notice was the word 'are' instead of 'our'. When I pointed this out the notice was taken down immediately. Secondly the use of the word counsellor in e-mails when referring to elected members, as I pointed out 'I do not require counselling from the Councillors!'
- 3) Your requirement for transporting dogs Animals No. 35 is not practicable. All guide dogs have to get in the front passenger footwell as their blind owners sit there with them. The passenger foot-

well enables the driver to contain unruly dogs by making sure that the owner keeps them under control. Twice when I first started taxi driving I have had to stop my vehicle and demand that the passengers with unruly dogs get into the front passenger seat so that the dog is contained in that space. Once, when carrying a Neapolitan Mastiff with a protruding penis etc, it was the only possible way to carry it to the vets in that emergency! There was no room in the back with its owner to relieve its pain, only by getting in the front, the lady owner putting her belt on, then putting the dogs front paws on her shoulders with the rest of the dog in the foot -well was I able to transport this animal. A man with an Alsation got in the front with the dog in the foot-well, three well dressed ladies got in the back. The dog could not go in the back with them, hairs on the evening dresses! Imagine the outcry ensuing if I suggested having a long haired dog across them. Small dogs are some of the worst to transport, but by putting them in the passenger foot-well, they cannot run about yapping along the back seat. Why lay down this rule when no one in the licensing department perhaps has ever carried passengers with loose dogs. Dogs in cages are carried on the back seat, but many dogs with owners need firm handling which their owners are unable to give. This is why very few taxi drivers will carry dogs. If the Council insist on Rule 35, I for one, will refuse to carry dogs, like the majority of taxi drivers. As the Highway Code states: dogs can be carried in a car as long as they are suitably restrained. Why are Newcastle Borough Council making it more difficult for their residents to transport their animals?

4) Appendix L Penalty Points Scheme:

No. 6 This is a problem in Merrial Street sometimes, the only way a passenger can be dropped off safely is by using the taxi rank. No other parking space is available.

No.11 After having my vehicle washed etc. two hours later I ended up driving down a dirt track to a farm. The vehicle became covered in farm manure which would fulfill your conditions of unsatisfactory exterior condition of vehicle, but it was not my fault just part of the job we do. Would this gain penalty points?

No. 29 The odd passenger will carry fag ends attached to his feet into the car. Will this count?

No. 30 Passengers do leave odd bottles, paper etc. in your car which you are unaware of, why blame the taxi driver when it is the passenger's rubbish?

No 37 Who is to say that the driver is dressed inappropriately?

Yours faithfully,

12th December 2018

I understand as time changes, so do rules.

But believe me, there's a big part of me that is in taxi driving and hiring of vehicles, for the safety and welfare of people who choose to use taxis.

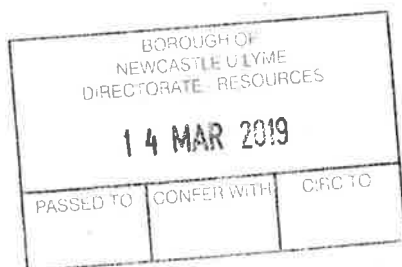
I have grown up ^{with a} mechanical knowledge of cars, and who has qualifications of level 3 in PSV. I think it would be a good idea that you enquire the help of someone who has this knowledge. I feel there are so many things wrong with the changes that are being put forward. I feel the whole thing must be scrapped and it is not fit for purpose.

With having other councils so close, they cannot be so far apart, as your jobs will be at risk.

I most strongly oppose most of these proposals.

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Licensing Services
Castle House
Barracks Road
Newcastle-under-lyme
Staffs
ST5 1BL



10/03/2019

Sids Private Hire Head Office
Sids Private Hire Newcastle
Sids Private Hire Stoke
Unit 1 Holditch Road
Chesterton
Newcastle-under-Lyme
Staffs
ST5 9JA

Office Tel : 01782 562259
Bookings : 01782 565200
sidsprivatehire@yahoo.com
VAT No 776036513

Dear sir,

I am writing this letter in response to the proposed changes to the taxi policy that Newcastle under Lyme Council are considering making in the near future.

Concerns for how the policy will affect the drivers;

1. Vehicle age policy is not acceptable and has no justifiable reason to reduce the current age limit on vehicles. As the government states vehicles are built better and last longer, also to give a longer lifespan to an electric car than a regular motor vehicle when percentage fail quotes from the garage are not fails on the engine but on other parts of the vehicle which are identical.
2. Medicals are proposed to be issued every badge (3 Years), this is not justifiable and comes at a great expense to the drivers.
3. Points system. Although I agree that a system needs to be in place whereby drivers should be held accountable for misdemeanors, I can not see how some of these points can be lawfully policed i.e. dressed inappropriately, evidence of smoke in vehicle, evidence of food or drink waste in vehicle, failure to attend punctually etc. etc. Also, the points system is excessive and also the operator is held accountable with equal points when they are innocent of any misconduct. It is true that other boroughs have installed this system and it has been repealed.
4. Drivers already complete a BTEC, medical, knowledge test, safeguarding course and an enhanced DBS check all at a cost in excess of £950. To add another test at even more expense and be unable to explain what the test will be and what it will be for. I agree that should there

be a problem with a drivers knowledge, understanding of English/ speaking of English then that driver should be tested if a complaint is made.

Concerns that will affect the operator:

1. Why/how can an operator keep a service check on all vehicles, not owned by the operator this should be kept by the owner only which should be their responsibility.
2. Vehicles that are not owned by the operator are given a license conditions of that license that are checked are that the vehicle is insured. Why should the operator be expected to check on something that council has already checked? Although I agree that visual checks should be made a record made by the operator.
3. Points system should not be as is but cautions system should be in place.
4. How can an operator be responsible for a driver dress code if no uniform policy is In place for our self employed drivers? An operator cannot be responsible for an owner driver for 24/7 it is the drivers/ owner's responsibility.
5. We have a complaints book in operation at Sids Private hire, but we should have the responsibility of making the decision which we class as a complaint serious enough to be recorded and one that can be dealt with at the time. I.e. my taxi late is not a serious complaint.
6. Mission statement, the service supplied by licensing at present it is not acceptable. Under previous regime, appointments were made within a week 2 at most for vehicle and personal. You are currently operating at an 8 week wait for an appointment, this means that to plate a vehicle it can take up to 10 weeks, which we feel is not in keeping with the mission statement. Also the production of plates once the vehicle is tested which is taking up to 5 working days, when previously they were printed within 2 hours.

We also feel we have been treated with total disregard, as the policy has taken over 2 years to produce with no consultation with the trade until 6 weeks before the original end date. This was a 2 hour meeting of which a lot of this time was spent by the council discussing its electric points bid and not the actual policy. Due to intervention of our local MP we were granted 2 more 2 hour consultation periods, we feel these were not taken seriously as the council panel did not even have a copy of the 90 page policy between them. Also Matt Burton could not remember exact parts and points which we were discussing. We have requested further talks, but these have been refused without reasonable reason.

Yours Sincerely





Uber Britannia Ltd
Room No 9, Bigfoot Self Storage Ltd
Unit 35 Parkhouse Industrial Estate (West)
Newcastle-under-Lyme
Staffordshire
ST5 7RU

Response to consultation on:

***DRAFT v7 THE BOROUGH COUNCIL OF NEWCASTLE-UNDER-LYME TAXI
LICENSING POLICY 2019-2021***

Dear Licensing Team,

We welcome the opportunity to contribute on the consultation of proposed changes to licensing conditions and policy, welcome the intent to raise the bar in safety standards for passengers and drivers in the industry. As a private hire operator licensed by Newcastle-under-Lyme Borough Council, our feedback will primarily be focussed around the proposed operator conditions (Appendix I, page 75 onwards), with some reference to driver and vehicle conditions. These conditions are listed below as headers, followed by the respective feedback thereafter.

Notification requirements

Condition 2. Change of Vehicles

The operator must inform the Council in writing before they wish to operate an additional vehicle. Where an operator ceases to operate a vehicle on the Operator Vehicle Schedule (see condition 10) he/she must notify the Council within 72 hours in writing.

Feedback:

We understand the requirement for Newcastle-under-Lyme Borough Council to have access to up to date information regarding vehicles operating under each operator. At the same time, we are cognisant of the need to do so in a way that does not risk delaying or disrupting drivers' access to the platform.

Drivers on the Uber platform have the ability to upload new or renewed driver or vehicle documents remotely. In addition to new documents, they are able to add new vehicles they wish to drive in the event that they have changed the vehicle they are using (along with any supporting documents such as PHVLs, Insurance certificates and MOTs).

This process saves drivers from having to come to our office location in order to update information, minimising any inconvenience and allowing drivers to resume driving as soon as they would like to. Once a driver has uploaded a document, it is verified by a team of document compliance specialists and subsequently (assuming there are no issues) approved.

Under the proposed new condition, we would be unable to offer a service which allows drivers to upload new vehicle documents remotely in a way that would allow them to begin working without having to experience a delay associated with us as the operator having to notify Newcastle-under-Lyme Borough Council about the new vehicle being operated.

We feel that providing retrospective notifications and/or weekly lists of new vehicles operating on the platform *after the fact* would still achieve the same aim, without causing undue delays for drivers. From our experiences as a nationwide operator, this appears to be something we see in the conditions of multiple councils across the country as common practice.

In addition to this, we note that the proposed vehicle conditions (proposed vehicle condition No. 7) place the same notification requirement on the vehicle proprietor. It would appear that having the same requirement for operators would duplicate work for council staff in receiving and recording these notifications twice.

Condition 5. Accident damage

The operator must report any accident damage to any vehicle under their control to the Council in writing within 72 hours and it must be repaired as soon as possible

Feedback:

We fully understand the importance of maintaining the highest standards of safety for passengers and drivers. One way in which we do this is by suspending the operation of any vehicle which has been reported to us as being subject to accident damage.

We wanted to feedback on this condition by splitting it into two areas:

Feedback on requirement to report accidents:

As an operator that is not a proprietor of any vehicles, we are mindful that there may be instances where our knowledge of an accident occurring is not immediate and hence not within the 72 hour time frame.

We believe the requirement for proprietors to report accidents within 72 hours under the current Taxi Newcastle-under-Lyme Borough Council and PH Policy (See page 8 'Accidents') is the

condition that is best placed to ensure Newcastle-under-Lyme Borough Council receive notification of vehicles which have been in accidents in the most efficient way.

The requirement for vehicle proprietors to make a notification to their licensing authority of accident damage made to a vehicle is also covered under primary legislation under s. 50(3) of the Local Government (Miscellaneous Provisions) Act 1976.

Feedback on requirement to repair as soon as possible:

We accept that a responsible operator should immediately suspend any damaged vehicle from operation until it is satisfied that the vehicle has been appropriately repaired. At the same time, from the perspective of an operator which is not a vehicle proprietor of any vehicles which we operate, we are unable to require repairs to actually be made. This is ultimately a decision and a matter for the owner of the vehicle (which in many cases, as with Uber's, is not the operator). As a result, it is not practicable to impose on an operator an obligation to repair a vehicle which it does not own.

We believe it is sufficient and proportionate to place the obligation to repair a vehicle as soon as possible on the proprietor of the vehicle. We note that this has already been captured under the Proposed Vehicle Conditions (condition 2. 'Accident damage').

In respect of operator obligations in this area, we respectfully submit that the obligation should be more limited, and should extend only so as to require an operator *not to operate* a vehicle notified to it as damaged until it is satisfied that the damage has been appropriately repaired.

We would also highlight that there is some ambiguity around the use of the phrase "*must be repaired as soon as possible*". We are unsure as to when an operator or proprietor of a vehicle would fall foul of this time frame without it being more prescriptive.

Conditions 10 & 11. Complaints Procedure

10. Each operator must have in place a complaints procedure and must maintain a record of all complaints received, including details of any investigation and/or actions taken as a result of a Complaint.

11. The complaints procedure and complaint records must be made available to the licensing authority or Staffordshire Police on request and will be audited and checked by an authorised officer of the Council as appropriate on a risk based approach. Where a child under the age of 18 years is involved the local safeguarding procedures will be used by the licensing authority on receipt of the complaint. Where a complaint is received about the behaviour/conduct of a driver towards a vulnerable person the operator must notify the Council in writing within 72 hours.

Feedback:

We support and encourage Newcastle-under-Lyme Borough Council's application of a condition which requires operators to maintain records of all complaints received and any subsequent investigations or actions taken as a result of the complaint. We also support requirements for operators to report serious complaints to licensing authorities and see this as best practice.

Newcastle-under-Lyme Borough Council already has a complaints reporting condition in place. We believe that the proposed condition somewhat undermines the existing requirement. The proposed condition only requires an operator to notify the council within 72 hours of any reported behaviour/conduct of a driver towards a vulnerable person, whereas the existing condition captures "*any complaints*".

It is also not clear as to how an operator would distinguish who is a vulnerable person and who is not, which could lead to inconsistency of interpretation as between operators and either under- or over- reporting of complaints.

The current operator conditions which relate to complaints procedures actually go further by stating that "*The Operator shall immediately notify the Council in writing of any complaints concerning a contract for hire or purported contract for hire and of the action which the Operator has taken or proposes to take.*"

The reporting of complaints is something we have been working on with a number of councils recently (and should be viewed in the context of working within GDPR regulations). We would make the recommendation that reporting requirements be clarified in the conditions with respect to;

- the type of complaints to be proactively reported
- the timeframe for complaints to be proactively reported
- the details required in proactively reported complaints

We would welcome the opportunity to share our experiences with Newcastle-under-Lyme Borough Council of working with other councils and police forces (including TfL and The Metropolitan Police) which may help towards curating a complaints reporting conditions which delivers the best and most practical outcome.

Condition 13. Operator Vehicle Schedule

The Operator Vehicle Schedule must record [details of] road tax

We agree and support the need to ensure all vehicles are properly taxed, however we believe this responsibility best sits with the vehicle proprietor. The means through which an operator would obtain and keep details of road tax is not clear and would create unnecessary process which may otherwise be more easily solved by the vehicle proprietor.

Condition 15. Operator Driver Schedule

The Operator Driver Schedule must record [for each driver] 'the date of his next medical'

Feedback:

We understand that medical assessments are required every 3 years (in line with the standard PHDL renewal period). In addition to this, any licensed drivers aged 65 and over must undertake a medical examination at least annually.

We support this cadence for medical assessments and accept that operators should be responsible for preventing any driver from operating where he or she has not completed the required medical assessment under the criteria set by the licensing authority.

At the same time, we are unsure how we would satisfy ourselves that the appropriate medical checks had been carried out, and unsure as to what details or documents (if any) we would need to keep evidencing such medical assessments and how we would obtain this information in a reliable and efficient manner.

We believe the intention behind this condition is very sensible: to ensure that all private hire drivers have undertaken a medical within an appropriate time frame. We believe this aim would be better achieved by the verification and enforcement processes being carried out by Newcastle-under-Lyme Borough Council at the point of licence grant or renewal.

Since there is a requirement for drivers (under the age of 65) to conduct a medical as part of their PHDL renewal, expiry or non-renewal of any PHDL resulting from not attending/not passing a medical will automatically mean this driver is no longer operating (via suspension notice sent from council to an operator or by virtue of the document expiring).

For drivers aged 65 or over, who are required to undertake a medical annually, we believe issuing them with an annual PHDL will achieve the same outcome.

Keeping the Newcastle-under-Lyme Borough Council as the single source of truth/data holder on drivers' medicals seems to be the most proportionate and effective in regards to drivers' medical records.

Condition 17. Operator to keep Drivers' Licences

It is the operator's responsibility to check that all drivers are licensed as private hire drivers. The operator should ensure that when a driver has made themselves available for private hire work that the driver has deposited her/his licence with the operator whilst s/he is available for work.

We agree with the requirement for operators to verify that all drivers available to receive bookings under an operators licence are suitably licensed as private hire drivers. However, we believe this aim can be just as easily achieved by the operator having the option to maintain digital scans/copies of any PHDL and that a requirement to keep physical documents would be an unnecessarily burdensome process.

Maintenance

Condition 18. Safety and good order

The operator must ensure that all vehicles on the Operators Vehicle Schedule are maintained in a safe, comfortable, clean and tidy condition at all times whether or not the operator owns the vehicle. The operator must ensure that at all times all vehicles on their Operators Vehicle Schedule meet all relevant legal obligations including the vehicle conditions imposed by the Council.

Condition 19. Maintenance programme

The operator must at all times ensure that all vehicles on their Operator Vehicle Schedule are properly and regularly maintained. The operator must have in place a programme to ensure that vehicles are inspected regularly and record in writing. The programme must be submitted to the Council on request and must include details of how often the vehicle is inspected, serviced and what checks are carried out.

Feedback:

We support the requirement to ensure all vehicles operating in the private hire sector are maintained to good order and are safe, comfortable and clean for drivers and passengers alike. For instances where vehicles fall short of this standard, we aim to take appropriate action including suspending it from operating.

As an operator which is not the proprietor of any vehicles we operate, we do not have constant control over any given vehicle's condition. We believe the requirement necessary to ensure the proper maintenance of vehicles is more fittingly covered by placing the onus on the vehicle proprietor, this is something that we note is covered in the proposed Driver code of conduct ('Maintenance Check', page 51) and in the proposed vehicle conditions ('Vehicle Condition and Maintenance, page 66).

From:
Sent: 10 October 2018 21:44
To: licensing
Subject: Have your say
Attachments: Master Draft - NULBC Taxi Policy - August 2018 v7.pdf

This email has been received from an address outside the Council, please be very cautious when opening any attachments or clicking on any links herein.

I have read through your proposed policy changes and would like to make the following observations and objections. I will also explain my reasoning behind it.

My first objection is the reduction of the maximum age of a vehicle to 7 years (10 years for minibuses) which can be used as a private hire vehicle. (I am sure this also applies to Hackney carriages, but I have no experience of them). The average income of a private hire driver (in my experience) was around £10 per hour, below is a breakdown of costs.

LEASING A VEHICLE

Working a 40 hour week - income £400

Fuel - £85

Base rent - £90

Leasing a vehicle - £160

Private Hire Licence - £2

Doctors (fitness) Report £1

OWNING A VEHICLE

(Based on finance repayments of an average executive car over 7 years)

Working a 40 hour week - income £400

Fuel - £85

Base Rent - £90

Cost of vehicle - £100

Insurance - £54

Road Tax - £3

Private Hire Licence - £2

Doctors (fitness report) - £1

It is already incredibly difficult to make money driving a private hire vehicle and most drivers hoping to own their own vehicle resort to buying an older vehicle to 'get on the ladder' a vehicle less than 7 years old will be out of their grasp and they will have to lease instead.

I have heard experiences from drivers who lease, of the cars running out of MOT (the drivers don't have access to when these are due) the MOT's issued are questionable with just a visual inspection in one case I was told about.

An owner driver will keep their car in top condition as it's in their interest to do so, an older car will enable them to keep their costs to a minimum whilst allowing them to save towards a newer car.

Bringing in this new policy will allow unscrupulous private hire leasing companies to thrive and to be honest, they do the absolute minimum of maintenance on them because they want maximum profit.

The fares around the North Staffs area are well below what they should be as drivers are earning well below the minimum wage. This needs reviewing urgently. A driver doesn't always have a constant supply of jobs, I know Roseville (who are incredibly busy) have drivers waiting for 20 minutes between jobs almost constantly.

I believe that to bring in this policy will be detrimental to public safety as leasing companies will thrive and as I said, they do the minimum of repairs.

As long as the vehicle is in a safe and well maintained condition then there shouldn't be an age limit. Scrapping a vehicle and building a new one is incredibly detrimental to the environment - more so than running an older car! To be honest I'm much more concerned about chem trails than emissions from any vehicle in this country. Generating electricity also uses gas, coal (causing emissions) and worryingly nuclear energy, which is far more dangerous than

any emissions from cars, Chernobyl and Fukushima are prime examples.

In regard to towing a trailer and your proposal that 'there must be a passenger in your vehicle whilst using one' how do you propose I get my trailer home after dropping off my passenger?

Sent from my iPhone

Guide Dogs response to Newcastle-under-Lyme Borough Council's Hackney Carriage and Private Hire Licensing Policy

12/02/19

Summary

Guide Dogs provides mobility services to increase the independence of people with sight loss in the UK. Alongside our mobility work we campaign to break down physical and legal barriers to enable people with sight loss to get around on their own terms. There are an estimated 19,120 people with vision impairments living in Staffordshire, of which about 103 are guide dog owners.

Taxis and private hire vehicles (PHVs) and the door to door service they provide are essential for disabled people. In particular, they are essential for the independence of blind and partially sighted people, who are often unable to drive or use public transport. However, accessing taxis and PHVs can be a major challenge for assistance dog owners: a Guide Dogs survey found that 42% of assistance dog owners were refused by a taxi or PHV driver in a one-year period because of their dog – despite this being a criminal offence under the Equality Act 2010. Such access refusals can have a significant impact on assistance dog owners' lives, leading to feelings of anger and embarrassment and a loss of confidence and independence. We are therefore pleased to see that the proposed policy 'seeks to ensure that transport for those with a disability will be provided'.

Key recommendations:

- The policy should clearly state that all drivers are under a duty to carry, free of charge, any assistance dog. We advise highlighting within the policy that this is a legal requirement under the Equality Act 2010 and failure to do so is a criminal offence.
- Medical exemption certificates to exempt drivers from their duty to carry an assistance dog should be accompanied by features distinguishable to vision-impaired passengers, such as an embossed or raised 'E'.
- The mandatory disability equality training should include information regarding the carriage of assistance dogs and their obligations under the Equality Act 2010. The training should focus on the concept of people being disabled by society's barriers and attitudes and highlight the role an organisation and individuals play in the removal of those barriers, while also including awareness elements such as customer care, etiquette and appropriate communication.
- The policy should state that the Newcastle-under-Lyme Borough Council Licensing Authority will use its best endeavours to investigate all

reported violations of the Act in a timely manner with a view to pursuing a conviction.

- The policy should state that the Newcastle-under-Lyme Borough Council Licensing Authority will work together in conjunction with assistance dog owners to ensure that licensing requirements are being complied with by various means such as, but not limited to, test purchases to ensure that licensing requirements are being complied with.

Highlighting obligations under Equality Act 2010 in respect of Assistance Dogs

We advise that the policy should specify that all drivers are under a duty to carry, free of charge, any assistance dog. We advise highlighting within the policy that this is a legal requirement under the Equality Act 2010 and failure to do so is a criminal offence.

Currently, the policy makes reference to this duty in the negative, by stating in paragraph 38 of Appendices B, D and G that the duty under another paragraph (31 in Appendices B and 32 in Appendices D and G) does not remove or reduce the duty under the Equality Act to carry assistance dogs.

Further, paragraph 31 in Appendix B refers to the duty to not smoke or vape whilst in a licenced vehicle; paragraph 32 in Appendix D refers to ensuring a policy of insurance is in force; and paragraph 32 in appendix G refers to the requirement to attend a vehicle test. We believe that paragraph 38 in these appendices may instead intend to refer to paragraph 37, which details the driver's discretion to carry an animal.

Further, guide dog owners in the local area have expressed concern of access refusals which take the form of not stopping the car when they see the dog. We recommend ensuring that this is clearly identified as an illegal access refusal.

Medical Exemption Certificates

We are pleased to see that paragraph 38 of Appendix C states that medical exemption certificates will only be granted when 'sufficient proof from their GP, or independent medical specialist, confirming that the exemption is required in order for the driver to carry out their duties' is provided. We are also pleased to see it give examples of sufficient proof, such as results of blood tests, skin tests and evidence of the individual's clinical history.

It is often difficult for vision-impaired passengers to identify the validity of exemption certificates. Currently, it is not permissible for licensing authorities to issue exemption certificates which incorporate tactile features, as this would alter the certificate's prescribed form and render it invalid. We therefore recommend that Newcastle-under-Lyme Borough Council

Licensing Authority issues exemption certificates that are accompanied by features distinguishable to vision-impaired passengers, such as an embossed or raised 'E'. Guide Dogs would be happy to supply Newcastle-under-Lyme Borough Council with tactile exemption cards.

Disability equality training

As stated above, drivers who refuse to carry an assistance dog are committing a criminal offence under the Equality Act 2010. A Guide Dogs survey found that many taxi drivers are unaware of their legal obligations and the impact refusals have on assistance dog owners. The best way to address this is through disability equality training for all taxi and PHV drivers.

Therefore, to help reduce the number of access refusals, it is important that drivers know their legal obligations and how to best offer assistance to their customers with vision impairments, including those travelling with a guide dog. We therefore welcome the inclusion in paragraph 3.2.4 and 3.2.5 of the Policy that applicants must 'pass disability awareness training approved by the Council'. However, we recommend that this is strengthened by changing 'disability awareness training to disability equality training'.

Disability awareness training has proven helpful to increase non-disabled people's understanding of individual disabilities. However, it does not focus on the greater social issues that affect disabled people and what is needed to make services more inclusive.

This is explored by disability equality training, which focuses on the concept of people being disabled by society's barriers and attitudes. It highlights the role an organisation and individuals play in the removal of those barriers, while also including awareness elements such as customer care, etiquette and appropriate communication.

We recommend that this training, as well as highlighting a driver's legal obligations and disabled people's rights, should focus on the concept of people being disabled by society's barriers and attitudes. It should highlight the role an organisation and individuals play in the removal of those barriers, while also including awareness elements such as customer care, etiquette and appropriate communication.

Enforcement

While our survey shows that 42% of assistance dog owners have been refused over a one-year period, many of these incidents are not reported. Indeed, only 54% of respondents said they would 'definitely' or 'very likely' report an access refusal. In part, the underreporting is due to challenges of reporting, especially for people with sight loss. However, it is also due to disappointment

at the lack of action taken following an access refusal and the low fines issued.

Considering the significant impact an access refusal can have on assistance dog owners and their communities, it is important that assistance dog owners know that all cases of access refusals are viewed very seriously and are investigated.

As mentioned, it is a criminal offence for any operator or driver to refuse to carry assistance dogs. On conviction for such an offence, drivers can be fined up to £1,000. As failure to carry an assistance dog is a criminal offence, we recommend a zero-tolerance approach to enforcement of the Equality Act. We therefore are pleased to see that section 33 of Appendix L states that failure to carry an assistance dog without requisite medical exemption certificate results in 12 penalty points. Some guide dog owners have also expressed concern about the time it takes some Local Authorities to investigate access issues with drivers. One way of ensuring swift action is to suspend the driver's license until they have engaged and made the initial statement.

Further, the current policy does not contain any reference to prosecution of drivers who refuse a passenger. We also recommend a zero-tolerance approach to enforcement of the Equality Act in seeking prosecutions and therefore recommend stating that Newcastle-under-Lyme Borough Council Licensing Authority will use its best endeavours to investigate all reported violations of the Equality Act in a timely manner, with a view to pursuing a conviction.

We also recommend that the policy should state that the Newcastle-under-Lyme Borough Council Licensing Authority will work together in conjunction with assistance dog owners to ensure that licensing requirements are being complied with by various means such as, but not limited to, test purchases to ensure that licensing requirements are being complied with.

For more information, please contact Public Affairs Officer Katherine Copperthwaite on katherine.copperthwaite@guidedogs.org.uk or 0118 983 8121.

Burton, Matthew

From:
Sent: 06 February 2019 21:07
To: licensing
Subject: Taxi badge and Drivers plate Licensing issues.

This email has been received from an address outside the Council, please be very cautious when opening any attachments or clicking on any links herein.

Dear Sir,

You present test for the taxi badge /license is too easy and the new topogeographical test should be banned as this is opening floodgates to the taxi trade.

I have no objection to anybody making a living in the area. The old fashioned test the local knowledge test should be used as a benchmark and the new taxi drivers must know the area off by heart.

Public safety and customers service is at the heart of any respectable licensing office or local government. There too many taxi drivers in the area Newcastle under lyme area who cannot speak English properly and communication plays a fundamental part of the job being a taxi driver. I would propose to you the following:

- (1) Taxi test - 20 routes off by heart.
- (2) English test in verbal and written competency.
- (3) Introduce in local Bylaws that hackney carriage cannot go out of area and work as a sub contractor .

I would be grateful, If you can put my opinions to the licensing committee and I am willing to attend any meetings.

Kind regards

Phone:

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Newcastle-under-Lyme Borough Council

Taxi / Private Hire Licensing Policy Consultation

Staffordshire County Council Response – December 2018

The County Council is a significant buyer of taxi and private hire services across the County. Taxi/Private Hire operators provide the majority of the County Council's Special Educational Needs home to school transport and a small, but nevertheless significant, proportion of mainstream home to school transport (i.e. primary, middle and secondary schools). These services are provided under contract, within an EU Framework Agreement. The County Council's conditions of contract require that all contractors adhere to a high standard of delivery, which fits closely with raising standards through revision to licensing policy. We are keen to continue working with all licensing authority partners to maintain and improve standards of service delivery.

Our comments on the draft policy are presented in the order in which they arise in the document.

DBS Requirements (para 3.1.6) – we welcome the inclusion of provision for information sharing between the Borough and County Councils. It is also helpful that reference to separate requirements for working on home to school contracted transport is included. There is a specific page on the County Council's website in relation to this which may be useful to include a link to:

<https://www.staffordshire.gov.uk/education/schoolsandcolleges/Schooltransport/School-Transport-DBS-Safeguarding/School-Transport-DBS-Safeguarding.aspx>

Safeguarding Training – (para 3.2.4 & 3.2.5) – the County Council provides level one safeguarding training courses for contractor staff (drivers and passenger assistants). This training is delivered to Staffordshire Safeguarding Children Board level one standard and so the Borough Council may wish to consider accepting proof of attending this course as meeting the training requirements for the licensing policy. Where licensing authority safeguarding training is delivered to Safeguarding Board level one standards, we also accept this as meeting our requirements for the purposes of working on contracted home to school transport.

Transporting Children – para 3.2.17 – in relation to contracted home to school transport, a refusal by a driver to transport a young person where no child seat is provided would create conflict with SCC contract conditions. The County Council do not require contractors or parents/carers to provide child seats although the latter are able to on a voluntary basis. We would seek further clarity being added to the licensing policy, perhaps an exception to the ability to refuse where the journey is operated under contract to the County Council. It is not always practicable for child seats to be used on home to school transport as there is often no ability to store seats at the destination school during the day and contractors will require the space in their vehicle for carriage of passengers/luggage on other bookings. If any

contractor has a safety concern regarding the carriage of one or more passengers, it is expected that they raise it immediately with ourselves so that the situation can be resolved.

Ownership of vehicles – paras 3.3.7 & 3.4.6. – We would comment that the vehicle registration document V5C is not proof of ownership and can only be used as evidence of the registered keeper.

Age of vehicles - paras 3.3.11 & 3.4.9 – the increased age limit for electric vehicles is supported. However, an age limit in excess of ten years for electric vehicles may be required at the present time in order to allow for a suitable payback period to make the necessary investment a realistic proposition. We would also suggest that consideration is given to allowing electric vehicles fitted with a “range extender” in light of the limited charging infrastructure that currently exists. This would mirror the allowances made by Transport for London for electric Hackney Carriages fitted with range extenders.

Grandfather rights - para 3.3.13 – the removal of grandfather rights for non-wheelchair accessible vehicles is supported. Our experience in procuring contracted home to school transport suggests a need to encourage an expansion in the number of wheelchair accessible vehicles being operated in the County.

Vehicle Testing Requirements - 3.3.17/18 & 3.4.14/15 – it is our view that the separation of MOTs and vehicle fitness test potentially creates a lack of visibility for the Borough Council on a vehicle’s compliance with roadworthiness requirements. We would suggest that either:

- The Council Test includes a review of MOT History so that any MOT failures are brought to light, allowing any specific concerns to be acted upon; or
- The Council Test and MOT are harmonised such that all MOT tests are in effect conducted by the Borough Council or testing station as approved by the Borough Council.

In relation to vehicles fitted with tail lifts (para 3.4.13), we would welcome additional clarification that the requirements of the LOLER 1998 Regulations are that a passenger tail lift is inspected by a competent person every 6 months. The inspection document will also identify any defects that may be present along with the timescales within which they must be addressed. We would request that the Council Test for vehicles fitted with a tail lift includes a check that the LOLER certificate is less than six months old and that there is evidence of defect rectification should any have been identified.

Paragraph 3.3.20 refers to a provision for 28 days to rectify a failure. This is a lengthy period during which a vehicle may not be roadworthy. It is, therefore, suggested that the period be shortened or consideration given to revoking a vehicle’s plate until such time as the failure is addressed in order to prevent passengers from

being carried. It is further suggested that the principle of not accepting a vehicle after failure of test and re-test should also be applied to MOTs.

CCTV – paras 3.3.27 & 3.4.25 – we recognise that CCTV systems that are professionally installed and fully GDPR compliant can be a useful tool to safeguard both drivers and passengers. We, therefore, support the allowance for CCTV to be fitted to vehicles on an optional basis. It may be useful to refer to the appropriate guidance on CCTV systems that is published by the Information Commissioners' Officer. We are aware that some drivers use "dashcams" in their vehicles. It is our view that the use of "dashcams" is unlikely to comply with GDPR as the information storage on such devices is not sufficiently secure (for example, the device and/or memory card could easily be stolen). Given the widespread use of "dashcams", it may be useful to expand the policy on CCTV to include reference to these and set out the Borough Council's policy on whether or not their use is appropriate in a licensed vehicle.

Appendix B – Driver Code of Conduct. The Council fully supports the requirement for drivers to be subject to Group 2 DVLA Medical Standards. In this respect it would be useful to add clarity to the requirement for drivers to notify the licensing authority of any medical condition that the threshold for notification would be any condition that either places the driver outside of Group 2 Standards or where the Group 2 Standard requires notification to the DVLA. – clarify to notify any condition that would put driver outside of Group 2 DVLA standards, guidance available online, medical professional can advise them.

Paragraph 14 refers to drivers providing an operator with copy of DVLA licence. We would suggest that this is further expanded to require production of a photocard and check codes on request to allow regular online checks of counterpart licence.

Paragraph 23 prevents the carriage of passengers below age of 14 in front seat. With reference to our comments on the carriage of children, this condition could conflict with our conditions of contract for home to school transport. An amendment or exception for contracted home to school transport would, therefore, be welcomed.

In relation to daily walk around checks (para 35) – we would suggest the use of the template in the DVSA Guide to Maintaining Roadworthiness or equivalent. It may assist operators and drivers to refer to the availability of pre-printed books or apps for conducting checks.

As Hackney Carriage / Private Hire Drivers are not subject to driving hours legislation, it is suggested that a responsibility is placed upon drivers to limit their working hours so that they are properly rested between shifts to avoid fatigue creating a safety risk.

Appendix D – Hackney Carriage Conditions of Licence. With reference to vehicle maintenance, paragraph 9, it is suggested that the vehicle proprietor should

be able to demonstrate maintenance to the vehicle manufacturer's recommended schedule.

Appendix E – Hackney Carriage Vehicle Specifications. Paragraph 3(a) seating requirements could perhaps be clarified to allow for wheelchair accessible vehicles that have removable seats e.g. by referring to “vehicles adapted to carry”. Best practice for the carriage of passengers in wheelchairs (para 5.4) is to secure the wheelchair in a forward facing position. It is suggested that para 5.7 specifically mentions compliance with LOLER 1998 regulations.

Appendix G – Private Hire Vehicle Conditions. With reference to paragraph 8 it is suggested that the vehicle proprietor should be able to demonstrate maintenance to the vehicle manufacturer's recommended schedule.

Appendix H – Private Hire Vehicle Specifications. It is suggested that the principle of limited re-tests should also apply to MOT as repeated MOT failures would suggest the same concerns as a vehicle repeatedly failing a Council Test. In relation to paragraph 26, best practice is for passengers in wheelchairs to be carried in a forward facing position.

Appendix I – Private Hire Operator Conditions – In respect of maintenance (para 18 & 19) – it is suggested that the operator should monitor that daily vehicle checks are taking place including checking evidence of defect rectification. In addition, operators should ideally obtain copy MOTs from drivers and monitor MOT history for any concerns about vehicle maintenance. It is also advisable for Operators to conduct regular checks that vehicles working for them have valid road tax – there is a risk that where vehicle tax is paid via direct debit of failure to make a payment which in turn will lead to revocation of the vehicle's tax by DVLA. We would also request that Operators be accountable for not allowing drivers to work excessively long hours, both in terms of shift length and total driving hours across a working week.

Appendix K – Code of Conduct when working with Vulnerable Passengers.

The inclusion of a specific code of conduct for working with vulnerable passengers is fully supported. With reference to vulnerable passengers being seated in front of vehicle, the wording as it stands conflicts with our conditions of contract for home to school transport. A vulnerable passenger may be required to sit in the front seat either because all of the passenger seats in the vehicle need to be used or separation is required between one or more passengers for behavioural reasons.

The requirement to keep an incident log is useful and fully supported. In relation to care of vulnerable passengers, it may be useful to include reference to the need to ensure care is discharged to responsible person at the passenger's destination.

Appendix L – Penalty Points

The inclusion of a “penalty point” system for dealing with compliance matters is welcomed. We would comment on specific items as follows:

- Item 14 – using vehicle subject to suspension order – this could be expanded to include reference to a PG9 prohibition notice either immediate or S-marked issued by a DVSA vehicle examiner.
- Item 28 – obstruction of officer – we would suggest the addition of DVSA Vehicle Examiners within this item.
- Item 54 – within the wording of this item, it is suggested that it includes mention of below legal minimum tread depth of 1.6mm. Given the requirement within the policy to undertake daily vehicle checks, recorded in writing, the scenario of a vehicle being used with a tyre worn below the legal limit should never arise if checks have been properly conducted. On this basis, any vehicle used with a tyre worn below the legal limit demonstrates both disregard for maintaining a vehicle in a safe roadworthy condition and in conducting suitable vehicle checks. Our view, therefore, is that the number of penalty points should be higher, preferably at least 9 points for one tyre and at least 12 points for two or more tyres worn below the legal minimum.
- Item 58 – driving whilst using a mobile phone – it is suggested that wording is amended to refer to using a hand held mobile phone or similar device contrary to the law. Professional drivers should be held to the highest standards of conduct and so any proven instance of a handheld mobile phone or similar device demonstrates a complete disregard for both the safety of passengers and other road users. On this basis, we would request that this offence has an increased number of penalty points, preferably 12.

In addition, we would request consideration of additional items to cover:

- Use of a vehicle fitted with a passenger tail lift without a valid LOLER inspection.
- Excessive vehicle idling whilst parked or waiting.
- Drivers working excessively long shifts or having insufficient rest between shifts.

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Cllr Stephen Sweeney,

9TH March 2019

c/o Council Buildings

Newcastle,

STAFFS

Dear Stephen,

Draft Taxi Licensing Policy 2019/21

I read an article in today's Sentinel which concerned the proposal to require taxi drivers in Newcastle to use electric vehicles. I have worked as Assistant Works Chemist at what was then the world's largest manufacturer of miners' cap lamps (powered by lead acid batteries) which also had contracts with the Air Ministry and motor vehicle manufacturers, including those for Fork lift truck and Milk floats. Following this I worked in the research and development laboratories of probably the U.K.'s largest manufacturer of automotive batteries and which also made batteries for submarines. Their research laboratories were busy investigating and evaluating Fuel Cells. I therefore have more than a passing interest in the use of electrical power for vehicle propulsion.

My interest in electrically propelled vehicles was given a boost recently when I was sitting in the reception area of a local approved car repairer's. A customer was asked how he was making out with a German manufactured electric car. His reply was that he was taking it back to the distributor's garage and added that "They use a 600cc motor bike engine to extend the range – but the manufacturer has trouble in meeting the emissions limits". The customer was unhappy, and I could hardly believe what I had heard.

We have met socially and you will know that I have retired. There is absolutely no way that I could be convinced that an electric car would suit my purposes due to the comparatively low annual mileage which I cover. The high initial cost (even though subsidised by other taxpayers) would be excessive, but there are other factors such as the poor range, lack of charging points and the convenience of siting of such points. My eldest daughter lives near High Wycombe, and my sister lives in the Lake District for example. But why on earth would I be concerned for the Taxi operators of Newcastle?

Firstly I am unaware of any research which the council has done before reaching this (albeit) draft decision. We all value breathing clean air, but along with this come some alarming costs. The council does not seem to be too bothered about the smell emanating from the tip at Silverdale. I first encountered this when visiting Garner's Garden Centre several weeks ago. I have also been aware of it whilst passing through the town centre on my way home at night from Stafford Avenue along the A34, in the vicinity of what used to be Maxim's. The smell reminded me of the hydrogen sulphide which is produced when acid reacts with a metal sulphide. Hydrogen sulphide is more poisonous than hydrogen cyanide gas! However, since an investigator from the council could not smell anything, as reported in the Sentinel, it seems that all is well. Really!

Secondly, you cannot defy the laws of science. When you dip two dissimilar metals, (electrodes) in an electrolyte, i.e. a liquid which will conduct electricity, an electrical potential is set up between them. This is how primary cells work. Once they have become discharged, like a torch battery, you have to throw them away.

There are what are known as secondary cells where it is possible to re-charge them e.g. the lead/acid batteries used in motor cars. There is a book called, "International Critical Tables," where it

is possible to look up the possible voltages generated by a whole host of different metals and other conducting substances. Whatever the electrodes used the voltage generated never varies much above 2v. For a lead acid battery giving 12volts, there are six 2v cells.

The thickness of the plates in each cell determines the capacity, e.g. 50 amp.hr and the discharge rate. An aircraft battery will have very thin plates whereas a submarine battery will have very thick plates.

Thus, in order to obtain a voltage which would be useful to actually power a car for some distance, you would have to connect a large number of cells in series. The more cells the greater the weight, and the higher the volume -hence space required for it in the car. This is of little consequence in, for example, a fork lift truck or an electric milk float. They don't have to travel fast or far, and can be charged out of working hours.

Thirdly- shedding of battery materials. Eventually the positive plate begins to shed material due to the many recharging cycles and the unit has to be replaced.

Shedding of the electrode(s) even in Lithium- Ion batteries, shedding of the silicon electrodes has caused big research problems. The resultant loss of performance leads to having to replace the very, very expensive batteries. It may be that the batteries are leased but in the end the cost comes down to the owner of the vehicle.

Fourthly the State of research into batteries. Although there have been advances in charge storage capacity, the problems remain of high cost of the batteries and the range which they give. The chemistry is not understood enough presently and major advances are unlikely.

Fifth cost. According to the M.I.T. review, Tesla were on track to produce a car by 2017 which cost 35,000 dollars with a range of 200 miles. This compares poorly with a gasoline powered car with a range of 350 miles and costing 15,000 dollars.

Thus I have concluded that the cost of replacing current vehicles would be exorbitant for taxi owners who would either have to cease working or to charge more. This would not be pleasant news for ratepayers and inhabitants of Newcastle. The number of journeys would be reduced and the town's businesses would be hit financially. The supposed improvement in air quality would be unlikely to improve significantly, since the degree of pollution depends not only on the number of vehicles, but also on the flow of air. One rarely sees records of air flows when pollution levels are reported. I am unaware of there being a 60 year plan for Newcastle, but would guess that any new roads would follow the lines of the present and ancient "horse and cart" roads.

One may ask, "Why this government pre- occupation with electric vehicles." Who can afford those which we have now, who uses them, by how much are they subsidised? Who really pays the subsidies- is it those who could not possibly afford them? Where are the charging points, and how would the residents of a block of flats ever be able to charge their batteries if they all had electric vehicles? It all seems to be as well thought out and reasoned as Brexit! It looks like the story of the "Emperor's clothes", but dressed up differently.

A little knowledge is a dangerous thing, and I think that Newcastle Borough Council may be just mouthing the words of other deluded, or just ill informed politicians, when they insist on cab drivers changing over to electric vehicles. The costs as already mentioned, could be crippling.

Yours faithfully,



Taxi consultation 2019

Background

- 27 questionnaires were submitted online between 10 October 2018 and 14 March 2019
 - Multiple responses from one respondent (a taxi driver)
 - Not everyone answered each question
- Four from Private hire / Hackney Carriage vehicle owner
- Nine responses from taxi drivers
 - But four were from the same driver
- Ten from members of the public
- Three from Private hire operator
- One from an organisation

Headline findings

- Majority of responses were for the main part of the policy document
 - Multiple responses from one taxi driver who strongly opposed it
- Members of the public were more supportive than other respondents

Analysis of data

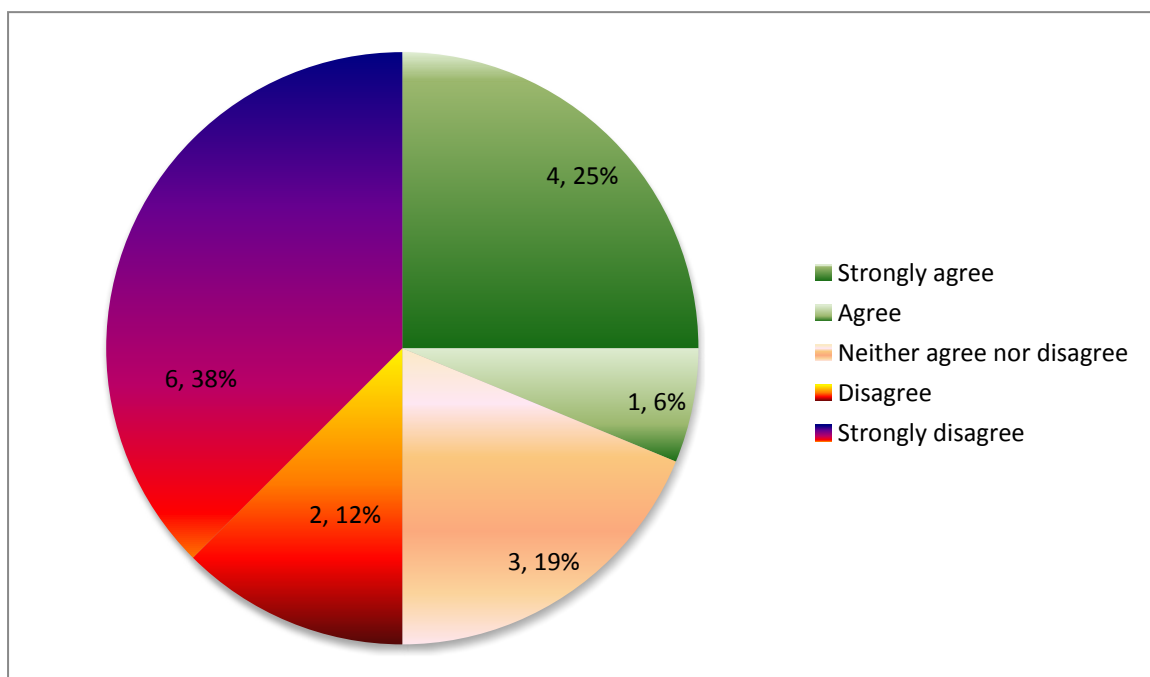
Q1) Do you agree with the contents of the main part of the policy?

There were more responses (16) to the main part of the policy than to any of the appendices.

However, there needs to be some caution when looking at the results to this part. Firstly though, we can see that responses were largely negative

- 31 per cent were in agreement
 - 25 per cent strongly agreed
 - 6 per cent agreed
- 19 per cent neither agreed nor disagreed
- 50 per cent were in disagreement
 - 38 per cent strongly disagreed
 - 13 per cent disagreed.

Figure 1: Do you agree with the contents of the main part of the policy? 16 responses



However, it needs to be noted that there were four responses from the same taxi driver – in pairs, with two responses within one minute of each other one evening and then two more within one minute of each other the following morning. He did not leave any comment to say that he was submitting responses on behalf of anyone else, and selected 'strongly disagree' to every part of this survey that he answered, namely:

- Appendix B - Driver code of conduct
- Appendix C - Driver criteria
- Appendix D - Hackney carriage vehicle conditions

- Appendix E - Hackney carriage vehicle specifications
- Appendix G - Private hire vehicle conditions
- Appendix H - Private hire vehicle specifications
- Appendix J - Taxi and PHV licensing convictions guidelines
- Appendix L - penalty points scheme

Respondents were given the opportunity to leave any further comments, and eight did so. Each response, as they are throughout this report, is included **in full and unedited** here.

- 1) (Private hire / Hackney Carriage vehicle owner). Firstly i would like to say the council officer's are not cooperating with the drivers at all, The staff they have very rude and not helpful at all ,please consider that Where it says they response back to the query via email within 10days that is false statement because on many occasions they haven't responded to any of emails The customer service isn't helpful at all when the switch boards transfer call to the reception kindly you ask them to transfer the call to the officers they hang up on you, Again this happened to many taxi members many times. When you launch the complaint to staff council they're not responding too I would like to ask the council to employee those people who are civil mannered and polite and have good customer service skills Some of the receptionist are clueless they need to be trained for their job.
- 2) (Member of the public). Page 32 3.4.42 Private hire waiting. I welcome this because - Recently I've seen a private hire waiting in the Residents Parking Zone bay on West St and another one part on the pavement and the double yellow lines on the corner of West St and Back Garden St. These vehicles either have engines running or are just sitting there and are both taking up space which they have no right to use in the case of the RPZ area, and causing a nuisance by parking on the double yellows on the corner. In the main the cars are plated by NULBC and either driving for Roseville or Lucky 7. In the recent past I've reported drivers for throwing rubbish out of their cars onto Back Garden Street and also one driver who was urinating in the street. All these cars were plated by NULBC and driving for Roseville. Their cars were parked on the double yellows on Back Garden Street. We have also taken drivers rubbish after we saw it thrown out of a Roseville car back to the Roseville office. So, whilst I welcome the draft policy with regard to private hire waiting, I must ask how will it be enforced? It is very difficult or the public to contact private hire licensing direct about the issues such as the ones I raised above and that is also something which need changing. I addition, how will it be enforced in the evenings? I ask this because some of the behaviours I listed earlier were from drivers who had dropped off or waiting for students from Hassells Bridge flats.
- 3) (Member of the public). What i have used of the hackney taxi's lacking of clean usable cars on the road, No tariff or insurance liability on display, Meters not turned on and Quote from a black cab for £14 from Wilko's Newcastle to Porthill overcharging Many of the taxi's i have used, the drivers are on mobile phones hands free, some not, but talking to who ever in a

language that's not English, and find this disturbing that the call is taking place and the driver is not fully in control of the taxi. Complaints fall on deaf ears in the town hall.

- 4) (Private hire operator). I live outside the Borough, and have an operator's licence for Newcastle under Lyme council, I'm a sole trader and have had this licence for approximately 10 years and think I've provided a fully professional service that reflects well on the council. My bookings and correspondence are done by mobile phone, email or social media, my home is registered just as a postal address for yourselves. I think it's unfair that to continue I'll have to move house, which is ridiculous or quit your council. I think operators like myself are being penalised unfairly after years of loyal service.
- 5) (Member of the public). An additional clause should be added to follow 3.2.24: 3.2.25 ENGINE IDLING WHEN STANDING DRIVERS MUST NOT HAVE THEIR VEHICLE'S ENGINE RUNNING WHEN STANDING. Environmental concerns relating to air pollution. There already exists legislation relating to PSV's and we should be particularly aware of this in the Town Centre. In the winter most vehicles, majority of which are diesel engines, are standing with their engines running. Further, a number of recent models have a STOP/START facility as a factory fitted facility. THESE MUST NOT BE SWITCHED OFF. Suggest reference Transport for London.
- 6) (Organisation) Guide Dogs response to Newcastle-under-Lyme Borough Council's Hackney Carriage and Private Hire Licensing Policy 12/02/19
Summary Guide Dogs provides mobility services to increase the independence of people with sight loss in the UK. Alongside our mobility work we campaign to break down physical and legal barriers to enable people with sight loss to get around on their own terms. There are an estimated 19,120 people with vision impairments living in Staffordshire, of which about 103 are guide dog owners. Taxis and private hire vehicles (PHVs) and the door to door service they provide are essential for disabled people. In particular, they are essential for the independence of blind and partially sighted people, who are often unable to drive or use public transport. However, accessing taxis and PHVs can be a major challenge for assistance dog owners: a Guide Dogs survey found that 42% of assistance dog owners were refused by a taxi or PHV driver in a one-year period because of their dog – despite this being a criminal offence under the Equality Act 2010. Such access refusals can have a significant impact on assistance dog owners' lives, leading to feelings of anger and embarrassment and a loss of confidence and independence. We are therefore pleased to see that the proposed policy 'seeks to ensure that transport for those with a disability will be provided'. Key recommendations:
 - a. The policy should clearly state that all drivers are under a duty to carry, free of charge, any assistance dog. We advise highlighting within the policy that this is a legal requirement under the Equality Act 2010 and failure to do so is a criminal offence.
 - b. Medical exemption certificates to exempt drivers from their duty to carry an assistance dog should be accompanied by features distinguishable to vision-impaired passengers, such as an embossed or raised 'E'.

- c. The mandatory disability equality training should include information regarding the carriage of assistance dogs and their obligations under the Equality Act 2010. The training should focus on the concept of people being disabled by society's barriers and attitudes and highlight the role an organisation and individuals play in the removal of those barriers, while also including awareness elements such as customer care, etiquette and appropriate communication.
- d. The policy should state that the Newcastle-under-Lyme Borough Council Licensing Authority will use its best endeavours to investigate all reported violations of the Act in a timely manner with a view to pursuing a conviction. The policy should state that the Newcastle-under-Lyme Borough Council Licensing Authority will work together in conjunction with assistance dog owners to ensure that licensing requirements are being complied with by various means such as, but not limited to, test purchases to ensure that licensing requirements are being complied with. Highlighting obligations under Equality Act 2010 in respect of Assistance Dogs We advise that the policy should specify that all drivers are under a duty to carry, free of charge, any assistance dog. We advise highlighting within the policy that this is a legal requirement under the Equality Act 2010 and failure to do so is a criminal offence. Currently, the policy makes reference to this duty in the negative, by stating in paragraph 38 of Appendices B, D and G that the duty under another paragraph (31 in Appendices B and 32 in Appendices D and G) does not remove or reduce the duty under the Equality Act to carry assistance dogs. Further, paragraph 31 in Appendix B refers to the duty to not smoke or vape whilst in a licenced vehicle; paragraph 32 in Appendix D refers to ensuring a policy of insurance is in force; and paragraph 32 in appendix G refers to the requirement to attend a vehicle test. We believe that paragraph 38 in these appendixes may instead intend to refer to paragraph 37, which details the driver's discretion to carry an animal. Further, guide dog owners in the local area have expressed concern of access refusals which take the form of not stopping the car when they see the dog. We recommend ensuring that this is clearly identified as an illegal access refusal. Medical Exemption Certificates We are pleased to see that paragraph 38 of Appendix C states that medical exemption certificates will only be granted when 'sufficient proof from their GP, or independent medical specialist, confirming that the exemption is required in order for the driver to carry out their duties' is provided. We are also pleased to see it give examples of sufficient proof, such as results of blood tests, skin tests and evidence of the individual's clinical history. It is often difficult for vision-impaired passengers to identify the validity of exemption certificates. Currently, it is not permissible for licensing authorities to issue exemption certificates which incorporate tactile features, as this would alter the certificate's prescribed form and render it invalid. We therefore recommend that Newcastle-under-Lyme Borough Council Licensing Authority issues exemption certificates that are accompanied by features distinguishable to vision-impaired passengers, such as an embossed or raised 'E'. Guide Dogs would be

happy to supply Newcastle-under-Lyme Borough Council with tactile exemption cards.

- e. Disability equality training As stated above, drivers who refuse to carry an assistance dog are committing a criminal offence under the Equality Act 2010. A Guide Dogs survey found that many taxi drivers are unaware of their legal obligations and the impact refusals have on assistance dog owners. The best way to address this is through disability equality training for all taxi and PHV drivers. Therefore, to help reduce the number of access refusals, it is important that drivers know their legal obligations and how to best offer assistance to their customers with vision impairments, including those travelling with a guide dog. We therefore welcome the inclusion in paragraph 3.2.4 and 3.2.5 of the Policy that applicants must 'pass disability awareness training approved by the Council'. However, we recommend that this is strengthened by changing 'disability awareness training to disability equality training'. Disability awareness training has proven helpful to increase non-disabled people's understanding of individual disabilities. However, it does not focus on the greater social issues that affect disabled people and what is needed to make services more inclusive. This is explored by disability equality training, which focuses on the concept of people being disabled by society's barriers and attitudes. It highlights the role an organisation and individuals play in the removal of those barriers, while also including awareness elements such as customer care, etiquette and appropriate communication. We recommend that this training, as well as highlighting a driver's legal obligations and disabled people's rights, should focus on the concept of people being disabled by society's barriers and attitudes. It should highlight the role an organisation and individuals play in the removal of those barriers, while also including awareness elements such as customer care, etiquette and appropriate communication.
- f. Enforcement. While our survey shows that 42% of assistance dog owners have been refused over a one-year period, many of these incidents are not reported. Indeed, only 54% of respondents said they would 'definitely' or 'very likely' report an access refusal. In part, the underreporting is due to challenges of reporting, especially for people with sight loss. However, it is also due to disappointment at the lack of action taken following an access refusal and the low fines issued. Considering the significant impact an access refusal can have on assistance dog owners and their communities, it is important that assistance dog owners know that all cases of access refusals are viewed very seriously and are investigated. As mentioned, it is a criminal offence for any operator or driver to refuse to carry assistance dogs. On conviction for such an offence, drivers can be fined up to £1,000. As failure to carry an assistance dog is a criminal offence, we recommend a zero-tolerance approach to enforcement of the Equality Act. We therefore are pleased to see that section 33 of Appendix L states that failure to carry an assistance dog without requisite medical exemption certificate results in 12 penalty points. Some guide dog owners have also expressed concern about the time it takes some Local Authorities to investigate access issues with drivers. One way of

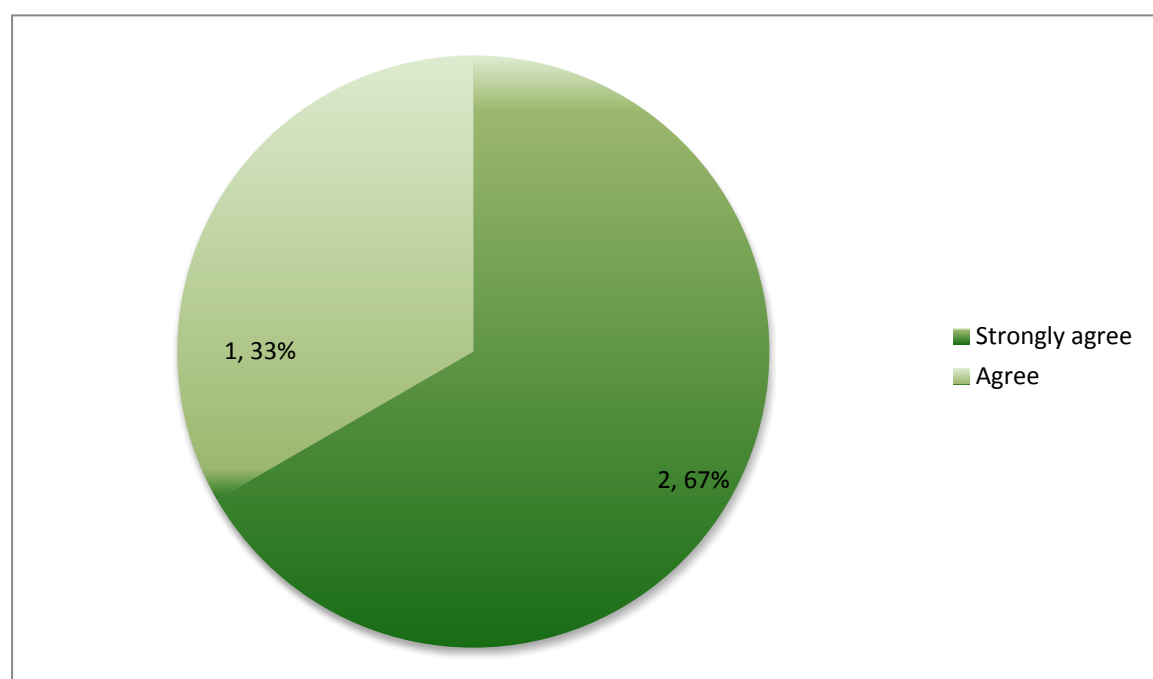
ensuring swift action is to suspend the driver's license until they have engaged and made the initial statement. Further, the current policy does not contain any reference to prosecution of drivers who refuse a passenger. We also recommend a zero-tolerance approach to enforcement of the Equality Act in seeking prosecutions and therefore recommend stating that Newcastle-under-Lyme Borough Council Licensing Authority will use its best endeavours to investigate all reported violations of the Equality Act in a timely manner, with a view to pursuing a conviction. We also recommend that the policy should state that the Newcastle-under-Lyme Borough Council Licensing Authority will work together in conjunction with assistance dog owners to ensure that licensing requirements are being complied with by various means such as, but not limited to, test purchases to ensure that licensing requirements are being complied with. For more information, please contact Public Affairs Officer Katherine Copperthwaite on katherine.copperthwaite@guidedogs.org.uk or 0118 983 8121.

- 7) (Member of the public). The following quotation from the BBC expresses my concern and support for the proposed Taxi Licensing policy "Hundreds of taxi drivers have been granted licences despite declaring criminal convictions for sex offences, burglary and assault, figures show." The government guidelines for local authorities states applicants convicted of sexual or violent offences should be refused a licence.
- 8) (Taxi driver). No consideration to local passengers and drivers dedicated to the Borough. You are punishing dedicated drivers and local community for your past inappropriate policing of the existing policies. A new system and policies should be forced on the existing council for very low standards of house keeping and not providing a service to the taxi industry. We cannot get appointments etc due to your inappropriate system. Phone calls after phone calls to be passed around then informed to make an appointment to make an appointment.

Do you agree with the contents of Appendix A - Child sexual exploitation and trafficking of children and young people?

There were only three responses to this question, all made by members of the public. The responses were supportive, with one strongly agreeing and one agreeing.

Figure 2: Do you agree with the contents of Appendix A - Child sexual exploitation and trafficking of children and young people? 3 responses

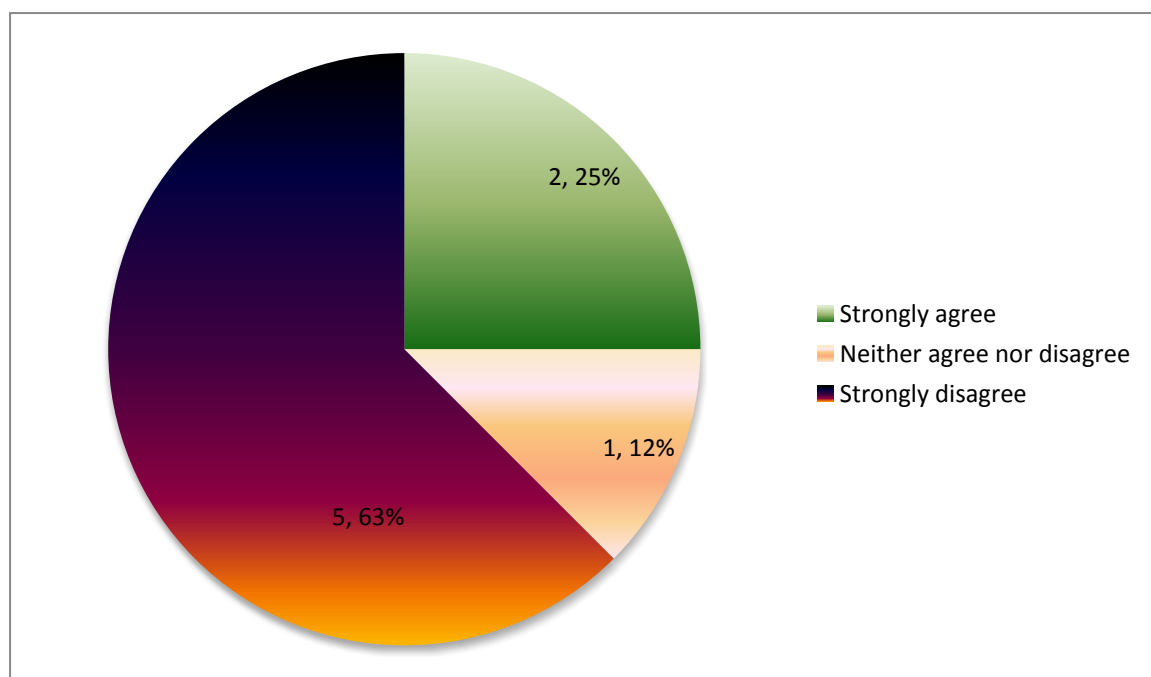


No further comments were left.

Do you agree with the contents of Appendix B - Driver code of conduct?

Responses were largely unsupportive (remembering the caveat of the repeated submission) with 63 per cent strongly disagreeing. Only 25 per cent were in (strong) agreement, with the remaining 13 per cent neither agreeing nor disagreeing.

Figure 3: Do you agree with the contents of Appendix B - Driver code of conduct? 8 responses



No further comments were left.

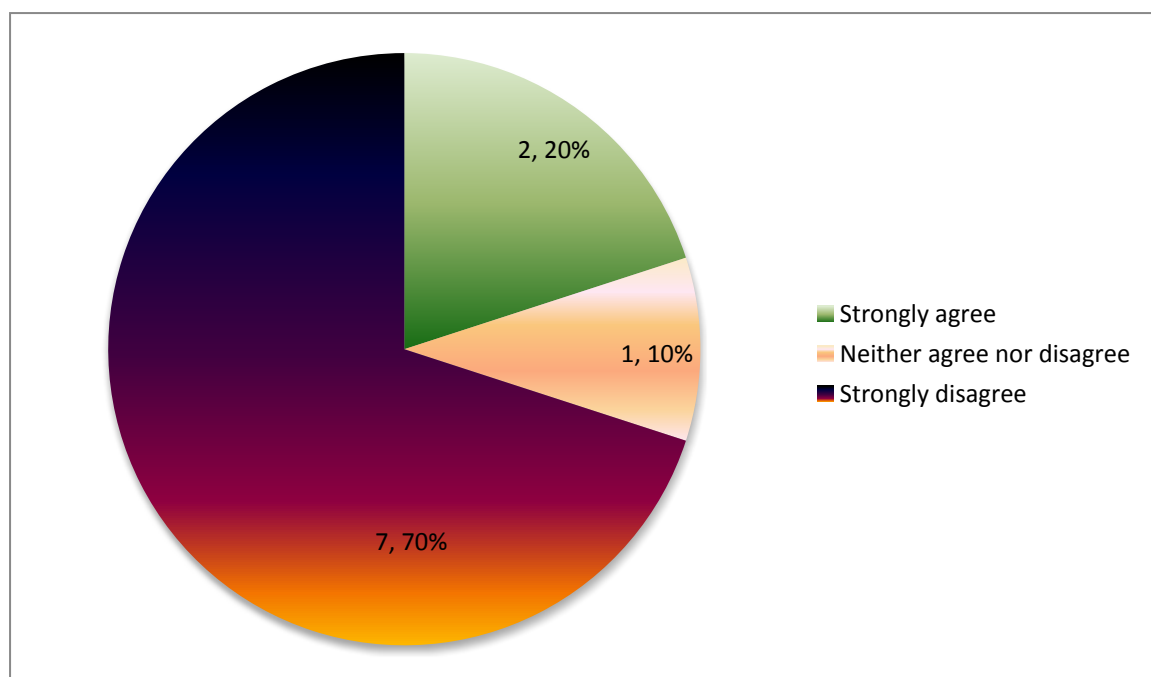
Do you agree with the contents of Appendix C - Driver criteria?

Responses were mostly unsupportive with 70 per cent strongly disagreeing. 20 per cent strongly agreed with the remaining 10 per cent (one respondent) neither agreeing nor disagreeing.

The two respondents who were in strong agreement were members of the public. Of the seven respondents who strongly disagreed, there were:

- Two private hire / Hackney Carriage vehicle owner
- One private hire operator
- Four responses from the same taxi driver

Figure 4: Do you agree with the contents of Appendix C - Driver criteria? 10 responses



The following two comments were left:

- (Left by a Private hire / Hackney Carriage vehicle owner). The appointment system is very slow as in other councils they do have appointment system too but their waiting timings isn't long If its renewal of Badge or vehicle licences you have to wait for Months where as you will be left out of work for months Officers or receptionist wont consider the drivers statements It will be helpful if we have online system to book in
- (Left by a Private hire operator). The new proposals will be detrimental to the trade. Will put hundreds of driver out of business.

Do you agree with the contents of Appendix D - Hackney carriage vehicle conditions?

Responses here were very unsupportive, with nearly three-quarters (73 per cent) strongly disagreeing

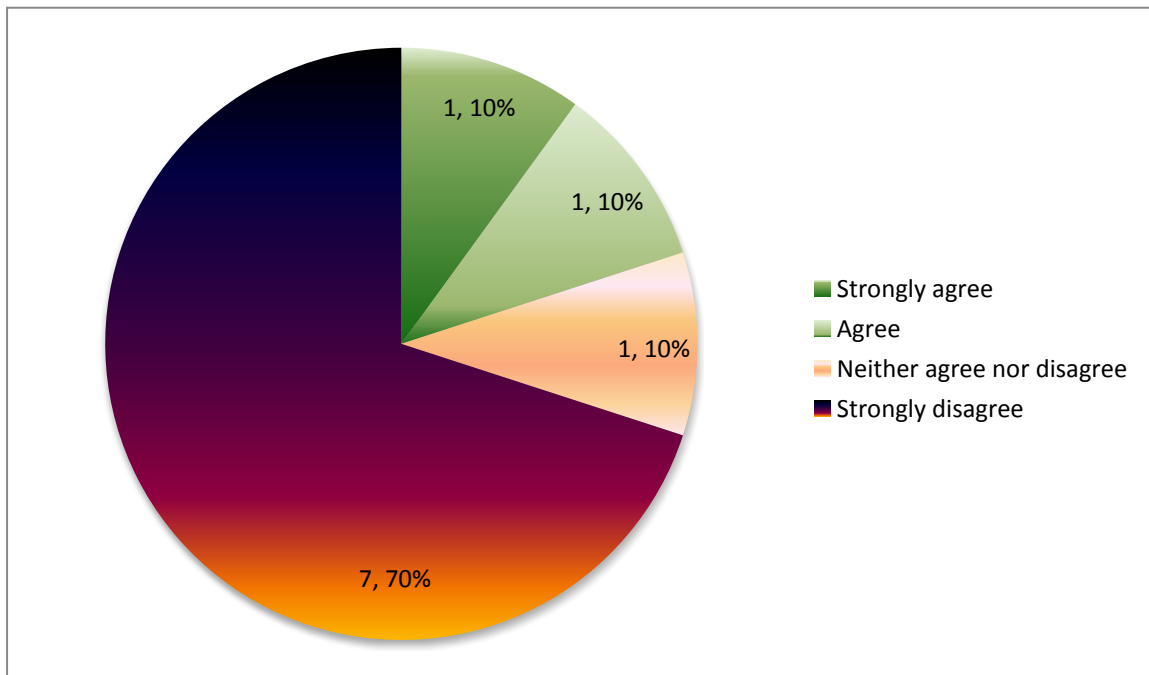
- Six taxi drivers
 - Including four from the same respondents
- Two private hire / Hackney Carriage vehicle owner
 - One was also a taxi driver
- One private hire operator

The remaining 27 per cent were split completely between three other answers, with one respondent choosing each of the following:

- One member of the public chose strongly agree

- One member of the public chose agree
- The representative of Guide Dogs neither agreed nor disagreed

Figure 5: Do you agree with the contents of Appendix D - Hackney carriage vehicle conditions? 11 responses



Four respondents took the opportunity to leave the following comments:

- (Private hire / Hackney Carriage vehicle owner). This is unjust for the existence drivers who have been working in this trade more than 20 years where they need to provide local knowledge test certificates when they passed their test there wasn't any certificates at that time. For obtaining certificates they will be paying more and it is costly. Where council is increasing their fees on plates on badges without notifications. Totally disagree with the English test. It is common sense a person who has passed his driving test they have studied the theory book which is in English and driving in United Kingdom where all the road signs are in English. Clearly they can read signs and follow the instructions of Satellite Navigation. Who do they still need to pass their English test? That's all money making schemes nothing in LAYMAN Favour.
- (Private hire operator). The new proposals will be detrimental to the trade. Will put hundreds of drivers out of business.
- (Taxi driver). In regards to the changes to the grandfather rights. I believe it is a unfair and unjust decision on taxi drivers with saloon vehicles. I've recently invested all my life savings in purchasing a saloon vehicle. Now knowing at the end of my licence I will have to purchase a wheelchair accessible van is a cry for concern. Financially I will not be able to cope as these vans are not cheap. By removing the grandfather rights it will result in taxi drivers to end up quitting their jobs. Saloon vehicles are easy to drive and most customers do prefer them over the big vans. These changes need to be removed and not taken into effect. If the council are pushing this reform then the council must help taxi drivers in my situation for example providing incentives or grants. I

feel like the council are making changes in favour of themselves and the public but neglecting the duty of care for taxi drivers also.

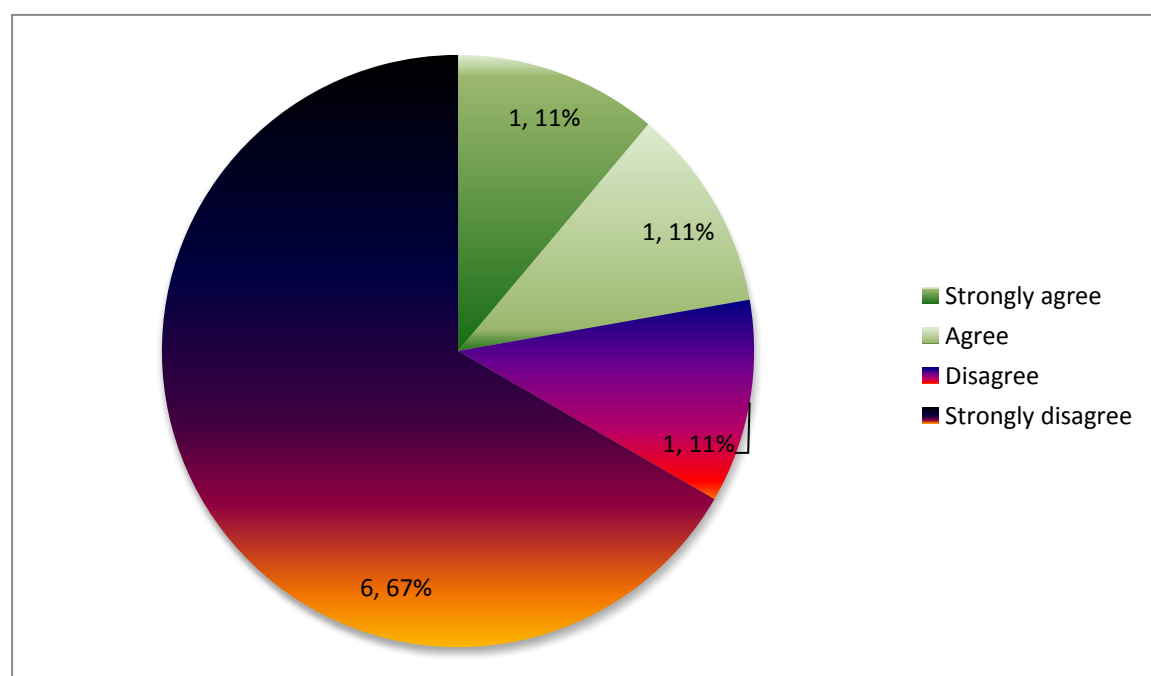
- (Taxi driver and Private hire / Hackney Carriage vehicle owner). This is unfair to all taxi drivers with saloon vehicles. Grandfather rights are rights which we have to purchase affordable saloon vehicles instead of buying new expensive wheel chair accesible vehicles. Please re consider your descision on this as this will have massive effect on drivers resulting in job losses.

Do you agree with the contents of Appendix E - Hackney carriage vehicle specifications?

Responses were largely unsupportive:

- 22 per cent (two respondents) were in agreement
 - one member of the public strongly agreed
 - one member of the public agreed
- 78 per cent did not agree
 - 67 per cent (six) strongly disagreed
 - one Private hire / Hackney Carriage vehicle owner
 - one Private hire operator
 - four taxi drivers (by the same respondent)
 - 11 per cent disagreed
 - One member of the public

Figure 6: Do you agree with the contents of Appendix E - Hackney carriage vehicle specifications? 9 responses



Three respondents left the following comments

- (Private hire / Hackney Carriage vehicle owner). Vehicle Age where in new policy says for the new vehicle it has to be under 3 years old How can a driver

afford 3years old vehicle ?? A new Driver how is it possible for them to buy A New vehicle that is Harsh for the driver's our neighbour' council Stoke on Trent they have policy for the vehicles is 7 years old Undoubtedly you can purchase a 10years old vehicle in immaculate condition that is safe for the public Why does it has to be 3 years old ? When you have to pick passengers up from the town CENTRE ontheir neight out they be aggressive and abuse you and your vehicle and Damage the vehicle Its harsh for the driver Would like to ask the committee please rethink it again

- (Private hire operator). The new proposals will be detrimental to the trade. Will put hundreds of driver out of business
- (Member of the public). Perhaps I missed the section on engine specification. There is considerable pollution in the town centre not least caused by hackney carriages. Their engines, mainly deisel, are kept running as they move up the queue, see high street(south). In winter they are run continuously. Suggest: long term – aim for the 'london electric cab' with the incentive of a very low licence fee. Medium term - ensure that all vehicals have a 'stop start engine' facility that cannot be immobilised or instigate spot checks to ensure that the facility has not been switched off. Short term - refuse to licence or re-licence used vehicals with deisel engines without adblue facility. Short term - instigate spot checks on existing deisel engined vehicals to ensure that the ad-blu facility is adequately filled.

Do you agree with the contents of Appendix F - Plying for hire?

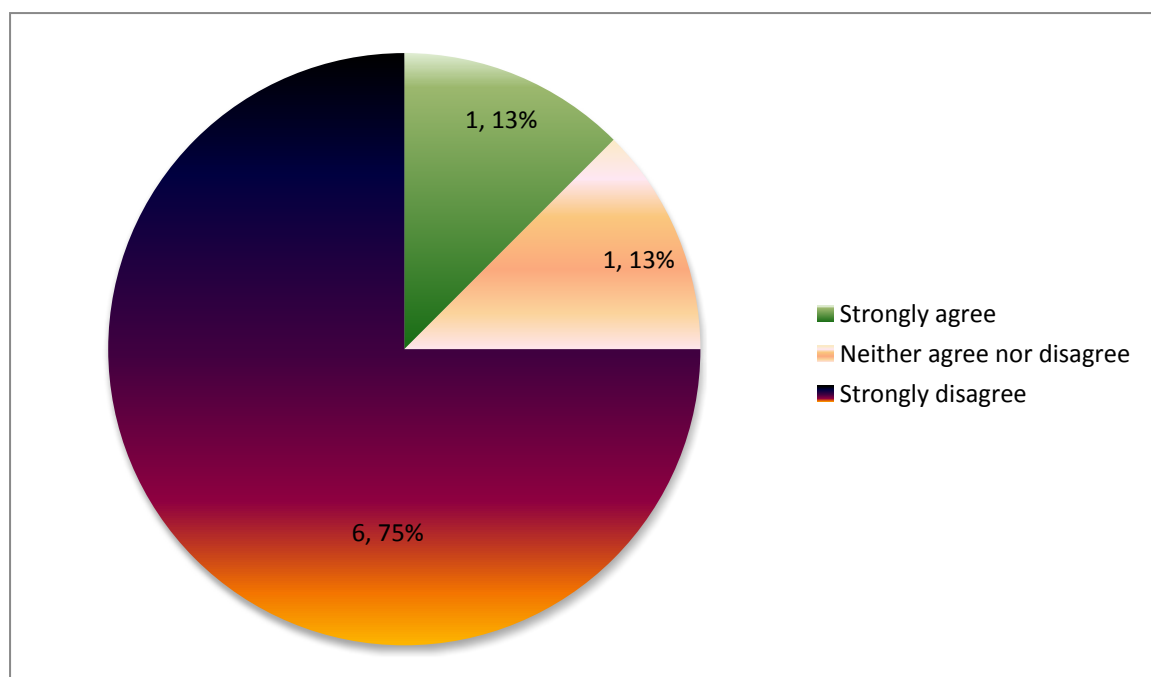
There were only two responses here, both from members of the public who strongly agreed with the contents. No further comments were left

Do you agree with the contents of Appendix G - Private hire vehicle conditions?

There were eight responses to this questions and they were far less supportive:

- One (13 per cent), a member of the public, strongly agreed
- One (13 per cent), a representative of Guide Dogs, said that they neither agreed nor disagreed
- Six (75 per cent) strongly disagreed
 - One Private hire / Hackney Carriage vehicle owner
 - One Private hire operator
 - Four responses from one taxi driver

Figure 7: Do you agree with the contents of Appendix G - Private hire vehicle conditions? 8 responses



The following comments were left:

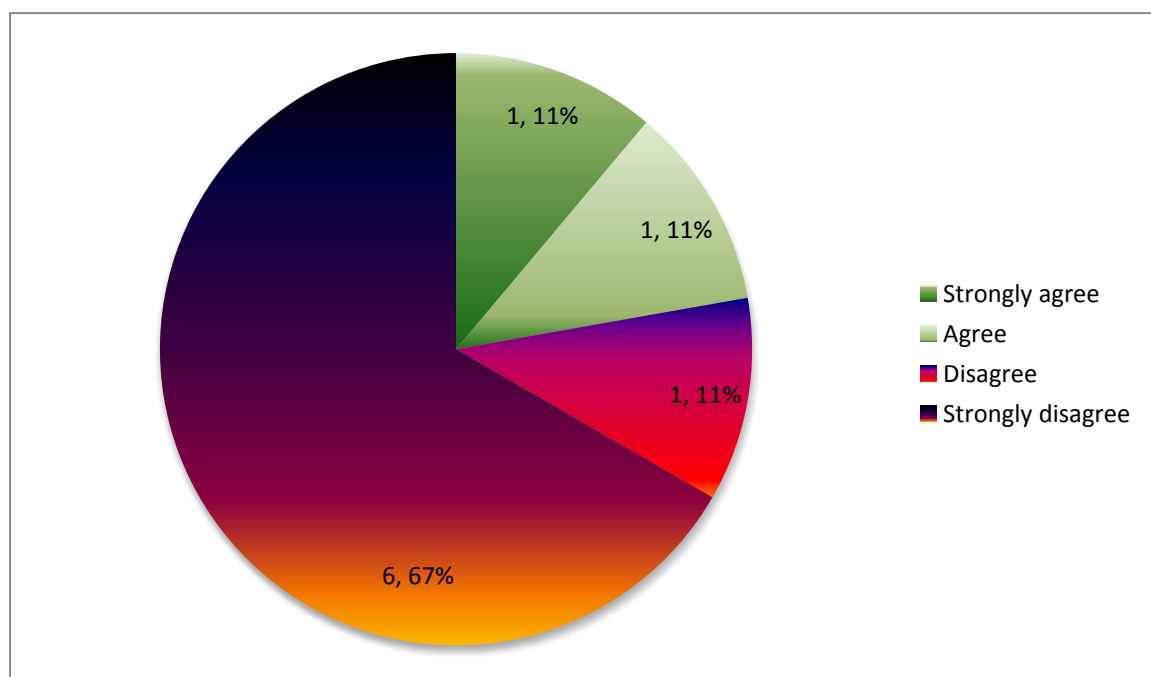
- (Private hire operator). The new proposals will be detrimental to the trade. Will put hundreds of driver out of business.
- (Member of the public) I have had it suggested that various vehicle are without a D P F and the ems remapped to hide this. I understand this may be difficult to prove in some cases. Please can this be noted. this information came via a long taxi journey during a small talk conversation.

Do you agree with the contents of Appendix H - Private hire vehicle specifications?

Responses here were mostly against the contents of this appendix.

- Two members of the public were supportive
 - One (11 per cent) each for strongly agree and agree
- One member of the public (11 per cent) disagreed
- Six out of nine respondents (67 per cent) strongly disagreed
 - One Private hire / Hackney Carriage vehicle owner
 - One Private hire operator
 - Four submissions from one taxi driver

Figure 8: Do you agree with the contents of Appendix H - Private hire vehicle specifications? 9 responses



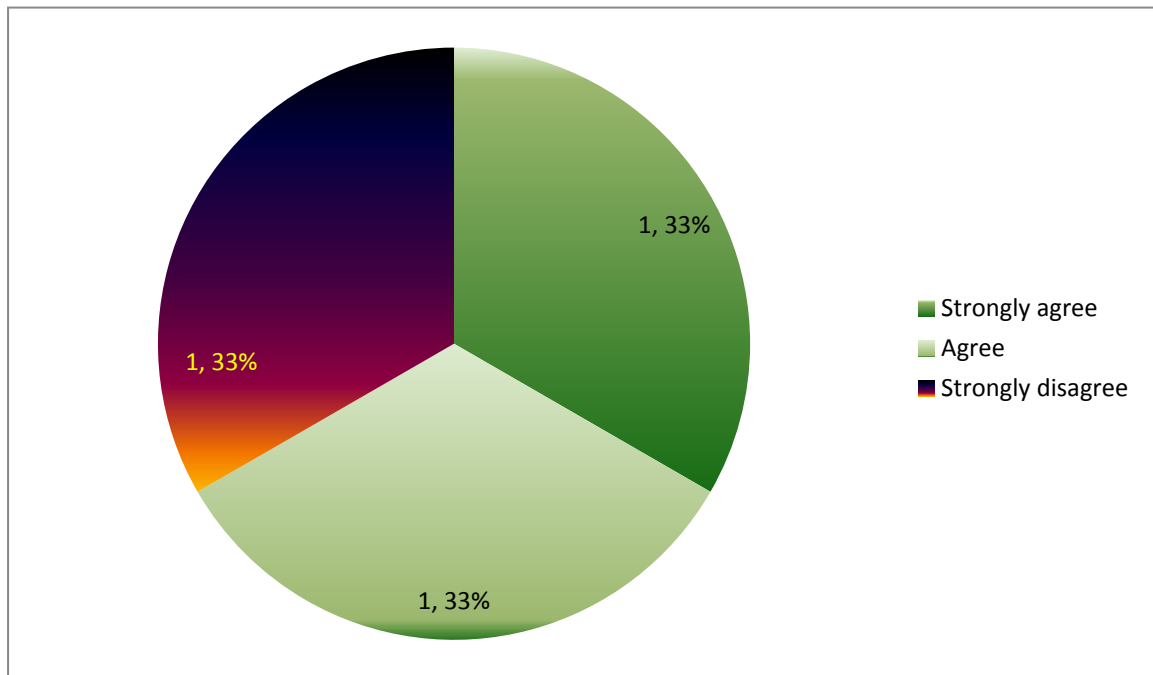
The following comments were left:

- (Member of the public) - perhaps i missed the section on engine specification. There is considerable pollution in the town centre not least caused by hackney carriages. Their engines, mainly deisel, are kept running as they move up the queue, see high street(south). In winter they are run continuously. Suggest: long term - aim for the 'london electric cab' with the incentive of a very low licence fee. Medium term - ensure that all vehicals have a 'stop start engine' facility that cannot be immobilised or instigate spot checks to ensure that the facility has not been switched off. Short term - refuse to licence or re-licence used vehicals with deisel engines without ad-blue facility. Short term - instigate spot checks on existing deisel engined vehicals to ensure that the ad-blu facility is adequately filled.
- (Private hire operator) The council are losing sight of the average earnings of local taxi drivers, reducing the age to less than 3 years old, at which cars can be first licenced incurs a great cost, which many will be unable to afford. Then to reduce their working life to 7 years is outrageous, cars are better built now than they have ever been. Also an affordable way of putting a newer car on is to repair an insurance write off, according to this policy this will be no longer allowed, which is ridiculous as the government allow these cars to be repaired and put back on the road ,that is why the damaged is catergorised, What you should be proposing is that these cars have to have an independent engineers report to ensure that they've been repaired correctly.

Do you agree with the contents of Appendix I - Private hire operator conditions?

There were three responses to this question:

- One member of the public strongly agreed
- One member of the public agree
- One private hire operator strongly disagreed



The following comment was left:

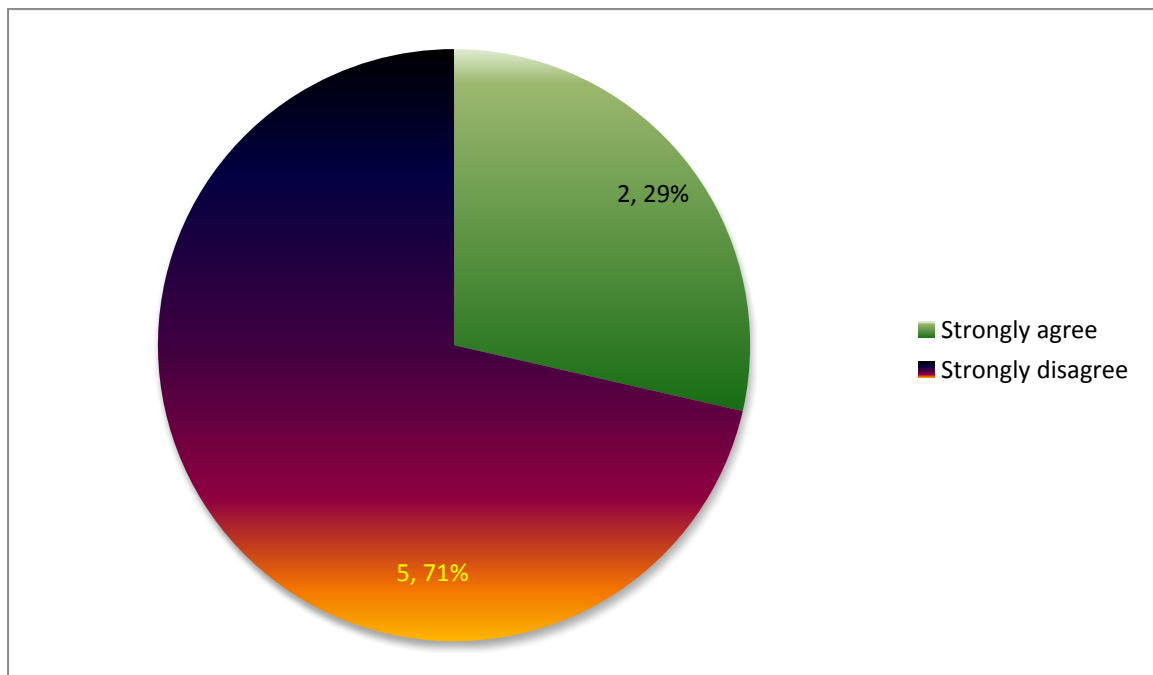
- (Private hire operator). Hundreds of drivers will be out of work. Unnecessary expanse to Stoke PH operators to run from two premises. Since deregulation operators can challenge this in courts.

Do you agree with the contents of Appendix J - Taxi and PHV licensing convictions guidelines?

There were seven responses to this question:

- Two members of the public strongly agreed
- Five respondents strongly disagreed
 - One private hire operator
 - Four responses from the same taxi driver.

Figure 9: Do you agree with the contents of Appendix J - Taxi and PHV licensing convictions guidelines? 7 responses



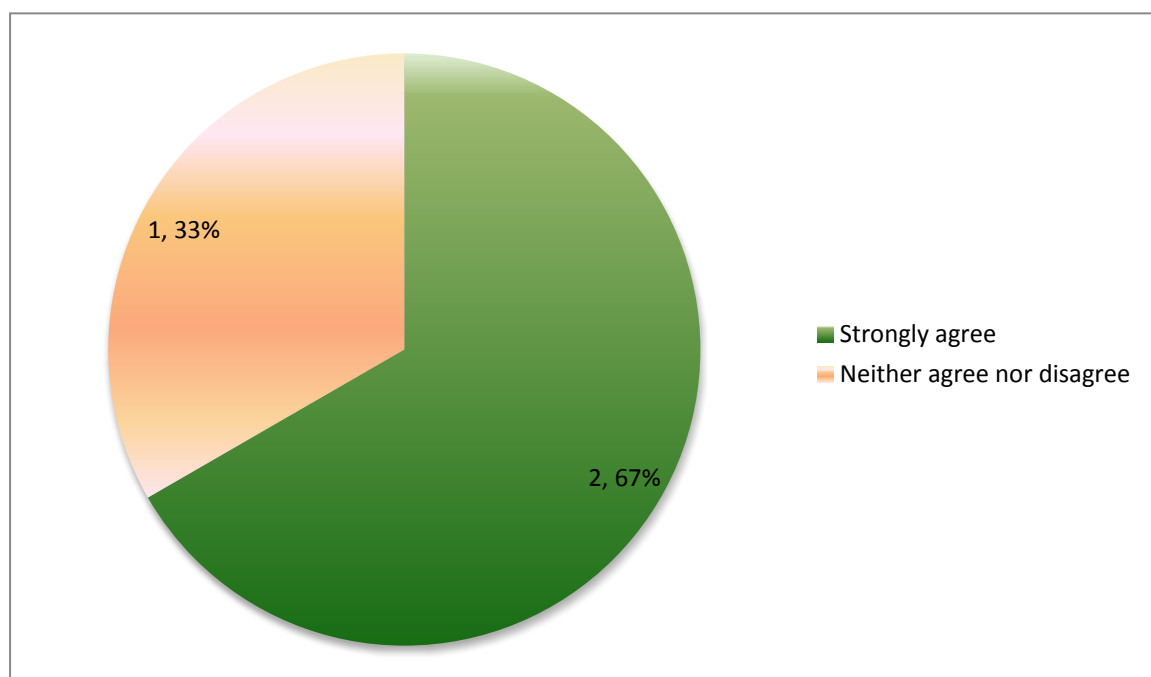
No further comments were left

Do you agree with the contents of Appendix K - Code of conduct when working with vulnerable persons?

Three responses were received to this question:

- Two members of the public strongly agreed
- One Private hire / Hackney Carriage vehicle owner neither agreed nor disagreed

Figure 10: Do you agree with the contents of Appendix K - Code of conduct when working with vulnerable persons? 3 responses



One further comment was left:

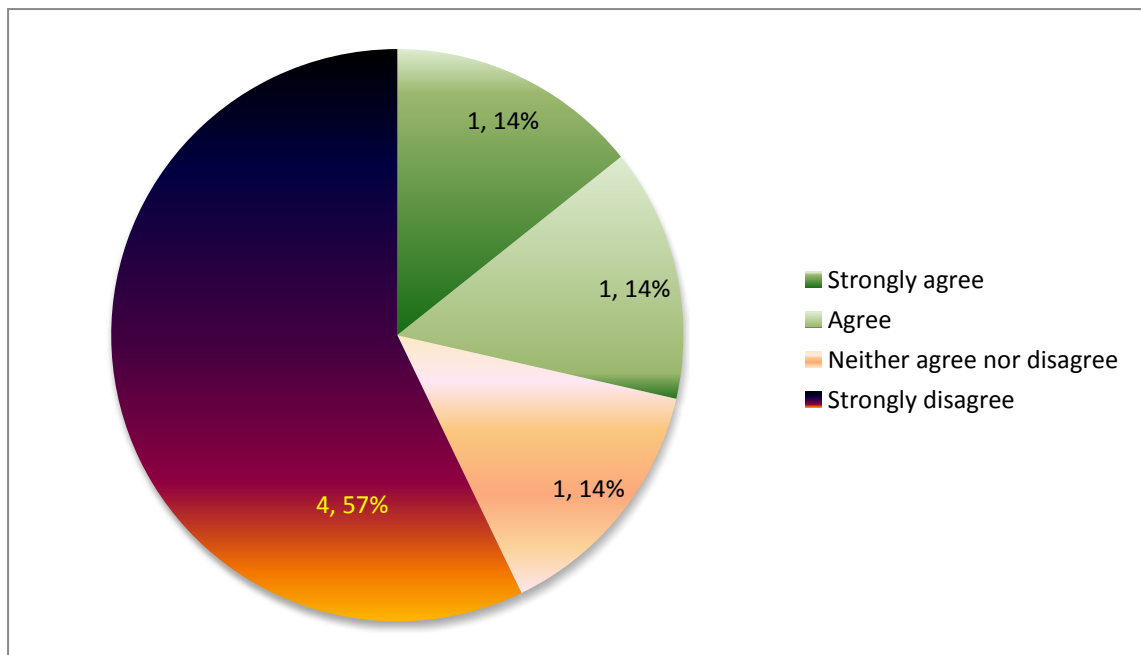
- (Private hire / Hackney Carriage vehicle owner.) Need more safety for the driver's currently young people are standing beside the roads inthe Night throwing bottles and rocks at the public transport buses including taxis putting public and drivers at risks causing damage to their vehicles nothing has been done if this will be keep going on not many drivers will be out inthe Nights Council should place a rule for the passengers who don't pay or run off or have a rule in place to pay upfront after midnight many incidents took place where people have run off without paying to the drivers)

Do you agree with the contents of Appendix L - penalty points scheme?

Seven responses were received:

- One (14 per cent) member of the public strongly agreed
- One member of the public agreed
- One organisation (Guide Dogs) neither agreed nor disagreed
- Four (57 per cent) responses said strongly disagree
 - But these were from the same taxi driver.

Figure 11: Do you agree with the contents of Appendix L - penalty points scheme? 7 responses



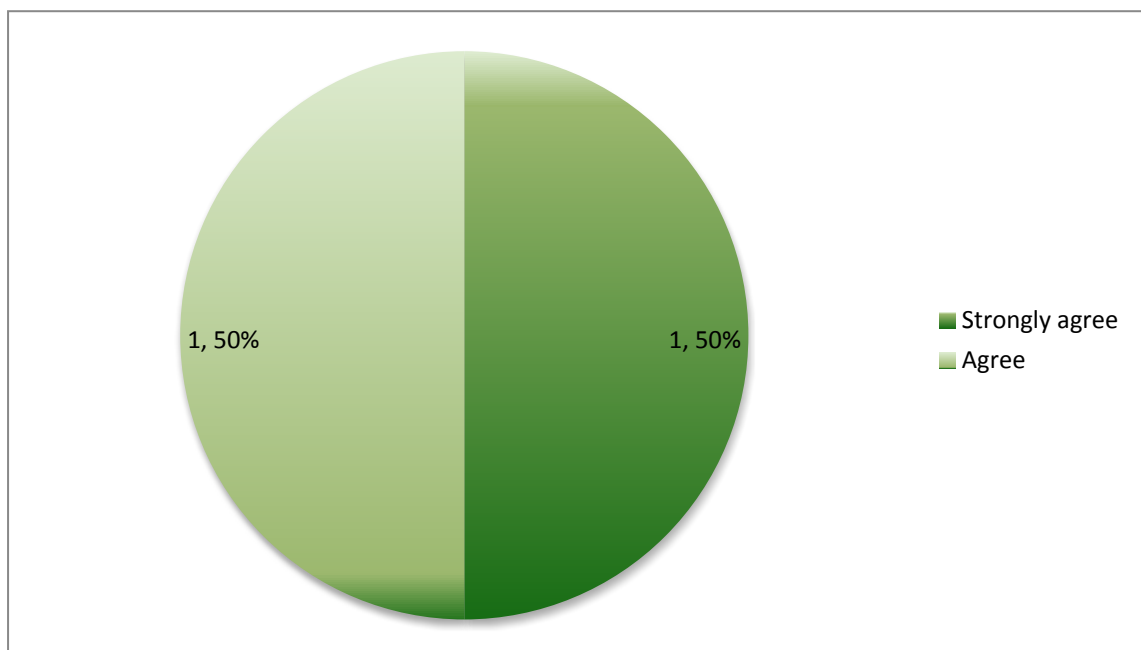
No further comments were received.

Do you agree with the contents of Appendix M - vehicle signage?

There were only two responses to this question, both from members of the public:






- One answered strongly agree
- One answered agree.

Figure 12: Do you agree with the contents of Appendix M - vehicle signage? 3 responses



No further comments were left.

Common European Framework of Reference for Languages - Self-assessment grid

		A1 Basic User	A2 Basic User	B1 Independent user	B2 Independent user	C1 Proficient user	C2 Proficient user
Understanding	 Listening	I can understand familiar words and very basic phrases concerning myself, my family and immediate concrete surroundings when people speak slowly and clearly.	I can understand phrases and the highest frequency vocabulary related to areas of most immediate personal relevance (e.g. very basic personal and family information, shopping, local area, employment). I can catch the main point in short, clear, simple messages and announcements.	I can understand the main points of clear standard speech on familiar matters regularly encountered in work, school, leisure, etc. I can understand the main point of many radio or TV programmes on current affairs or topics of personal or professional interest when the delivery is relatively slow and clear.	I can understand extended speech and lectures and follow even complex lines of argument provided the topic is reasonably familiar. I can understand most TV news and current affairs programmes. I can understand the majority of films in standard dialect.	I can understand extended speech even when it is not clearly structured and when relationships are only implied and not signalled explicitly. I can understand television programmes and films without too much effort.	I have no difficulty in understanding any kind of spoken language, whether live or broadcast, even when delivered at fast native speed, provided I have some time to get familiar with the accent.
	 Reading	I can understand familiar names, words and very simple sentences, for example on notices and posters or in catalogues.	I can read very short, simple texts. I can find specific, predictable information in simple everyday material such as advertisements, prospectuses, menus and timetables and I can understand short simple personal letters.	I can understand texts that consist mainly of high frequency everyday or job-related language. I can understand the description of events, feelings and wishes in personal letters.	I can read articles and reports concerned with contemporary problems in which the writers adopt particular attitudes or viewpoints. I can understand contemporary literary prose.	I can understand long and complex factual and literary texts, appreciating distinctions of style. I can understand specialised articles and longer technical instructions, even when they do not relate to my field.	I can read with ease virtually all forms of the written language, including abstract, structurally or linguistically complex texts such as manuals, specialised articles and literary works.
Speaking	 Spoken interaction	I can interact in a simple way provided the other person is prepared to repeat or rephrase things at a slower rate of speech and help me formulate what I'm trying to say. I can ask and answer simple questions in areas of immediate need or on very familiar topics.	I can communicate in simple and routine tasks requiring a simple and direct exchange of information on familiar topics and activities. I can handle very short social exchanges, even though I can't usually understand enough to keep the conversation going myself.	I can deal with most situations likely to arise whilst travelling in an area where the language is spoken. I can enter unprepared into conversation on topics that are familiar, of personal interest or pertinent to everyday life (e.g. family, hobbies, work, travel and current events).	I can interact with a degree of fluency and spontaneity that makes regular interaction with native speakers quite possible. I can take an active part in discussion in familiar contexts, accounting for and sustaining my views.	I can express myself fluently and spontaneously without much obvious searching for expressions. I can use language flexibly and effectively for social and professional purposes. I can formulate ideas and opinions with precision and relate my contribution skilfully to those of other speakers.	I can take part effortlessly in any conversation or discussion and have a good familiarity with idiomatic expressions and colloquialisms. I can express myself fluently and convey finer shades of meaning precisely. If I do have a problem I can backtrack and restructure around the difficulty so smoothly that other people are hardly aware of it.
	 Spoken production	I can use simple phrases and sentences to describe where I live and people I know.	I can use a series of phrases and sentences to describe in simple terms my family and other people, living conditions, my educational background and my present or most recent job.	I can connect phrases in a simple way in order to describe experiences and events, my dreams, hopes and ambitions. I can briefly give reasons and explanations for opinions and plans. I can narrate a story or relate the plot of a book or film and describe my reactions.	I can present clear, detailed descriptions on a wide range of subjects related to my field of interest. I can explain a viewpoint on a topical issue giving the advantages and disadvantages of various options.	I can present clear, detailed descriptions of complex subjects integrating sub-themes, developing particular points and rounding off with an appropriate conclusion.	I can present a clear, smoothly-flowing description or argument in a style appropriate to the context and with an effective logical structure which helps the recipient to notice and remember significant points.
Writing	 Writing	I can write a short, simple postcard, for example sending holiday greetings. I can fill in forms with personal details, for example entering my name, nationality and address on a hotel registration form.	I can write short, simple notes and messages. I can write a very simple personal letter, for example thanking someone for something.	I can write simple connected text on topics which are familiar or of personal interest. I can write personal letters describing experiences and impressions.	I can write clear, detailed text on a wide range of subjects related to my interests. I can write an essay or report, passing on information or giving reasons in support of or against a particular point of view. I can write letters highlighting the personal significance of events and experiences.	I can express myself in clear, well-structured text, expressing points of view at some length. I can write about complex subjects in a letter, an essay or a report, underlining what I consider to be the salient issues. I can select a style appropriate to the reader in mind.	I can write clear, smoothly-flowing text in an appropriate style. I can write complex letters, reports or articles which present a case with an effective logical structure which helps the recipient to notice and remember significant points. I can write summaries and reviews of professional or literary works.

Common European Framework of Reference for Languages (CEF): © Council of Europe

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GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS FOR APPLICANTS FOR THE GRANT AND RENEWAL OF LICENCES TO DRIVE HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

GENERAL POLICY

1. Each case will be decided on its own merits
2. The Council will, as far as is possible, ensure that all persons holding a licence to drive Hackney Carriages or Private Hire Vehicles are fit and proper persons. In doing so, the Council will take into account previous convictions including, where relevant, 'spent' convictions.
3. The Council will always put the protection of the public first when considering the relevance of convictions recorded against an applicant for a licence.
4. A person with a conviction for serious crime need not be permanently barred from obtaining a licence but will be expected to remain free of conviction for an appropriate period, before an application is considered. However, remaining free of conviction for a specified period may not be sufficient to show that a person is fit and proper and additional evidence may be required.
5. There may be occasions where it is appropriate to depart from the guidelines when making a decision on an application. For example, where the offence is a one-off and there are mitigating circumstances or alternately, where there are many or continuous offences which may show a pattern of offending and unfitness.
6. The following examples give a general guide as to the action that might be taken where convictions are recorded against an applicant.

(a) Dishonesty

Members of the public using Hackney Carriages and private hire vehicles expect the driver to be honest and trustworthy. It would be easy for a dishonest driver to take advantage of the public.

For these reasons, a serious view will be taken of any conviction involving dishonesty. In general, if an application is made within the first 3 to 5 years from the date of a conviction or from the date of release from jail where a custodial sentence has been imposed, it is likely that it will be refused.

Where an application is made within the first three years since the conviction or the date of release from jail, where a custodial sentence has been imposed, for any of the following offences, the application will normally be refused:-

- Theft
- Burglary
- Fraud
- Benefit fraud (including offences under ss11A and 112 of the Social Security Administration Act 1992)
- Blackmail
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Or similar offences to those above which may replace any of the above offences

When a period of three years from conviction or the date of release from jail, where a custodial sentence has been imposed has passed, consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a fit and proper person to hold a licence.

(b) Violence

As Hackney Carriage and private hire vehicle drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for violence. Where the commission of an offence involves loss of life, a licence will normally be refused. In other cases, a period of three to ten years free of conviction from the date of conviction or the date of release from jail, where a custodial sentence has been imposed will generally be required before an application is likely to be considered favourably. The nature and seriousness of the offence(s) will be taken into consideration.

In particular:-

- (i) An application will normally be refused where the applicant has a conviction for an offence of:-
 - Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
 - Or similar offence or offences which replace the above offences
- (ii) An application will normally be refused for a period of five years from the date of the conviction or the date of release from jail, where a custodial sentence has been imposed if the applicant has a conviction for:-
 - Arson
 - Malicious wounding or grievous bodily harm which is racially aggravated
 - Assault occasioning actual bodily harm which is racially aggravated
 - Assault with intent to cause grievous bodily harm
 - Assaulting a police officer in the execution of his duties

- Malicious wounding
- Robbery
- Racially aggravated criminal damage
- Racially aggravated fear or provocation of violence
- Racially aggravated intentional harassment, alarm or distress
- Racially aggravated harassment
- Racially aggravated putting people in fear of violence
- Riot
- Possession of an offensive weapon
- Possession of a firearm
- Violent disorder
- Or any arrestable offence involving violence (an arrestable offence is defined as an offence committed by a person of age 21 years or over and on conviction for the first offence may be sentenced to a term of imprisonment of five years or where the penalty is fixed by law)

(iii) An application will normally be refused for a period of three years from the date of conviction or the date of release from jail, where a custodial sentence has been imposed, where the applicant has a conviction for:-

- Common assault
- Racially aggravated common assault
- Assault occasioning actual bodily harm
- Affray
- Racially aggravated harassment, alarm or distress
- Resisting arrest
- Obstructing a police officer in the execution of his duty
- Criminal damage
- Any similar offence or offences which replace the above offences

(c) Drugs

An application will normally be refused if an applicant has a conviction for an offence that relates to the supply or importation of drugs and the date of the conviction or the date of release from jail, where a custodial sentence has been imposed, is less than five to ten years before the date of the application. However, after five years from the date of such a conviction or the date of release from jail, where a custodial sentence has been imposed, the circumstances of the offence and any evidence which shows that a person is now a fit and proper person to hold a licence will be taken into consideration.

An application will normally be refused where the application is made within three to five years from the date of a conviction or the date of release from jail, where a custodial sentence has been imposed for an offence relating to the possession of drugs. However, after a period of three years from the date of such a conviction or the date of release from jail, where a custodial sentence has been imposed, consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a fit and proper person to hold a licence.

An application will normally be refused where an applicant has more than one conviction for offences related to the possession of drugs and the last conviction or the date of release from jail, where a custodial sentence has been imposed, is less than five years before the date of the application.

Where evidence is available that an applicant who has convictions for drug related offences has been addicted to drugs, they will have to produce evidence that shows that they have been free of drug taking for at least five years after successfully completing a drug treatment programme.

(d) Sexual and Indecency Offences

As the driver of Hackney Carriages and private hire vehicles often carry passengers who are alone, or may be vulnerable, applicants who have convictions for rape, indecent assault, any sexual offence involving children and any conviction for an offence under the Sexual Offences Act 2003 will normally be refused a licence.

Where an applicant has a conviction for a sexual offence such as indecent exposure, they will normally be refused a licence until they can show a substantial period usually between five and ten years free of any such convictions from the date of conviction or the date of release from jail where a custodial sentence has been imposed before an application is made.

After a period of five years from the date of a conviction or the date of release from jail, where a custodial sentence has been imposed, consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a fit and proper person to hold a licence.

When considering applications, the Council may take into account any information of a sexual nature which does not amount to a criminal offence that is brought to its attention where that information may indicate that an applicant may not be a fit and proper person to hold a licence.

(e) Motoring Convictions

(i) Disqualification

Where an applicant had been disqualified from driving by the Courts for a serious traffic offence under Category 'A' of Annex (i), an application will generally be refused unless a period of five years free of conviction has passed since the return of the DVLA licence.

Where an applicant has been disqualified from driving by the Courts for a serious traffic offence under Category 'B' of Annex (i), an application will generally be refused unless a period of five years free of conviction has passed since the return of the DVLA licence unless the offence was an isolated one, in which case, a period of not less than 2 years shall have passed.

Where a disqualification is imposed by a court in a 'totting-up' case, i.e. where an applicant has been disqualified because of several driving offences, an application will generally be refused unless a period of one year free of conviction has elapsed since the return of the DVLA driver licence.

In 'totting-up' cases where a court does not impose a disqualification because of exceptional circumstances, then because the Council apply different criteria to the courts, an application will generally be refused unless an applicant can show a period of 1 year free of conviction from the date of the last court appearance.

(ii) Serious Traffic Offences

Where an applicant has a conviction for a serious traffic offence in Category 'A' Annex (i) and a period of disqualification has not been imposed by the courts, an application will normally be refused where an application is made in the last five years following the date of the last conviction.

Where an applicant has a conviction for a serious traffic offence in Category 'B' Annex (i) and a period of disqualification has not been imposed by the courts, an application will normally be refused where an application is made in the last five years following the date of the last conviction unless the offence was an isolated one in which case a period of not less than two years shall have passed.

Where an applicant has had more than one conviction for a serious traffic offence in either Category 'A' or 'B' of Annex (i) and the courts have not imposed a period of disqualification, an application will normally be refused where an application is made in five years following the date of the last conviction.

(iii) Other Traffic Offences

Normally, isolated convictions for other traffic offences should not prevent someone obtaining a licence. However, the number, type and the frequency of these types of offence will be taken into account. If there are several convictions for these types of offence, an applicant will normally be expected not to have been convicted of an offence in the six months before an application is made.

A list of relevant offences is shown at Annex (ii). However, this is not an exhaustive list and there may be other offences which may be relevant.

(f) **Offences Under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and any Hackney Carriage Byelaws (The Acts)**

One of the main purposes of the licensing regime set out in 'The Acts' is to ensure the protection of the public. For this reason, a serious view will be taken of convictions for offences under the legislation, particularly offences of illegal plying for hire, when deciding if a person is a fit and proper person to hold a licence.

In particular, an application will normally be refused where an applicant has more than one conviction for an offence under 'The Acts' in the two years preceding the date of the application.

(g) Drunkenness

(i) In a Motor Vehicle

The manner in which drunkenness in a motor vehicle will be dealt with is outlined in Motoring Offences at paragraph 'e' of these guidelines.

(ii) Not in a Motor Vehicle

Where an applicant has an isolated conviction for drunkenness, this need not stop an applicant from getting a licence. In some cases, a warning may be appropriate. However, where an applicant has a number of convictions for drunkenness, it could indicate a medical problem, which would require further investigation including a medical examination and the possible refusal of a licence.

(h) Spent Convictions

The Council will only take 'Spent Convictions' into consideration if it is considered they are relevant to the application.

(i) Formal Cautions and Fixed Penalty Notices

For the purposes of these guidelines, the Council will treat Formal Cautions issued in accordance with Home Office guidance and fixed penalty notices as though they were a conviction before the courts.

SERIOUS TRAFFIC OFFENCES

CATEGORY 'A'	
Offence Code	Offence
Careless Driving	
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death through careless driving when unfit through drugs
CD60	Causing death through careless driving with alcohol level above the limit
CD70	Causing death through careless driving then failing to supply a specimen for analysis
Reckless/Dangerous Driving	
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
Miscellaneous Offences	
MS50	Motor racing on a highway
Theft and Unauthorised Taking	
UT50	Aggravated taking of a vehicle

PLEASE NOTE:

Any offence of aiding, abetting or procuring the above offences, the offence code will have the **0** replaced by a **2**.

Any offence of causing or permitting the above the offences, the offence code will have the **0** replaced by a **4**.

Inciting any of the above offences, the offence code will have the **0** replaced by a **6**.

CATEGORY 'B'	
Offence Code	Offence
Accident Offences	
AC10	Failing to stop after an accident
AC20	Failing to give particulars or report an accident within 24 hours
BA10	Driving whilst disqualified by order of the court
BA30	Attempting to drive whilst disqualified by order of the court
Careless Driving	
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration for other road users
Construction and Use Offences	
CU10	Using a vehicle with defective brakes
CU20	Causing or likely to cause danger by use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyre(s)
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
Drink or Drugs	
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR40	In charge of a vehicle while alcohol above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide specimen for analysis in circumstances other than driving or attempting to drive when unfit through drugs
DR70	Failing to provide a specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle while unfit through drugs
Insurance Offences	
IN10	Using a vehicle uninsured against third party risks
Licence Offences	
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle after having failed to notify a disability
Miscellaneous Offences	
MS70	Driving with uncorrected defective eyesight

PLEASE NOTE:

Any offence of aiding, abetting or procuring the above offences, the offence code will have the **0** replaced by a **2**.

Classification: NULBC **UNCLASSIFIED**

Any offence of causing or permitting the above offences, the offence code will have the **0** replaced by a **4**.

Inciting any of the above offences, the offence code will have the **0** replaced by a **6**.

If any of the offences in **Category 'B'** involve a licensed Hackney Carriage or private hire vehicle, they will be treated as though they are a **Category 'A'** offence.

Classification: NULBC **UNCLASSIFIED**

OTHER TRAFFIC OFFENCES

Offence Code	Offence
LC20	Driving otherwise than in accordance with a licence
LC50	Driving after a licence has been revoked or refused on medical grounds
MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street offences
MS60	Offences not covered by other codes
MS80	Refusing to submit to an eyesight test
MS90	Failure to give information as to identity of driver etc
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with a moving vehicle
PC30	Contravention of Pedestrian Crossing Regulations with a stationery vehicle
SP10	Exceeding goods vehicle speed limits
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
SP60	Undefined speed limit offence
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with 'stop' sign
TS40	Failing to comply with direction of a constable/warden
TS50	Failing to comply with traffic sign (excluding stop signs, traffic lights or double white lines)
TS60	Failing to comply with a school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign

PLEASE NOTE:

Any offence of aiding, abetting or procuring the above offences, the offence code will have the **0** replaced by a **2**.

Any offence of causing or permitting the above the offences, the offence code will have the **0** replaced by a **4**.

Inciting any of the above offences, the offence code will have the **0** replaced by a **6**.

If any of the offences in the **Other Traffic Offences Category** involve a licensed Hackney Carriage or private hire vehicle, they will be treated as though they are a **Category 'B'** offence under Annex (ii).

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Private Hire and Hackney Carriage Licensing Policy

2015—2018

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APPENDICES

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Appendix 8 - The Councils Enforcement protocol

Aims of the Policy

This policy has been developed to provide guidance and information to ensure that both the private hire trade, the hackney carriage trade and the public in the Borough of Newcastle under Lyme have a single document that fully explains Newcastle-under-Lyme Borough Council's licensing procedures.

The principle and overriding aim of licensing the Hackney Carriage and Private Hire trade is to protect the public. A related aim is to also regulate the trade to ensure that in offering their services, the trade are doing it in a way where the public have access to local transport which is safe, comfortable, and meets all the requirements not only of the legislation which is specific to Hackney Carriage and Private Hire but also of all other statutory and regulatory bodies concerned with motorised transport.

In addition, the Policy attempts to encompass the Council's key corporate priorities of creating a safer, greener, and sustainable Borough, and creating a Borough of opportunity.

The Policy seeks to ensure that transport for those with a disability will be provided.

Where the Council determines that specific conditions and requirements not specified in the relevant Acts of Parliament; accounted for in the Department for Transport Guidance or any other best practice guidance; are not unreasonable; and are deemed necessary to address local best practice then these will be implemented following a resolution from the Borough Council's Public Protection Committee.

The Public Protection Committee will make no decision which could adversely affect the livelihood of anyone with any licence without first having undergone a period of consultation.

Background

Hackney Carriage and Private Hire vehicles have an important role to play in any integrated public transport system. They are able to provide services in situations where other forms of public transport are either restricted, not available, or outside normal hours of operation, and assist those with mobility problems.

Policy Summary

This Policy contains information about legal requirements; government guidance; existing Borough Council policies, procedures and standards relevant to Hackney Carriage and Private Hire licensing; and should be considered to be a 'living' document (i.e. capable of change to reflect other wider environmental, social, legislative or political developments). When there are changes to guidance, legislation, or best practice then the Council will

automatically review the Policy to reflect those changes. This Policy is not exhaustive and the Council maintains the right to refuse to grant a licence if it deems it necessary to do so for reasons of public safety and public interest.

Definitions

The following terms are used throughout this document.

- 'The Council' or 'the Authority' refers to Newcastle under Lyme Borough Council, except where stated otherwise
- 'Vehicle' or 'Licensed Vehicle' refers to both a Hackney Carriage and Private Hire vehicle.
- 'Saloon type cars' refers to any vehicle not purpose built as a taxi and therefore includes hatchback and estate cars
- 'Hackney Carriage' refers to a vehicle licensed under the Town Police Clauses Act 1847 to for hire in the area covered by the Council
- 'Private Hire Vehicle' refers to a vehicle licensed under the Local Government (Miscellaneous Provisions) Act 1976 ("the Act") to carry passengers for hire or reward by prior booking
- 'Private Hire Operator' refers to a person who holds an operator's licence under the Act and makes provision for the acceptance of private hire bookings for themselves or to pass to others to undertake
- 'The DfT' refers to the Department for Transport including previous names under which that department has been known
- 'The DfT guidance' refers to the Department for Transport – Hackney Carriage and Private Hire Vehicle Licensing Best Practice Guidance (published in March 2010)
- 'The Committee' refers to the Public Protection Committee of the Council
- The Transport Act of 1985 introduced the expression 'licensed taxi' for a Hackney Carriage Vehicle. The term 'taxi' is therefore taken to mean a Hackney Carriage Vehicle in this policy.
- 'The OfT' refers to the Office of Fair Trading
- 'The DPA' refers to the Data Protection Act 1998
- DBS refers to the Disclosure and Barring Service

- 'The Guidelines' refer to the Council's guidelines for the relevance of convictions when considering the grant or renewal of a licence

The following Acts of Parliament form the basis of this Policy.

- The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976

Policies and Practices

The Council's licensing of private hire drivers, hackney carriage drivers, and private hire operators takes account of the requirements, powers, duties, and responsibilities contained within the relevant Acts and the DfT Guidance.

Data Protection

The Data Protection Act 1998 ("DPA") covers the collection, storage, processing and distribution of personal data. It also gives certain rights to individuals about whom information is recorded.

The Council aims to fulfil its obligation under the Act to the fullest extent by only processing personal data for the purposes of legitimate interests pursued by the Council or legal requirements imposed on the Council.

The DPA obliges local authorities to comply with eight data protection principles. The principles state that personal data shall be:

- Obtained only for specified and lawful purposes;
- Adequate, relevant and not excessive in relation to the purpose(s) for which it is being processed;
- Accurate and, where necessary, up to date;
- Processed fairly and lawfully;
- Processed in accordance with the rights of the data subjects
- Kept secure
- Kept only as long as necessary
- Transferred to countries outside the European Economic Area only if those countries have an adequate level of protection for the rights of data subjects

Further information about the DPA can be obtained at the Information Commissioner's website (www.ico.gov.uk). Enquiries regarding the Council's use of personal data should be addressed to the Council's Data Protection Officer.

Public Register

The Council will hold and maintain a register for all the licences which it issues. The information held on the register will be restricted to the name of the licence holder; a unique licence number; the date of commencement; and the date of the expiry of the licence.

The register will be available for inspection by prior arrangement with the Councils Licensing team.

Applications for Grant/Renewal--Private Hire/Hackney Carriage drivers

It is the responsibility of the Council to protect the public and to ensure that before anyone is granted a licence the Council needs to be satisfied that he/she is a "fit and proper" person to hold such a licence.

There is no agreed definition for "fit and proper" - in the absence of such a definition, the Council will use the widely accepted interpretation of:

"Would those responsible for granting a licence be happy for their mother, daughter or any lone or vulnerable person to travel unaccompanied with the applicant?."

Process and Requirements for an Initial Application

Before granting a licence the Council requires that:

- a) The applicant is over 21 years of age
- b) The applicant produces a valid full UK driving licence (or the European equivalent) that reveals no relevant convictions and the applicant must have held a full licence for more than one year
- c) The applicant produces a medical report undertaken by their own GP which has regard for the DVLA Medical Standards of Fitness to drive Level II and shows that the applicant meets the required medical standard
- d) The applicant provides a recent enhanced disclosure from the DBS that is less than one month old
- e) The applicant has completed the necessary application forms and provides two recent colour passport sized photographs
- f) The applicant has paid the appropriate fee
- g) The applicant provides two references which indicate their suitability
- h) The applicant holds either a BTEC Level 2 certificate in the 'Introduction to the Role of the Professional Taxi and Private Hire Driver' qualification, or, where that is not locally available, to have taken and passed the Driving Standards Agency (DSA) taxi test which incorporates the wheelchair manoeuvring element. These are minimum requirements. Higher levels of qualifications such as a National Vocational Qualification (NVQ) for licensed drivers will also be accepted
- i) The applicant has passed the Council's geographical test for Private Hire and Hackney Carriage drivers. The test is currently provided locally at Burslem College.

Where an applicant meets all the above criteria the licence will automatically be granted and issued.

The licence will be valid for a period of three years.

Renewal Applications

The application process for the renewal of a licence requires the same elements as the initial application with the following exceptions:

- a) There will be no requirement to undertake a local knowledge test
- b) Where the previous application was accompanied by a medical certificate no such certificate will be necessary. The Council's policy is, where applications are continuous, a medical certificate will only be required at every other application
- c) For drivers who have reached 65 years of age a medical certificate will be required for every application
- d) There will be no requirement to provide references
- e) Where an application is submitted after a licence has expired, that application will be treated as a new application and not a renewal
- f) Where an application for renewal is made by anyone who does not hold a BTEC qualification or the DSA taxi test the licence will only be valid until 1st October 2015. Those licences restricted to 1st October 2015 will be extended to the full term of three years on production of a relevant qualification.

The successful applicant for the grant or the renewal of a licence will be issued with a driver's badge which will have a unique number; a photograph of the applicant; and the applicant's name. The paper counterpart of the licence will have the same information. The licence will be valid for 3 years. The counterpart of the licence will include a set of the Council's conditions (Appendix 1)

It is the responsibility of the applicant to acquaint him/herself fully with the conditions attached to the licence and of the offences that can be committed while holding a licence and acting as a Private Hire or Hackney Carriage driver.

Where an application is received and the driving licence and/or the DBS disclosure reveal convictions that fall within the Council's guidelines for the relevance of convictions (Appendix 2) the application will be referred, in the first instance, to the Head of Business Improvement, Central Services and Partnerships who will consider the matter, and, when necessary, will forward the matter to the Council's Committee.

The Committee will consider such applications and has the discretion to:

- a) Grant a licence for a specified period of time
- b) Grant a licence for the full term of three years
- c) Refuse the application

Any applicant who is refused a licence by the Committee will be notified in writing of that decision and the reasons behind the refusal. If the applicant is aggrieved by the decision he/she has the right of appeal in the Magistrates' Court.

Medical Standards

In circumstances when a licence has been granted and the Council subsequently has doubts regarding the medical fitness of the licence holder the Council will require confirmation from a recognised occupational health practitioner that the licence holder continues to meet the recommended standard.

Vehicle Standards

No vehicle - Hackney Carriage or Private Hire - will be considered for its initial licence unless it has been seen by and/or approved by the Council's Licensing Service. Vehicles must not be altered from the manufacturer's standard.

Accidents

The proprietor shall report to the Council's Licensing Section as soon as reasonably practicable, and in any case within 72 hours, of the occurrence of any accident involving the vehicle which causes damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein.

When making any decision on the suitability of a vehicle, the following will be taken into account: The vehicle will:

- a) Have uniform paintwork
- b) Be free of visible rust
- c) Have an interior that is clean and upholstery which is free of stains and free of splits and tears
- d) Be free of any unrepaired damage
- e) Where repairs have been necessary these will have been completed by qualified technicians and will have been carried out to the highest standard
- f) Have, in the case of estate cars, a method of securing luggage in order to safeguard passengers
- g) Have a steering wheel that is on the offside of the vehicle
- h) Be fitted with tyres that are the designated size, speed and weight rating for that make and model of vehicle as prescribed by the vehicle manufacturer.
- i) The vehicle will also be provided with either:-

- A spare tyre that is the correct size, speed, and weight rating, is inflated, and has the legally required depth of tread, and equipment to enable the changing of a wheel;
 - The manufacturer's approved space saver spare wheel, and equipment to enable the changing of that wheel;
 - Alternatively, to carry a puncture repair kit that includes a method of inflating the tyres and free of any major mechanical faults or defects
- j) Be fitted with an anti-lock braking system
 - k) Have an adequate system for heating and ventilation for the comfort of the passenger and at the discretion of the passenger
 - l) Have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light

Hackney Carriage Vehicle Licences

What is a Hackney Carriage Vehicle?

A Hackney Carriage is a vehicle licensed under the Town Police Clauses Act 1847 and the Act part II to ply for hire throughout the district controlled by any relevant local authority.

At present, the Council has no limit on the number of Hackney Carriage vehicle licences it can approve, although the Council's policy for any additional Hackney Carriage licences is that they will only be granted to vehicles which are wheelchair accessible.

Those operators who have Hackney Carriage vehicles which are 'saloon type cars' can replace that vehicle with another saloon type either on renewal or prior to renewal of licences. In circumstances where an operator allows a licence attached to a saloon type to expire then that licence no longer exists.

Vehicle Suitability

The Council presently grants initial applications to those vehicles that are either purpose-built 'London-type cabs' or those vehicles that have been specifically converted to Hackney Carriages (typically known as an M1 conversion). These converted vehicles should meet a European-wide type approval and should conform to the Conditions of Fitness Regulations laid down by Transport for London (formerly the Public Carriage Office). These regulations have been amended to be relevant for the Council. The amended version can be seen at Appendix 3.

The Council's policy does not permit Hackney Carriages that are wheelchair accessible to be replaced by any other type of vehicle, although replacing a saloon/estate or hatchback for a wheelchair accessible vehicle is permitted once the change has been made.

Where a licence is granted it will normally be valid for a period of one year.

Licence Renewal

Licence renewals shall be annual and shall run consecutively with the expiring licence.

Vehicle Requirements

For a vehicle to meet the Council's criteria for a Hackney Carriage licence it must:

- 1) Meet the requirements outlined in the Vehicle Standards section of this Policy
- 2) Be less than five years of age when first tested
- 3) Be black with a four inch white stripe which runs the length of both sides of the vehicle
- 4) Be fitted with a taximeter, calibrated to the Borough Council's approved tariff
- 5) Be fitted with an illuminated roof sign
- 6) Shall not be a convertible or coupe (but a sun roof may be fitted)
- 7) Shall not be modified from the original manufacturer's specification
- 8) Shall have a minimum passenger seating capacity of four (this can increase to a maximum of eight passenger seats)
- 9) Shall not be fitted with rear passenger windows that do not allow a 35% transmission of light
- 10) Shall have sufficient boot space to accommodate a reasonable amount of passenger luggage

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations) shall be fully complied with.

Age of Vehicles

- 1) Purpose built Hackney Carriages and those vehicles which have been converted to incorporate the standards laid down by the Public Carriage Office will continue to be relicensed despite their age subject to passing an annual test and the licences running consecutively.
- 2) The Council will use the date of the first registration shown on the vehicle's log book to determine the age of that vehicle.
- 3) Vehicles that are not purpose-built - that is saloon vehicles, estate vehicles and hatchback vehicles - will continue to be re-licensed up to eight years of age subject to passing an annual test and the licences running consecutively.

“Exceptional Condition”

Operators can apply to re licence a saloon type vehicle that is over 8 years of age under the “exceptional condition” rule. This protocol enables operators who consider that their vehicle is in such exceptional condition that it should be considered outside the Councils age policy. Qualification for this will be considered when the following process has been completed.

1. Once a vehicle has reached 8 years of age it will be required to undertake an exceptional conditions test at the Council’s Knutton Lane Depot alongside the normal hackney carriage vehicle inspection test. This will allow the vehicle to be licenced for a further 6 months
2. Undergo a further 6 monthly vehicle inspection which will allow the vehicle to continue to be licenced for the rest of the 12 month period.
3. If the Operator wishes to challenge a Council decision in relation to the Exceptional test then an independent organisation can mediate (AA or RAC).
4. Where a vehicle fails the exceptional circumstances test a period of 2 months will be allowed for the proprietor to find a suitable replacement vehicle. This vehicle must be under 5 years of age when it is then first tested. Upon passing the Council test the vehicle licence will run from the expiry of the previous licence. (Please note that this only applies where a vehicle has failed the exceptional circumstances test).

Council Officers will have discretion regarding any minor faults with the vehicle and their decision shall be final.

There may be other influencing factors that may assist the Council in its decision making and which could also be added to the draft Policy:

- a) The vehicle will have uniform paintwork that is lustrous and scratch free.
 - b) Be free of visible rust.
 - c) Have an interior that is clean and upholstery which is supportive and free of stains and free of splits and wear and tear.
 - d) Be free of any unrepaired damage.
 - e) Repairs that have been made will have been carried out by qualified persons and will be to the highest standard.
 - f) Be free of any major mechanical faults or defects.
 - g) Will have a record of being serviced at regular intervals either by a main agent or other reputable garage. Ideally this servicing will be recorded in the vehicles original service booklet (as from 1st May 2015). These further elements will be influential in assisting the Council to determine a vehicles condition.
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- a) The vehicle to have Uniform paintwork that is lustrous and scratch free.
 - b) Be free of visible rust.

- c) Have an interior that is clean and upholstery which is supportive and free of stains and free of splits and wear and tear.
- d) Be free of any unrepaired damage.
- e) Repairs that have been made will have been carried out by qualified persons and will be to the highest standard.
- f) Be free of any major mechanical faults or defects.
- g) Will have a record of being serviced at regular intervals either by a main agent or other reputable garage. Ideally this servicing will be recorded in the vehicles original service booklet.

Applications

All applications, whether for a grant of a licence or a renewal of a licence, should be accompanied by the following:

- The appropriate fee with a completed application form
- A current VOSA MOT certificate where the vehicle is over three years of age
- A certificate of insurance that provides for the insured to use the vehicle for public hire.

Vehicle Testing

Before a licence is issued, the vehicle will be examined and tested at the Council's Operational Services department. The cost of this initial test is contained in the application fee. Where a vehicle fails the initial test a fee will be payable before any retest is undertaken. Information on fees is contained under the Licence Fees section of this Policy. In most circumstances where an advisory item has been identified on a VOSA MOT certificate, this will constitute a failure at the Council test.

Licence Plates - Conditions

On successful completion of the application, the applicant will be issued with two Hackney Carriage plates which will be fitted to the exterior of the vehicle (one at the front and one at the rear).

The position the plates are affixed will be on or close to the height of the bumper of the vehicle and will be attached using fixings that allow the plates to be removed by the Council's Enforcement Officers.

In addition, a copy of the licence details will be issued, and these will be sited inside the vehicle in such a position that it can be seen by passengers.

The applicant will be issued with a licence which will be valid for one year. A set of conditions will be attached to the licence and it is the responsibility of the applicant to familiarise him/herself with these conditions. The conditions can be seen at Appendix 4.

Expiry of licence

In circumstances where a proprietor allows the Hackney Carriage licence attached to a saloon-type vehicle to expire and has made no attempt to renew that licence then any new application shall be in accordance with the Council's policy that says "all new applications for Hackney Carriage licences shall only be approved for those vehicles that are purpose-built or have been converted in accordance with taxi regulations (Appendix 3) and are wheelchair accessible".

Where extreme mitigating circumstances exist in connection with the expiry of a licence and this can be proven then consideration of these extreme circumstances will be given by those people who have delegated powers in the Council's Scheme of Delegation.

Hackney Carriage Tariffs

Tariffs for Hackney Carriages are approved and set by the Council's Committee. When a request for any increase of the tariff is received and is approved by the Committee, the proposed revised tariff will be published in the local newspaper for 14 days after which, should there be no objections, the revised tariff will be applied.

Taximeters and Tariffs

The proprietor of a Hackney Carriage shall ensure that the vehicle is fitted with a taximeter. This meter shall be maintained and in working condition at all times.

The taximeter shall be calibrated to reflect the tariff approved by the Council, and should be positioned where it can easily be seen and read by the hirer and shall be capable of being suitably illuminated during any period of hiring.

The taximeter should be of a design that allows a method of sealing, following calibration, in order to prevent alteration or tampering.

The meter will be fitted where it can be clearly visible to the hirer.

The positioning of the meter will not interfere with the vision of the driver.

Operation of the meter will only commence when the hirer is seated in the vehicle and before the journey commences.

At the termination of a hiring the driver shall ensure that the hirer sees the meter reading before any payment is made.

Operation of the Taximeter

Prior to any hiring the meter must be zeroed and show no reading. On acceptance of a fare, the driver will select the appropriate tariff:

Tariff 1

During daytime hours Tariff 1 will be selected.

Tariff 2

After midnight Tariff 2 may be selected. This is at a rate 50% more than Tariff 1.

Tariff 3

During Bank Holidays Tariff 3 may be selected. This is at a rate of 100% more than Tariff 1.

There may also be a separate tariff for those Hackney Carriages licensed to carry five or more passengers when five or more passengers hire the vehicle

A Hackney Carriage driver may demand less than the fare shown on the face of the taximeter but may never demand more than the fare shown on the taximeter.

The taximeter must remain on at all times when working within the Borough of Newcastle under Lyme and may only be turned off when working outside the Borough.

A sample tariff sheet can be seen at Appendix 5.

Hackney Carriage Signage

The Council's policy on signage allows all-over advertising only on those vehicles that are wheelchair accessible provided that national advertising standards are met. No advertisements that promote alcohol, tobacco, or contains any element of a sexual nature, nudity or semi nudity, nor if any advertising contains political, ethnic, religious, sectarian, sexual or controversial text, likely to offend public taste, or that depicts or advocates violence, or advertising any racist or sectarian group or organisation which promotes or advocates violence.

Approval for any all-over advertising will be required from the Council's Licensing team.

Signs incorporating the name and telephone number of the proprietor of the vehicle are permitted for those Hackney Carriages that are saloon-type vehicles. These signs shall be composed of either black and white lettering of not more than two inches in height, with appropriate spacing and may be displayed on the two front doors of the vehicle only.

Hackney Carriage Ranks

The provision and siting of Hackney Carriage ranks within the Borough of Newcastle under Lyme is done in partnership with the Council and Staffordshire County Highways Department. The Council will always attempt

to ensure that there are adequate Hackney Carriage rank spaces to properly serve the needs of the travelling public.

Private Hire Vehicle Licences

What is a Private Hire Vehicle?

The term 'Private Hire Vehicle' refers to a vehicle licensed under the Act to carry passengers for hire or reward by prior booking.

Unlike Hackney Carriages there is no mechanism for limiting the numbers of Private Hire Vehicles

Accidents

The proprietor shall report to the Council's Licensing Section as soon as reasonably practicable, and in any case within 72 hours, of the occurrence of any accident involving the vehicle which causes damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein.

Vehicle Requirements

For a vehicle to meet the Council's criteria for a Private Hire Vehicle licence it must:

- 1) Meet the requirements in the Vehicle Standards section of this Policy
- 2) Be less than five years of age when tested
- 3) Be any colour other than black
- 4) Have at least four doors (excluding a tailgate)
- 5) Not be of such design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage
- 6) Not be a convertible or coupe (but a sunroof may be fitted)
- 7) Not be modified from the original manufacturer's specification
- 8) Not be fitted with rear passenger windows that do not allow a 35% transmission of light
- 9) Have sufficient boot space to accommodate a reasonable amount of passengers luggage
- 10) Have a minimum passenger seating capacity of four. This can increase to a maximum of eight passenger seats. These can include those vehicles that are mini buses or MPVs.

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations) shall be fully complied with.

Applications

All applications, whether for a grant of a licence or a renewal of a licence, will be accompanied by the following:

- The appropriate fee with a completed application form
- A current VOSA MOT certificate
- A certificate of insurance that provides for the insured to use the vehicle for hire or reward under Private Hire booking

Vehicle Testing

Before a licence is issued, the vehicle will be examined and tested at the Council's Operational Services department. The cost of this initial test is contained in the application fee. Where a vehicle fails the initial test a fee will be payable before any retest is undertaken. Information on fees is contained under the Licence Fees section of this Policy. In most circumstances where an advisory item has been identified on a VOSA MOT certificate, this will constitute a failure at the Council test.

Licence Plates, Licence and attached Conditions

On successful completion of the application and testing of the vehicle, the applicant will be issued with two Private Hire Vehicle Licence plates. These will be required to be fitted to the exterior of the vehicle - one at the front and one at the rear. The position at which they are affixed will be on, or close to, the height of the bumper of the vehicle and will be attached using the fixings provided.

In addition, the applicant will be issued with adhesive signs which read "Private Hire Pre Booked Journeys Only". These will be affixed to the front doors of the vehicle.

The applicant will be issued with a licence which will be valid for one year. The licence will include a set of conditions. It is the responsibility of the applicant to familiarise him/herself with those conditions. These conditions can be seen at Appendix 6.

Signage

Advertising is not permitted on Private Hire Vehicles.

Age of Vehicles

When a vehicle has been licensed as a Private Hire Vehicle it is capable of being re-licensed annually until the vehicle is eight years old, providing that the licences run consecutively.

The Council will use the date of first registration shown on the vehicle's log book to determine the age of the vehicle. Where a licence is issued and the expiry date is after the eight year rule the licence will remain in place until its expiry.

“Exceptional Condition”

Operators can apply to re licence a vehicle that is over 8 years of age under the “exceptional condition” rule. This protocol enables operators who consider that their vehicle is in such exceptional condition that it should be considered outside the Councils age policy.

Qualification for this will be considered when the following process has been completed.

1. Once a vehicle has reached 8 years of age it will be required to undertake an exceptional conditions test at the Council's Knutton Lane Depot alongside the normal private hire vehicle inspection test. This will allow the vehicle to be licenced for a further 6 months
2. Undergo a further 6 monthly vehicle inspection which will allow the vehicle to continue to be licenced for the rest of the 12 month period.
3. If the Operator wishes to challenge a Council decision in relation to the Exceptional test then an independent organisation can mediate (AA or RAC).
4. Where a vehicle fails the exceptional circumstances test a period of 2 months will be allowed for the proprietor to find a suitable replacement vehicle. This vehicle must be under 5 years of age when it is then first tested. Upon passing the Council test the vehicle licence will run from the expiry of the previous licence. (Please note that this only applies where a vehicle has failed the exceptional circumstances test).

Council Officers will have discretion regarding any minor faults with the vehicle and their decision shall be final.

These further elements will be influential in assisting the Council to determine a vehicles condition.

- a) The vehicle to have Uniform paintwork that is lustrous and scratch free.
- b) Be free of visible rust.
- c) Have an interior that is clean and upholstery which is supportive and free of stains and free of splits and wear and tear.
- d) Be free of any unrepaired damage.
- e) Repairs that have been made will have been carried out by qualified persons and will be to the highest standard.
- f) Be free of any major mechanical faults or defects.
- g) Will have a record of being serviced at regular intervals either by a main agent or other reputable garage. Ideally this servicing will be recorded in the vehicles original service booklet (from 1st May 2015).

In respect of mini buses, these vehicles should be less than five years of age when first tested and can continue to be licensed for as long as the vehicle

continues to pass the Council's annual test, provided that the applications to renew the licence run consecutively to the expiring licence.

Taximeters in Private Hire Vehicles

Unlike Hackney Carriages, Private Hire Vehicles are not required to have taximeters fitted, although, where a proprietor feels that it would be advantageous to fit a taximeter, the following will apply:

- 1) The meter will be fitted where it can be clearly visible to the hirer
- 2) The positioning of the meter will not interfere with the vision of the driver
- 3) Following calibration to the operator's tariff, the taximeter will be sealed in such a manner that it cannot be tampered with or altered
- 4) Operation of the meter will only commence when the hirer is seated in the vehicle and before the journey commences
- 5) At the termination of a hiring the driver shall ensure that the hirer sees the meter reading before any payment is made
- 6) The meter shall be capable of being suitably illuminated during any period of hiring

Hackney Carriage and Private Hire Vehicles Annual Testing

After a vehicle has had its initial licence it will be eligible for re-licensing, providing that it falls within the Council's age policy and continues to meet the necessary standards.

The re-licensing will be carried out annually, following submission of an application form accompanied with the necessary documents including payment and satisfactory inspection by the Council's Transport Manager.

In circumstances where a vehicle fails the annual test, a list of defects will be issued and a period of 28 days will be given to address those defects before re-presenting the vehicle for retesting.

There will be circumstances when a vehicle fails a test and to retest it would only require a cursory inspection, in these cases a fee will not be required.

When a vehicle fails a test and a retest would require more than a cursory inspection a fee will be payable

Failure of Test and Expiry of Licence

The engineer inspecting a vehicle for its annual inspection will determine whether:

- a) The vehicle passes the inspection - a licence will issued which runs consecutively from the previous licence
- b) The vehicle fails the inspection and requires re inspecting, but the reason for failure is not sufficient to prevent the vehicle from carrying

- passengers while remedial repairs have been undertaken. This can continue until the licence expires
- c) The vehicle fails the annual inspection and the reasons for the failure require that a notice is issued stating that the vehicle should not carry passengers until repairs have been made and the vehicle satisfactorily passes a re inspection

When a vehicle fails an annual inspection and the licence expires before repairs have been inspected, the vehicle has no licence. When the vehicle has been repaired and presented within the 28 day period allowed and passes a re-inspection, a licence will be issued that runs consecutively from the previous licence.

In circumstances where the proprietor of a Private Hire Vehicle allows the licence to expire and has made no attempt to renew and the vehicle falls outside the Council's age policy for Private Hire Vehicles then that vehicle will not be considered for a licence except under extreme mitigating circumstances which can be proven to the satisfaction of the Council. The consideration of these extreme circumstances will be given by those people who have delegated powers in the Council's Scheme of Delegation.

Private Hire Operators

A Private Hire Operator's Licence is required to enable a person to accept or invite bookings for Private Hire Vehicles.

Before such a licence can be issued the Council must be satisfied that the applicant is a fit and proper person.

Application

The applicant requirements are:

- 1) To provide a disclosure from the DBS (applications received from individuals that hold a current Private Hire or Hackney Carriage drivers licence may already be considered a fit and proper person and may forego this requirement)
- 2) To complete an application form
- 3) To pay the appropriate fee

Where applications are approved, a Private Hire Operator's Licence will be issued, and a set of conditions will be attached to the licence. It is the responsibility of the applicant to familiarise him/herself with those conditions. These conditions can be seen at Appendix 7.

Licences will be issued for three years (unless a lesser period has been specified by the Committee)

Operators Licences outside the Borough Boundary

Section 57 (2) (b)(ii) of the Act part 2 allows local authorities to issue Private Hire Operators Licences to applicants who intend to carry on their business outside the boundary of the relevant local authority.

The Council, in recognising that this section of the Act, have resolved that no licence will be granted to an applicant who intends to carry out his/her business at an address or addresses which are more than one mile outside the Borough boundary.

An exception applies to operators who can claim grandfather rights, that is they currently hold a licence and their business address is more than 1 mile outside the Borough boundary.

The Role of the Public Protection Committee

The Committee consists of elected members of the Council who will consider all matters concerning Private Hire and Hackney Carriages that cannot normally be dealt with by the Council's officers.

This will include, but is not restricted, to:

- a) Applications for Private Hire and Hackney Carriage drivers' licences where the applicant has convictions that fall within the Council's Guidelines, or where the applicant has convictions that fall outside those guidelines but the nature and number of offences give rise to concern
- b) Considering the breach of any condition on a licence
- c) Considering convictions imposed on drivers while they hold a licence.
- d) Considering requests from the Private Hire and/or the Hackney Carriage trade
- e) Considering the instigation of any prosecution
- f) To consider any licensing matter that may arise that is not covered by the Policy or any existing conditions

It is Council policy that no elected member can vote at any committee unless they have received training particular to that committee on which they serve.

When coming to any decision the Committee will always give reasons for that decision and will endeavour to act reasonably and in accordance with the Human Rights Act 1998.

Anyone who is aggrieved by a decision of the Committee has the right of appeal to the Magistrates' Court

Enforcement

It is the responsibility of the Council to ensure that private hire and hackney carriage drivers and operators are licensed in accordance with the relevant laws governing Hackney Carriage and Private Hire Vehicles and that the conditions attached to the licences are adhered to.

The Council has a Corporate Enforcement Strategy which guides and informs the Council's approach to any enforcement issues. This document can be found at Appendix 8.

Offences

Offences relating to Hackney Carriages and Private Hire Vehicles are derived from the following sources:

Town Police Clauses Act 1847 (Hackney Carriages only)

- Section 40 Giving false information on a Hackney Carriage licence application
- Section 44 Failure to notify change of address of a Hackney Carriage licence
- Section 45 Plying for hire without a Hackney Carriage licence
- Section 47 Driving a Hackney Carriage without a Hackney Carriage driver's licence
- Section 47 Lending or parting with a Hackney Carriage driver's licence
- Section 47 Proprietor employing an unlicensed Hackney Carriage driver
- Section 48 Failure of a proprietor to hold a Hackney Carriage driver's licence
- Section 48 Failure of a proprietor to produce a Hackney Carriage driver's licence
- Section 52 Failure to display a Hackney Carriage plate
- Section 53 Failure to take a fare without a reasonable excuse
- Section 54 Charging more than the agreed fare
- Section 55 Obtaining more than the legal fare (including failure to refund)
- Section 56 Travelling less than the lawful distance for an agreed fare
- Section 57 Failure to wait after a deposit has been paid
- Section 58 Charging more than the legal fare
- Section 59 Carrying persons other than the hirer without the hirer's consent
- Section 60 Driving a Hackney Carriage without the proprietor's consent
- Section 60 Allowing a person to drive a Hackney Carriage without the proprietor's consent
- Section 62 Driver leaving a Hackney Carriage unattended
- Section 64 Hackney Carriage driver obstructing other Hackney Carriages

Local Government (Miscellaneous Provisions) Act 1976

- Section 46 Using an unlicensed Private Hire Vehicle
- Section 46 Driving a Private Hire Vehicle without a Private Hire driver's licence
- Section 46 Proprietor of a Private Hire Vehicle using an unlicensed driver
- Section 46 Operating a Private Hire Vehicle without a Private Hire operator's licence
- Section 46 Operating a vehicle as a Private Hire Vehicle when the vehicle is not licensed as a Private Hire Vehicle
- Section 46 Operating a Private Hire Vehicle when the driver is not licensed as a Private Hire driver

Section 48	Failure to display a Private Hire Vehicle plate
Section 49	Failure to notify the transfer of a vehicle
Section 50	Failure to present a Hackney Carriage or Private Hire Vehicle for inspection upon request
Section 50	Failure to inform the Borough Council where a Hackney Carriage or Private Hire Vehicle is stored, if requested
Section 50	Failure to report an accident to the Council within 72 hours
Section 50	Failure to produce the vehicle licence and insurance upon request
Section 53	Failure to produce a driver's licence upon request
Section 54	Failure to wear a private hire driver's badge
Section 56	Failure of a Private Hire operator to keep proper records of all bookings, or failure to produce them on request of an authorised officer of the Borough Council or a Police Officer
Section 56	Failure of a Private Hire operator to keep records of all Private Hire vehicles, or failure to produce them on request of an authorised officer of the Borough Council or a Police Officer
Section 56	Failure of a Private Hire operator to produce his licence on request
Section 57	Making a false statement or withholding information to obtain a Hackney Carriage or Private Hire driver's licence
Section 58	Failure to return a plate after notice has been given following expiry, revocation, or suspension of a Hackney Carriage or Private Hire Vehicle Licence
Section 61	Failure to surrender a driver's licence after suspension, revocation, or refusal to renew
Section 64	Permitting any vehicle other than a Hackney Carriage to wait on a Hackney Carriage rank
Section 66	Charging more than the meter fare for a journey outside the Borough without prior agreement
Section 67	Charging more than the meter fare when the Hackney Carriage is used as a Private Hire Vehicle.
Section 69	Unnecessarily prolonging a journey
Section 71	Interfering with a taximeter with intent to mislead
Section 73	Obstruction of an authorised officer of the Borough Council or a Police Officer
Section 73	Failure to comply with a requirement an authorised Borough Council Officer or Police Officer
Section 73	Failure to give information or assistance to an authorised Borough Council Officer or Police Officer

Disability Discrimination Act 1995

Section 37	Refusal to carry a guide, hearing, or other assistance dog in a Hackney Carriage without a valid certificate of exemption
Section 37	Charging an additional cost for the carrying of an assistance dog in a Hackney Carriage
Section 37	Refusal to carry a guide, hearing, or other assistance dog in a Private Hire Vehicle without a valid certificate of exemption

Section 37 Charging an additional cost for the carrying of an assistance dog in a Private Hire Vehicle

Delegated Powers

The Council's Committee is responsible for the management of the Hackney Carriage and Private Hire licensing regime in the Borough.

In addition, the Council's Chief Executive and the Head of Business Improvement, Central Services and Partnerships, both have delegated powers which are set out in the Council's Standing Orders.

When matters concerning public safety arise a decision concerning the immediate suspension or revocation of licences can be made by those officers prior to consideration of the matters by the Committee.

Licence Fees

The policy does not include fees as these are subject to the Council's annual budget review process. Current fees can be obtained from the Licensing team or via the Council's website.

When setting the fees for Hackney Carriage and Private Hire licences the Council will endeavour to ensure that the costs of the service including the cost of issue and administration will, so far as is possible, be on a cost recovery basis.

Where a licence is issued and a duplicate or copy is required the Council will apply an administrative charge. This charge will reflect the cost to the Council.

Stretch Limousines and Novelty Vehicles

At present the Council do not licence these types of vehicles but it accepts that there should be some form of licensing regulation that encompasses these vehicles and their drivers and is committed to formulate a policy for such vehicles when there exists definitive guidance and best practice.

Partnerships

The Council recognises that partnership working with other regulatory and statutory bodies will benefit the effective running of the private hire and hackney carriage licensing regime. Conversely, a properly administered regime will be beneficial to its partners and to the public. To this end, the Council's Licensing team is continuing to develop its effective links with Staffordshire Police, the Border and Immigration Service, benefit fraud investigators, HMRC, VOSA, other departments within the Council such as Revenues and Benefits, and the Council's neighbouring authorities.

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BOROUGH COUNCIL

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**THE BOROUGH COUNCIL OF
NEWCASTLE-UNDER-LYME**

TAXI LICENSING POLICY

2019-2021

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6.0	30.7.18	MBU	Amendments following discussions with HoEH
7.0	30.8.18	MBU	Amendments following Internal Consultation

<i>Approval Signature</i>			
Name:		Date	
Name:		Date	
Council	Approved	Date	

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Glossary

- 'The Council' or 'the Authority' refers to Newcastle under Lyme Borough Council, except if stated otherwise;
- 'Drivers Licence' refers to the Dual Hackney Carriage and Private Hire Drivers Licence issued by the Council, except if stated otherwise;
- 'Driving' refers to an individual driving a 'Vehicle' or 'Licensed Vehicle' under their 'Drivers Licence'.
- 'Garage Test' or 'Safety Test' refers to the mechanical safety test undertaken for all vehicles applying for the grant of a new or to renew a 'Vehicle' licence;
- 'Hackney Carriage' refers to a vehicle licensed under the Town Police Clauses Act 1847 to ply for hire in the area covered by the Council;
- 'Medical Exemption Certificate' refers to a certificate that may be issued by 'the Council' under ss166, 169 and 171 of Equality Act 2010 to an individual with a 'Drivers Licence' to exempt them from the legal requirement to carry assistance dogs or offering assistance to passengers in a wheelchair;
- 'MOT' refers to a test carried out by an authorised vehicle examiner upon a 'Vehicle' in line with the statutory provisions;
- 'Private Hire Operator' refers to a person who holds an operator's licence under the Act and makes provision for the acceptance of private hire bookings for themselves or to pass to others to undertake;
- 'Private Hire Vehicle' refers to a vehicle licensed under the Local Government (Miscellaneous Provisions) Act 1976 ("the Act") to carry passengers for hire or reward by prior booking;
- 'Private Hire Vehicle Exemption Certificates' refers to a certificate that may be issued by 'the Council' under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 to exempt a 'Private Hire Vehicle' from certain statutory requirements and/or licence conditions;
- 'Taxi' refers to both a Hackney Carriage and Private Hire provisions;
- 'Vehicle' or 'Licensed Vehicle' refers to both a Hackney Carriage and Private Hire vehicle;
- 'Wheelchair Accessible Vehicle' refers to a vehicle that has been specifically designed, or converted, to allow for the safe carriage of at least one passenger in a wheelchair alongside the fixed seating arrangements of the 'Vehicle'.

ABOUT THIS POLICY

1.1 Introduction

The Borough Council of Newcastle-under-Lyme ("the Council") is the licensing authority for the private hire and hackney carriage regime in the Borough of Newcastle-under-Lyme.

In carrying out its Taxi and Private Hire licensing function the Council seeks to promote the following objectives:

- Protection of Public
- Safety and health of drivers and the public;
- High standards of vehicle safety, comfort and access;
- Prevention of crime and disorder and the protection of the consumers;
- Ensure that the decision making processes are transparent, and the resulting decisions are fair, proportionate and consistent;
- Equality and accessibility in service provision.

The Council expects all applicants, drivers, proprietors and operators to demonstrate commitment to promoting these objectives.

In addition, this Policy attempts to encompass the Council's key corporate priorities of creating a safer, greener, and sustainable Borough, and creating a Borough of opportunity.

The Policy seeks to ensure that transport for those with a disability will be provided.

Should you wish to contact the Council's Licensing Team, the address for correspondence is:

Licensing Administration Team
Newcastle-under-Lyme Borough Council
Castle House, Barracks Road
Newcastle-under-Lyme,
Staffordshire,
ST5 1BL

T: 01782 717717

E: licensing@newcastle-staffs.gov.uk

The main types of licence are:

1. **Dual Hackney Carriage and Private Hire Drivers' Licence** - All drivers of Hackney Carriages and Private Hire Vehicles ("Drivers") must hold a Dual Hackney Carriage and Private Hire Drivers' Licence issued by the Borough Council of Newcastle-under-Lyme;
2. **Private Hire Vehicle Licence** - Private Hire Vehicles must be licensed by the Council, as must the Driver and the Private Hire Operator who must have a Base within the district and must be responsible for taking the bookings. All three licences must be issued by the same Council.
3. **Private Hire Operator Licence** - Private Hire Vehicles must be booked in advance through the Private Hire Operator they are attached to. Hackney carriages can be hailed directly on the street.
4. **Hackney Carriage Vehicle Licence** - Hackney Carriages (Taxis) must be licensed with the Council as must the driver. Both licences must be with the same Council.

The rules on Taxis and Private Hire Vehicles can be complex. This document is intended to make it clear how the Council operates its licensing service.

Each time this policy is reviewed a new version will be produced. This edition was issued in
XXXXXXX

1.2 The Council's Mission Statement

Scope

- 1.2.1 The Taxi Licensing Policy ('the Policy') is applicable to the licensing of hackney carriage and private hire drivers and vehicles and to the licensing of private hire operators. This policy supersedes all previous Council policies relating to Hackney Carriages, Private Hire Vehicles, Operators and Drivers.

Purpose

- 1.2.2 The fundamental purpose of the Policy is to protect the safety and welfare of the public who live, work and visit the Borough of Newcastle-under-Lyme. The importance of a thriving hackney carriage and private hire trade to the growth and prosperity of the Borough's local economy is recognised; however, the safety and welfare of the public is the over-riding principle that will be considered when matters are dealt with under the Policy.
- 1.2.3 Hackney Carriage and Private Hire vehicles have an important role to play in any integrated public transport system. They are able to provide services in situations where other forms of public transport are either restricted, not available, or outside normal hours of operation, and assist those with mobility problems.
- 1.2.4 The main concerns for the Council are to ensure:
- the safeguarding of children, young persons and adults at risk of abuse and neglect;
 - that in order to promote the welfare of children and to protect them from harm, prospective and licensed drivers and operators who have dealings with children and families have a duty to report matters of concern that could relate to the safety and/or welfare of children and vulnerable persons to the relevant authorities (refer to [Newcastle-under-Lyme BC's Safeguarding Policy](#), and Appendices A and K for further information);
 - that any person who applies to be a hackney carriage or private hire vehicle, driver or operator is a fit and proper person and does not pose a threat (in any form) to the public. The Council also use the phrase 'safe and suitable' in place of 'fit and proper' as an aid to interpret what is meant by it. The tests that the Council will use to determine whether an individual is considered fit and proper/safe and suitable to hold a licence are below:
 - For drivers: *"Would you allow your child, spouse or partner, parent, grandchild or any other person for whom you care, to get into a vehicle with this person alone?"*
 - For private hire operators: *"Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?"*
 - For vehicle proprietors: *"Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the*

licence?”.

- that the public are safeguarded from dishonest persons; that vehicles used to convey passengers are safe and fit for the purpose for which they are licensed; and
- that the impact on the environment is reduced in line with European and national guidelines.

1.2.5 The Policy provides guidance to any person with an interest in hackney carriage and private hire licensing; in particular, but not restricted to:

- persons who wish to apply for hackney carriage and private hire vehicle, drivers or operator licences; persons who hold existing licences, including those that are the subject of review;
- the Council, in its capacity as the licensing authority, including licensing officers, members of the public protection committee;
- Service users who have concerns relating to an operator, vehicle or driver;
- licensing consultants, solicitors and barristers advising and/or representing applicants/licence holders; and
- magistrates' and judges hearing appeals against Council decisions.

1.2.6 The Policy is also designed to put the Council's licensing requirements into context.

1.3 Consultation and Communication

1.3.1 In determining the Policy, the Council has consulted widely as set out on page **XX**. The views of relevant stakeholders have been taken into consideration.

1.3.2 In order to deliver a transparent, accountable and efficient licensing service the Council is committed to ongoing communication and consultation with all stakeholders. In particular, the Council welcomes the opportunity to communicate and consult with representatives of the hackney carriage and private hire trade to enable and encourage the exchange of views and information in relation to the Policy; conditions; changes in the law and reviews. The methods of communication and consultation will be determined on what is most appropriate in the circumstances.

1.4 Review of the Policy

1.4.1 The policy will be formally reviewed after 3 years. However, it will be the subject of continuous evaluation and, if necessary, formally reviewed at any time. At the time of each review relevant stakeholders will be consulted.

1.5 Legislative framework

1.5.1 The operation of the Council's licensing service is undertaken in accordance with relevant legislation, applicable licence conditions, the Regulators' Code (BRDO 14/705 April 2014) and the Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (March 2010), and such other guidance that may be issued from time to time by the Department for Transport and other Government departments.

1.5.2 The primary legislation relating to hackney carriage and private hire licensing, at the time this policy comes into force, is contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and may be subject to change with any new and/or amended legislation. This policy reflects the changes to hackney carriage and private

hire licensing introduced by the Deregulation Act 2015 and Immigration Act 2016, and the provisions contained within the Equality Act 2010. It also encompasses provisions from other pieces of legislation such as (but not exclusively) the:

- Road Safety Act 2006
- Road Traffic Acts (Various)
- Criminal Justice & Public Order Act 1994
- Transport Act 1985

In addition, the service is provided in accordance with all relevant Council policies, but in particular the following:

- Safeguarding Policy
- Equality & Diversity Policy
- Data Protection Policy
- Enforcement Policy

1.5.3 The General Data Protection Regulations (“GDPR”) and the Data Protection Act 2018 (“DPA18”) covers the collection, storage, processing and distribution of personal data. It also gives certain rights to individuals about whom information is recorded. The Council aims to fulfil its obligation under the legislation to the fullest extent by only processing personal data for the purposes of legitimate interests pursued by the Council or legal requirements imposed on the Council. The DPA18 obliges local authorities to comply with the below data protection principles. The principles state that the information shall be:

- used fairly, lawfully and transparently
- used for specified, explicit purposes
- used in a way that is adequate, relevant and limited to only what is necessary
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage

Further information about GDPR and DPA18 can be obtained at the Information Commissioner’s website (www.ico.gov.uk). Enquiries regarding the Council’s use of personal data should be addressed to the Councils Data Protection Officer.

1.5.4 The Policy and associated conditions do not address health and safety at work requirements. Drivers and operators are required to ensure compliance with all relevant health and safety at work provisions. This is likely to impact on the health and safety requirements associated with transporting passengers with disabilities, e.g. those who need to carry oxygen for medical purposes or those with assistance dogs. This may have implications on the extent of the discretion that drivers have to refuse to carry passengers with certain disabilities.

1.6 Conditions

1.6.1 The Council will adopt any reasonable conditions that it deems necessary and appropriate to ensure that proprietors, operators, drivers and vehicles comply with relevant legislation and the fundamental purpose of the Policy, i.e. to protect the safety and welfare of the public.

1.7 The Service provided by the Council

Level of taxis and private hire vehicles in Newcastle-under-Lyme

- 1.7.1 There are, as at present, approximately **XXX** drivers, **XX** operators, **XXX** private hire vehicles and **X** hackney carriages (**NB:** numbers fluctuate as licences are granted, lapse or are surrendered based on market forces). The Council does not set a cap on the maximum number of licences it will issue.

What can I expect from the Licensing Service?

- 1.7.2 You can expect a friendly and efficient service. The service aims to be focused on the public and the trade. If you have any concerns about the service you receive please contact a member of the licensing team in the first instance.

Ultimately, if you are unhappy with the service provided you can escalate this via the Council's complaints procedure which can be found at: <https://www.newcastle-staffs.gov.uk/all-services/advice/complaints-comments-and-compliments>

The Council's performance should be open to scrutiny and you should know when you can expect to receive an answer. We have therefore set the following service standards:

- To submit an online Disclosure and Barring Service Check form (DBS form) within 2 working days of receipt of the relevant supporting documentation subject to any relevant Home Office checks being carried out;
- To issue a vehicle licence plate within 5 working days of receiving all the relevant paperwork;
- It is the Council's intention to process all valid renewal applications within 10 working days;
- To respond to voicemails and messages within 1 working day or receipt;
- To acknowledge any email received within 2 working days of receipt;
- To acknowledge letters within 5 working days of receipt;
- To respond to enquiries within 10 working days.
- Following the determination of an application by the Council the applicant will receive a copy of the decision in writing. This written decision will be delivered as soon as is practicable after the decision has been made. This will include information on the right of appeal where appropriate.

Our approach

- 1.7.3 The Council aim to balance protection of the public against requirements which are too onerous. Requirements which are too onerous may ultimately reduce the availability and increase the cost of taxis/private hire vehicles. We aim to be pragmatic and work with the trade to improve the service provided to the public.

The Council are committed to being as open as possible in our dealings with the public and the trade. We will seek to put as much information as possible on the website in as user friendly form as possible.

Public Register

- 1.7.4 The Council will hold and maintain a register for all the licences which it issues. The information held on the register will be restricted to the name of the licence holder; a unique licence number; the date of commencement; and the date of the expiry of the licence. The register will be available for inspection by prior arrangement with the Council's Licensing team and where possible will be published on the Council's website.

LICENSING PRINCIPLES, DELEGATION AND DECISIONS

2.1 Licensing Principles

- 2.1.1 The Council has adopted Part II of the Local Government (Miscellaneous Provisions) Act 1976 and, together with the provisions contained in the Town Police Clauses Act 1847, the Council carries out the licensing of hackney carriage drivers and vehicles and private hire drivers, vehicles and operators.
- 2.1.2 This part of the Policy focusses on the principles the Council will follow when administering licence applications, reviewing conditions, setting fees and setting the table of fares. It explains the roles and duties of the Public Protection Committee and officers of the Council.
- 2.1.3 The Council aims to provide a clear, consistent and responsive service to prospective and current licence holders, members of the public and other stakeholders. This includes the provision of advice to prospective applicants, including advice on the effect that convictions, etc. may have on any application, and to existing licence holders. The Council will be mindful of the needs of the applicant but this will be balanced against the duty that the Council has to protect the safety and welfare of the public.
- 2.1.4 All licence applications will be considered and determined on their own individual merits.

2.2 Licensing Process and Delegation of Functions

- 2.2.1 The Council is the licensing authority. The Council's constitution delegates all functions relating to the licensing of private hire/taxis to the Public Protection Committee, Sub-Committee and authorised officers of the Council, with the exception of the Taxi and Private Hire Licensing Policies which are subject to approval by full Council.
- 2.2.2 Whilst officers and the relevant committees will, in the majority of cases, follow Policy, there may be specific circumstances that require a departure from Policy. In such circumstances, the reasons for departing from Policy will be made clear.

2.3 Committees

2.3.1 Public Protection Committee

This Committee is currently made up of 15 members of the Council. It deals with policy issues, standard conditions of licence, the setting of fees and charges and hackney carriage fares. Further details can be found on the Council website: <https://www.newcastle-staffs.gov.uk/all-services/your-council>

2.3.2 Public Protection Sub-committee

This Committee is made up of a selection of Members from the Public Protection Committee. Three to Five members will sit on hearings to deal with new applications, renewals and reviews of licences that are referred by officers, with a quorum of 3 members. Members, when determining applications for a licence, renewals or reviews of a licence, will have regard to:

- hackney carriage and private hire legislation,
- this Policy,
- The Council's Safeguarding Policy,

- Department for Transport and any other Government Guidance as applicable;
- Road Traffic Act 1988 and other relevant road traffic legislation including MOT provisions,
- Human Rights Act 1998,
- Equality Act 2010,
- Deregulation Act 2015,
- Immigration Act 2016
- any relevant legal case law; and
- other relevant Council policies.

2.4 Decisions

2.4.1 The Council, by virtue of a duly authorised officer, has the power to refuse to grant or renew licences and also to suspend or revoke existing licences in accordance with relevant legislative provisions. In addition, the Council may choose to issue written warnings or issues cautions where applicable.

2.4.2 Any decision to refuse to grant or renew a licence or to suspend or revoke an existing licence, including the decision to suspend or revoke with immediate effect or to issue a written warning will be made in accordance with the Council's scheme of delegation and other relevant policies and procedures.

2.4.3 Where applications are to be determined, the officer, or Public Protection Sub-committee as appropriate will take into consideration:

- the facts of the application;
- any information and/or evidence provided by other interested parties including, but not restricted to, officers from the Council with responsibility for safeguarding, testing vehicles or enforcement and officers from Staffordshire Police; and

In order to provide applicants with the opportunity to consider and respond by way of written and/or verbal representations, as appropriate, the Council will provide the relevant details which have given rise to the need for an officer decision and/or hearing.

2.4.4 Following the determination of an application by the Council the applicant will receive a copy of the decision in writing. This written decision will be delivered within 7 days or as soon as is practicable after the decision has been made. This will include information on the right of appeal where appropriate.

2.4.5 Licensing decisions are made in accordance with the powers and authorities delegated by the Council's constitution:

- Decisions on driver's applications are taken by a duly authorised officer or the Public Protection Sub-Committee.
- Decisions on vehicles are taken by a duly authorised officer or the Public Protection Sub-Committee.
- Decisions on existing and prospective private hire operators are taken by the Public Protection Sub-committee, except where renewal of an existing operator licence is within the scope of this policy.

Application/Renewal Decision

2.4.6 Where the Council decides not to approve the licence/renewal in the form applied for, it will give the applicant/licence holder a chance to make representations in person, by telephone or face to face, or in writing by letter or email before the decision is taken.

Decision to suspend/revoke a licence

- 2.4.7 Suspension, Immediate Suspension, Revocation and Immediate Revocation of a dual drivers licence can be carried out by the Public Protection Committee, Sub-Committee, or a duly authorised officer of the Council.

Where the Council choose to suspend or revoke a licence it will give the applicant/licence holder a chance to make representations in person, by telephone or face to face, or in writing by letter or email before the decision is taken.

- 2.4.8 Suspension or Revocation of a vehicle licence can be carried out by a duly authorised officer, Public Protection Committee or the Public Protection Sub-Committee.

2.5 Appeals

- 2.5.1 If the applicant/licence holder is aggrieved by the decision of the Council he/she may appeal to the relevant court (in most cases the Magistrates Court). The appeal needs to be made within 21 days of being notified in writing of the Council's decision and must be lodged with the Court in accordance with the relevant statutory provisions. The Council strongly advises parties to promptly seek appropriate independent legal advice in such circumstances.

2.6 Working in partnership

- 2.6.1 The Council aims to work in partnership with other relevant agencies/bodies when dealing with hackney carriage and private hire licensing issues. Such partnerships will include, but are not restricted to, relevant hackney carriage and private hire trade associations, neighbouring local authorities, Staffordshire Police, Driver and Vehicle Standards Agency (DVSA), Revenues and Benefits teams, Safeguarding Partnerships and consumer groups.
- 2.6.2 The Borough Council of Newcastle-under-Lyme regularly meets and shares information with other enforcement authorities such as Staffordshire Police, Staffordshire Trading Standards through the Newcastle-under-Lyme Responsible Bodies Group (RBG) and Stoke on Trent and Staffordshire Responsible Bodies Group (SSRBG).
- 2.6.3 The Council, as primary regulator, will ensure that all relevant provisions relating to the effective administration of licensing functions are robustly enforced in order to ensure protection of the public.

TYPES OF LICENCE & APPLICATIONS

3.1 General Information

This part of the Policy concerns the types of licence and the necessary steps required to obtain and hold such a licence. These steps include the standards that applicants must attain and the conditions that apply. Where appropriate, any reference to 'applicant' is deemed to include existing licence holders.

3.1.1 The following are applicable to all licence types:

- a. Where an applicant has failed to declare relevant information or provided false information, the application is likely to be refused; where this relates to an existing licence, the licence is likely to be considered for revocation. Applicants are reminded that it is an offence to knowingly or recklessly make a false declaration or omit any material particularly when giving information required for the application for a licence;
- b. All licence fees are payable at the time of application in full. Where a licence is not granted, i.e. the applicant withdraws their application a portion of the fees may be returned to the applicant. The actual amount of the refund will depend upon the progress of the application at the time the applicant withdraws;
- c. In the event that an application for a licence is paid by cheque, the application will not be valid until such time as the cheque has cleared. In the event that the cheque does not clear and the licence has been issued, the Council will suspend the licence until such time as full payment has been received;
- d. The application process must be completed within 6 months unless prevented from doing so by matters that are outside the applicant's control, e.g. external delays in the DBS process, otherwise the application process will cease to progress further until such time as the applicant provides all the required information. Applications not completed within 6 months without a justified reason for the delay will be considered abandoned. A refund may be made for abandoned applications depending on the level of work that has already been carried out.
- e. Where a licence has lapsed, been surrendered or revoked a new application must be submitted in accordance with the relevant new licence procedures before the Council will consider the application;
- f. When a licence expires, the Council will not permit any 'periods of grace' for the submission of a renewal application unless there is satisfactory evidence of exceptional circumstances that are accepted by the Council.

Appointments

- 3.1.2 The Council operates an appointment system. **Applicants will not be seen and applications will not be accepted without an appointment without prior agreement by a Council Officer.** To assist drivers, vehicle owners and operators to make appointments in a timely manner, the Council will endeavour to notify all operators and proprietors of vehicles that their licence is due to expire at least four weeks before the actual expiry of a licence.

The Council will endeavour to notify drivers at least three months before the actual expiry date of their licence. This is to allow sufficient time for DBS checks to be undertaken and returned, and any necessary training or other requirements to be completed.

IMPORTANT:

However, it is the licence holder's responsibility and the onus is on them to ensure that a renewal application is made in good time. Under no circumstances will a licence be issued without satisfactory completion of all required checks.

Disclosure & Barring Service (DBS) Certificates for Drivers

- 3.1.3 The Council follows the Disclosure and Barring Service (DBS) Code of Practice for Registered Persons and Other Recipients of Disclosure Information (November 2015) and will retain a copy for the certificate in line with the Council's data retention policy and data protection legislation. Further information about the DBS can be found at:

<https://www.gov.uk/government/organisations/disclosure-and-barringservice/about>

- 3.1.4 The Council will accept an Enhanced DBS disclosure report issued as part of an application made through a separate organisation providing:-

- it is for either 'other workforce' or 'child and adult workforce';
- It includes both of the Barring checks
- it is for the same job role (e.g. Taxi driver)
- is presented to the Council for verification within 3 months of issue date of the certificate;
- the applicant has subscribed to the DBS Update Service; and
- the applicant has authorised the Council to access the relevant online record.

- 3.1.5 The Council requires the use of the DBS Update Service for all applicants. Further information can be found at:

<https://www.gov.uk/dbs-update-service>

Where an applicant fails to use the DBS update service or where a check of the update service shows changes to the applicants' record, a full Enhanced DBS disclosure will be required. **The applicant is required to pay the appropriate fee before the DBS disclosure application is submitted.**

- 3.1.6 Drivers who undertake work for County Council transport contracts, e.g. school contracts, are advised to contact the Transport and Connected County Unit at Staffordshire County Council in order to ascertain the standard of criminal record disclosure required and any other requirements in this respect. Information will be shared between Staffordshire County Council and the Borough Council about individuals and businesses that apply and/or tender to deliver passenger transport contracts.

The Transport and Connected County Unit can be contacted by email at:

transportcontracts@staffordshire.gov.uk

Counter-Terrorism and Security Act 2015

- 3.1.7 The Council has a duty under the Counter-Terrorism and Security Act 2015 ("CTSA") to have due regard to the requirement to prevent people from being drawn into terrorism.

The applicant/licence holder shall facilitate the Council's compliance with its duty pursuant to the CTSA and the applicant/licence holder shall have regard to the statutory guidance issued under section 29 of the CTSA and in particular to ensure that they:

- understand what radicalisation means and why people may be vulnerable to being drawn into terrorism;
- are aware of extremism and the relationship between extremism and terrorism;

- know what measures are available to prevent people from becoming drawn into terrorism and how to challenge the extreme ideology that can be associated with it; and
- obtain support for people who obtain support for people who may be exploited by radicalising influences.

Where the applicant/licence holder identifies or suspects that someone may be engaged in illegal terrorist related activity, the applicant/licence holder must refer such person or activity to the police.

For more information please see:

<https://www.gov.uk/government/publications/counter-terrorism-support-for-businesses-and-communities>

<https://www.gov.uk/government/publications/prevent-duty-catalogue-of-training-courses>

Immigration Act 2016

- 3.1.8 As of 1st December 2016 the Council are obliged to ensure that all drivers and operators have the right to work within the UK prior to issuing them a licence. All applicants will be treated in line with the government guidance that can be found here:

<https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

As part of the new/renewal application process the individual will have to provide the Council with ones of the documents listed in Annex A of the Government Guidance.

Where an applicant cannot provide a **current** proof of their right to work in the UK then a licence will not be issued to them. Where an applicant has a time limited right to work in the UK then the Council will only issue a licence up until the expiry date of that document.

3.2 Dual Hackney Carriage and Private Hire Drivers Licences

- 3.2.1 It is the responsibility of the Council to protect the public and to ensure that before anyone is granted a licence the Council needs to be satisfied that he/she is a "fit and proper" person to hold such a licence.

There is no agreed definition for "fit and proper" - in the absence of such a definition, the Council will use the widely accepted interpretation of:

"Would you allow your child, spouse or partner, parent, grandchild or any other person for whom you care, to get into a vehicle with this person alone?"

Period of licence

- 3.2.2 New and renewal driver licences will be valid for three years unless otherwise indicated by a medical practitioner as part of the medical examination, or there is a time limited right to work in the UK in which case the licence will be valid for the period indicated by the medical practitioner or document respectively or decided by Public Protection Sub-Committee.
- 3.2.3 The application form(s) must be fully completed and include all relevant information, supporting documentation and payment of the appropriate fee. If any part of the application form is incomplete or relevant information or supporting documentation is not provided, the applicant will be requested to provide the missing information / documentation and will be informed that the application will not be accepted until such time as all required information/documentation is provided.

The full fee for the licence is payable at the time the application is submitted.

3.2.4 In addition to submitting the application form and fee an applicant must:

- Be over 21 years of age
- Provide a full UK driving licence (or the European equivalent) that has been held for at least 3 years. If the driving licence was not issued in the UK or EU then the applicant must comply with the requirements set out by the Government for exchanging/applying for a DVLA licence (<https://www.gov.uk/exchange-foreign-driving-licence>)
- Provide an enhanced DBS certificate including checks against the barring lists, issued within the previous 3 months or Registered with the Update Service with a relevant up to date certificate.
- Authorise the Council to access the relevant online record via the DBS update service;
- Provide One (1) passport sized photograph or be prepared for a digital photograph to be taken at your appointment;
- Provide evidence of their right to work in the UK in accordance with the Home Office requirements, where applicable;
- Complete a Statutory Declaration detailing the complete history of any criminal and motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices;
- Provide the BTEC Level 2 certificate in the 'Introduction to the Role of the Professional Taxi and Private Hire Driver' qualification, or equivalent as determined by the Council;
- Pass the Council's knowledge test;
- Pass Disability awareness training approved by the Council
- Have attended the Safeguarding and Child Sexual Exploitation Awareness Training within the previous 3 months;
- Undergo Group 2 medical examination and provide the medical certificate issued by their registered GP or a Medical Practitioner who confirms they have had access to the full medical records when determining the applicant's fitness to drive issued within the previous 3 months;
- Complete a DVLA data protection mandate (DP20) or provide a DVLA online check code
- Satisfy the Council that they have a satisfactory level of conversational and written English in order to carry out the role of a hackney carriage/private hire driver. If the applicant is unable to satisfy the Council then it may require them to undertake and English speaking qualification from a Council approved provider (e.g. English for Speakers of Other Languages (ESOL), Secure English Language Test (SELT)).

3.2.5 On renewal of an existing licence, applicants must:

- Submit a completed application form;
- Pay the appropriate licence fee;
- Provide a full UK driving licence (or the European equivalent) that has been held for at least 3 years;
- Provide an enhanced DBS certificate including checks against the barring lists, issued within the previous 3 months or Registered with the Update Service with a relevant up to date certificate.
- Authorise the Council to access the relevant online record via the DBS update service;
- Complete a Statutory Declaration detailing the complete history of any criminal and motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices
- Provide One (1) passport sized photograph or be prepared for a digital photograph to be taken at your appointment;
- Provide evidence of their right to work in the UK in accordance with the Home Office requirements;

- Provide a Safeguarding and Child Sexual Exploitation Awareness training certificate issued within the previous 3 months;
- Pass the Council's knowledge test (first renewal after policy implementation only);
- Pass Disability awareness training approved by the Council. (first renewal after policy implementation only)
- Undergo Group 2 medical examination and provide the medical certificate issued by their registered GP or a Medical Practitioner who confirms they have had access to the full medical records when determining the applicant's fitness to drive issued within the previous 3 months;
- Complete a DVLA data protection mandate (DP20) or provide a DVLA online check code;
- Satisfy the Council that they have a satisfactory level of conversational and written English in order to carry out the role of a hackney carriage/private hire driver. If the applicant is unable to satisfy the Council then it may require them to undertake an English speaking qualification from a Council approved provider (e.g. English for Speakers of Other Languages (ESOL), Secure English Language Test (SELT)).
- Provide the BTEC Level 2 certificate in the 'Introduction to the Role of the Professional Taxi and Private Hire Driver' qualification, or equivalent as determined by the Council (first renewal after policy implementation only);

3.2.6 Providing the above are satisfied, the Council will renew the licence. It is the responsibility of the applicant to provide the Council with the DBS report once received. A licence will not be issued without a current DBS certificate, or any of the other specified documents that make up a complete application.

3.2.7 To allow continuous driving, applicants for licence renewals should allow at least eight weeks for the DBS check. Valid renewal applications (including a current DBS certificate) must be received by the Council at least 5 working days prior to the expiry date of the original licence to allow the Council sufficient time to process the renewal application.

Where applicants fail to submit a valid renewal application within this timescale, their licence may expire before the renewal is issued. Once a licence expires, is revoked (subject to a statutory appeal process) or is surrendered, it ceases to exist and applicants will not be permitted to drive a Hackney Carriage or Private Hire Vehicle in these circumstances.

It is the driver's responsibility to notify the Council of any cautions, convictions or other disposals received during the course of a licence period, in line with the drivers code of conduct. Failure to notify the Council at the time of the caution, conviction or disposal may lead to a licence being referred to the Public Protection Sub-Committee to be determined. In these instances the Council will not issue a licence for any interim period between the expiry of the current licence and the next Public Protection Sub-Committee hearing.

3.2.8 Once a licence ceases to exist, a renewal application will not be accepted by the Council and the applicant must submit a new driver licence application which will be processed in accordance with the Council's new application procedures.

The main legal requirements of the driver licence are as follows. The full driver code of conduct is shown in **Appendix B**:

Production of documents

3.2.9 The driver must, on request, produce for inspection their hackney carriage/private hire driver's licence immediately or within 7 days to either the Council's offices or a police station.

Driver's badges and licences

3.2.10 The badge must be worn by the driver at all times when driving the licensed vehicle and the badge must be plainly and distinctly visible. The driver must also display the second badge issued by Council in a prominent position within the vehicle that they are currently driving so that it is clearly and distinctly visible to all passengers whenever he/she is acting as a hackney

carriage or private hire driver.

- 3.2.11 All drivers of vehicles licensed for hackney purposes of which they are not the proprietor, must before commencing driving that vehicle, deposit their driver's licence (paper counterpart) with the proprietor **before** commencing driving the vehicle. The vehicle proprietor must retain the licence until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.
- 3.2.12 On ceasing to be a licensed driver through suspension, revocation, refusal to renew or expiry of the driver's licence, the licence holder must return the badges and licence to the Council within 7 days (or earlier if the Council so demands) of the suspension, revocation, refusal to renew or expiry becoming effective.

Journeys

- 3.2.13 Drivers must not unnecessarily prolong a journey, in distance or in time.

Vehicles

- 3.2.14 Only vehicles licensed by the Council are permitted to be used for hackney carriage and private hire purposes

Driving Licensed Vehicles

- 3.2.15 Only drivers who are licensed by the Council that licensed the vehicle are permitted to drive the licensed vehicle. The only exceptions to this are when the vehicle is undergoing an MOT test and needs to be driven by the MOT examiner or it is being driven by a qualified mechanic for the purposes of a vehicle service, recovery or maintenance or otherwise permitted by legislation.

Smoking in vehicles

- 3.2.16 Drivers must not, at any time, smoke or permit passengers to smoke in their vehicle as required by the Health Act 2006 and the Smoke-Free (Exemptions and Vehicles) Regulations 2007. This includes the use of electronic cigarette and/or vapourisers etc. If drivers are witnessed smoking, or allowing a passenger to smoke, in a licensed vehicle then they may be served with a fixed penalty notice, issued with a warning and/or referred to the Public Protection Sub-Committee. Drivers smoking when their vehicle is parked / not hired must get out and step away from their vehicle.

Transporting children

- 3.2.17 Drivers must inform parents/carers that the decision to permit children to travel in the vehicle, without the correctly sized seat restraints (as permitted by relevant legislation) and with the obvious risks associated with such an action, remains with the parent/carer responsible for the children. Failure to use a child car seat or similar designed apparatus where available, will enable the driver to refuse the carriage of that child/young person.

However once in the vehicle it is the driver's responsibility to ensure that passengers under 14 years old are correctly restrained.

Dual Drivers in Hackney Carriage Vehicles

Touting

- 3.2.18 A proprietor or driver of a hackney carriage, when standing or plying for hire, must not call out or otherwise importune any person to hire such vehicle and must not make use of the services of any other person for this purpose. This is an offence under the Criminal Justice and Public Order Act 1994, section 167.

Plying for hire

3.2.19 Drivers of private hire vehicles must NOT 'ply for hire'. The Council's interpretation of 'plying for hire' is set out at **Appendix F** and is based on relevant legislation and case law.

Refusing to convey passengers

3.2.20 A driver of a hackney carriage who is waiting at a rank/stand must not refuse to carry a passenger without a reasonable excuse. E.g. if the person/s are severely intoxicated or being abusive to the driver.

Overcharging

3.2.21 Drivers of hackney carriages must not charge more than is permitted under the current table of fares. Drivers undertaking journeys ending outside the Council's area and in respect of which no fare and no rate of fare was agreed before the journey commenced must not charge more than that indicated on the taximeter or more than the current table of fares allows.

Persons riding without consent

3.2.22 Drivers of hackney carriages must not permit persons to be carried in the vehicle unless they have the consent from the person who is actually hiring the vehicle.

Unlicensed drivers

3.2.23 Licensed drivers of hackney carriages must not allow any persons to drive a hackney carriage unless they are authorised to do so by the proprietor and hold an appropriate licence to do so.

Obstruction

3.2.24 Hackney carriage drivers must not obstruct other hackney carriage drivers/vehicles from undertaking their normal hiring and driving activities, on a rank or other designated collection point.

3.3 Hackney Carriage Vehicle Licences

Summary

3.3.1 Hackney carriages are licensed in accordance with the provisions contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

3.3.2 Commonly known as 'taxis', hackney carriages are licensed to stand for hire at a taxi rank or can be hailed in the street when within the administrative area of the council with which it is licensed. Hackney carriages may also undertake pre-booked journeys anywhere in the country.

3.3.3 All hackney carriages, whilst plying for hire, shall be immediately capable of providing for at least one wheelchair if designated as a Wheelchair Accessible Vehicle by the Council. Under s.167 Equality Act 2010 the Council may create a list of all licensed Wheelchair Accessible Vehicles, placing the below duties on the driver:

- (a) to carry the passenger while in the wheelchair;
- (b) not to make any additional charge for doing so;
- (c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;

(d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;

(e) to give the passenger such mobility assistance as is reasonably required.

3.3.4 The Council will not licence a vehicle for hire and reward which is licensed by another local authority or allow or permit a hackney carriage identification plate issued by another authority to be displayed on the vehicle.

3.3.5 The Council does not limit the number of hackney carriage vehicle licences that it will issue.

Period of licence

3.3.6 Vehicle licences will be issued for 12 months.

3.3.7 The applicant for a vehicle licence must be the legal owner of the vehicle concerned and entitled to have the ownership of the vehicle registered under the provisions of Regulation 10 of the Road Vehicles (Registration and Licensing) Regulations 2002 in their own name. Prior to licensing and thereafter, as required, satisfactory evidence must be produced to demonstrate compliance with this requirement, for example the V5C/Logbook.

Vehicles

3.3.8 The Council requires all hackney carriage vehicles to comply with specifications and requirements set out in **Appendix E** and advises all applicants and current licence holders to familiarise themselves with this section.

3.3.9 Proprietors are encouraged to have provision for the legal transportation of a minimum of one wheelchair at all times. (When a vehicle licence is granted and the plates are issued, the maximum number of passenger seats that can be used at any one time. Eg. If the vehicle has X number of fixed seats and the fixings to carry 1 customer in a wheelchair then the licence will be to carry X + 1 passengers. If any of the fixed passenger seats become obstructed when a wheelchair is fitted then the driver must not permit that seat/those seats to be used during that journey.

Vehicle Type and Age

3.3.10 Upon first application all vehicles must be a purpose built hackney carriage, wheelchair accessible, converted to conform with European type approval or be a fully electric powered vehicle (also known as 'Battery Electric Vehicles' or 'Pure Electric Vehicles' and be less than 3 years old.

3.3.11 The maximum age for vehicles to be licensed will be 7 years old. The maximum age for Electric vehicles to be licensed will be 10 years old.

Grandfather Rights

3.3.12 Vehicles that are wheelchair accessible or previously categorised as 'minibuses' which are licensed at the time this version of the policy is implemented may continue to be licensed until they fail the Council's mechanical vehicle test when it will cease to be suitable for licensing, or when they reach the maximum age of 10 years, whichever is soonest. These vehicles will be subject to a mechanical vehicle test every 6 months. The cost of the tests will be met by the vehicle owner. At each renewal test, and subsequent 6 month test will be permitted **one** retest only. Once a vehicle fails a test and retest it will cease to be suitable for licensing.

3.3.13 Current holders of Hackney Carriage licences for non-wheelchair accessible vehicles (i.e. saloons, hatchbacks and estates) will cease to benefit from existing grandfather rights

allowing them to replace their current vehicle, with another non-wheelchair accessible vehicle either during the licence period or at the expiry date of the licence. All replacement vehicles will be required to meet the criteria for a new Hackney Carriage Vehicles.

Taximeters

- 3.3.14 All hackney carriage vehicles are required to be fitted with taximeters that comply with the specifications and requirements set out in **Appendix E** and all applicants and current licence holders are advised to familiarise themselves with this section.

Application and Supporting Documentation

The application process to licence a hackney carriage vehicle is the same for a new or renewal application.

- 3.3.15 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information, supporting documentation or fee is not provided, the applicant will be requested to provide the missing information/documentation/fee and informed that the application will not be accepted until such time as all the information/documentation is provided. The full fee for the licence is payable at the time the application is submitted.
- 3.3.16 Any person wishing to licence a hackney carriage vehicle must submit:
- a) A completed application form;
 - b) A Basic Disclosure Certificate issued within the last 12 months or a DBS certificate registered on the update service;
 - c) A Statutory Declaration detailing the complete history of any criminal and motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices including any pending charges and 'spent' convictions';
 - d) A pass certificate for the Council's Knowledge Test
 - e) the appropriate licence fee (in full at the time of application);
 - f) a valid MOT (in accordance with the requirements set out at paragraph 3.48 below);
 - g) a current vehicle fitness/garage test pass certificate (from the Council's Garage);
 - h) a valid certificate of insurance for public hire, **This must remain valid for the period of the licence and must be produced on demand to an authorised officer or Police, and in any case within 24 hours.**
 - h) the V5 registration certificate (or alternative interim measure outlined in paragraph 3.52 below);
 - g) a valid certificate/report to confirm the vehicle is fitted with a taximeter in accordance with the requirements set out in **Appendix E**
 - h) Converted vehicles must provide an appropriate certificate to prove the conversion has been carried out to the required standard (European-wide type approval or equivalent).

Where the vehicle is fitted with a mechanically operated ramp/lift; a valid certificate/report confirming the ramp/lift complies with the requirements of the Lifting Operations and Lifting Regulations 1998 shall be provided. (NB. The vehicle proprietor is responsible for ensuring that a competent person carries out the necessary checks in accordance with these Regulations.);

Where non-mechanical ramps are used; confirmation is required from the proprietor of the vehicle that the ramps comply with the relevant provisions of the Provision and Use of Work Equipment Regulations 1998. (NB. Council officers will check that the provision of non-mechanical ramps is being maintained by the vehicle proprietor.); and

Where fittings are used to secure wheelchairs to the floor of a vehicle, a valid certificate/report confirming that all the fittings meet the required specifications should be provided.

Vehicle Testing Requirements

MOT

3.3.17 MOTs are required in accordance with the following requirements:

- a) Vehicles must be submitted for an MOT inspection at least once per year, and if deemed necessary by an authorised officer. The applicant must produce valid MOT certificates to the Council in this respect;
- b) MOTs must be undertaken by a 'Nominated Tester' or Authorised Vehicle Examiner at a Vehicle Testing Station appointed under Section 45 of The Road Traffic Act 1988; the cost of all tests must be met by the vehicle operator;
- c) If the vehicle is less than 12 months old when first licensed then the first MOT is due during the first licence period. If a vehicle is over 12 months old when first licensed then it will require an MOT prior to being licensed;
- d) With respect to a licensed vehicle, in the event of a proprietor failing to present to the Council an MOT test certificate as required (unless delayed or prevented by sufficient cause accepted and agreed by the Council), the Council may suspend the licence and require the proprietor of that vehicle to return the plate to them within 72 hours of receipt of the written request.

Vehicle Fitness/Garage Test

3.3.18 The Council requires all vehicles to be tested at least once a year, to ensure that they are suitable and 'fit' to be licensed.

Testing of all vehicles takes place at the Council Garage, Central Depot, Knutton Lane, Newcastle-under-Lyme, ST5 2SL, or at an alternative location as authorised by the Council.

3.3.19 The frequency of testing is once per year, prior to the Council issuing a renewed licence. An authorised officer of the Council may request that an additional test is carried out during the licence period. All costs of the test are to be made by the vehicle operator.

It is the proprietor's responsibility to organise the testing of the vehicle before the existing plate expires. Applicants should note that the earliest you can present your vehicle for test is one month prior to its current expiry date.

3.3.20 Where a vehicle licence is suspended as a result of an accident; a garage test will be required to confirm that it is roadworthy, once any repairs have been completed. The driver is responsible for the cost of any additional garage tests. A vehicle fitness/garage test pass certificate will be required before the suspension can be lifted.

Where a vehicle fails the garage test the proprietor will be given 28 days to rectify the failure items and submit the vehicle for a re-inspection. If the garage deems the vehicle to be non-repairable, it fails the re-inspection or is not resubmitted within 28 days then the vehicle will not be eligible for a retest and any licence in place will lapse or will not be granted.

V5 registration certificate

3.3.21 The Council accepts that a full V5 registration form in the new owner's name is not always available upon first licence; however, the V5/2 green section of the V5 form must be produced along with the proof of purchase. Where the green section has been produced on first licensing the vehicle, a full V5 form in the new owner's name must be produced to the Council within 7 days of the form being received by the owner of the vehicle. A V5 form or proof of

purchase must be produced upon transfer of a vehicle licence.

Renewal of a Licence

3.3.22 To allow the vehicle's licence to be renewed, a renewal application form must be received by the Council at least 10 working days prior to the expiry date of the original licence to allow the Council sufficient time to process the renewal application. It is the Council's intention to process all valid renewal applications within 10 working days; hence, where applicants fail to submit their renewal application within this timescale, the risk that their licence will expire increases. Once a licence expires, is revoked (subject to a statutory appeal process) or is surrendered, it ceases to exist and applicants will not be permitted to drive the vehicle as a Hackney Carriage Vehicle in these circumstances.

3.3.23 Once a licence ceases to exist a renewal application will not be accepted by the Council and the applicant must submit a new vehicle licence application which will be processed in accordance with the Council's new application procedures.

Vehicle Not Fit for the Conveyance of Passengers

3.3.24 Where a proprietor has notified the Council that damage has occurred to a vehicle, or an inspection of the vehicle by an officer of the Council has determined that a vehicle is not fit for the purpose of conveying passengers, an authorised officer of the Council will decide if the condition is such that the vehicle may continue in service or not. If not, an authorised officer of the Council may at that time suspend the vehicle licence and require the proprietor of the vehicle to return the vehicle's plate to them within 7 days. The suspension will be lifted and the plate returned at such time when the condition of the vehicle is demonstrated, to the satisfaction of the Council, to be fit for conveying passengers. A vehicle fitness/garage test will be required to determine whether the suspension can be lifted.

Advertising

3.3.25 Proprietors are not permitted to advertise any third party company/person on hackney carriages vehicles at any time.

Signage

3.3.26 All Hackney Carriage vehicles must display the vehicles signs shown in appendix M on the exterior of the rear passenger door on both sides of the vehicle, at all times that the vehicle is a licensed by the Council.

Closed Circuit Television (CCTV)

3.3.27 Proprietors of hackney carriage or private hire vehicles are permitted to install closed circuit television (CCTV) systems providing such systems are installed in accordance with the appropriate legal framework and the Council has been notified, in writing, of their intention to do so. If CCTV is fitted then the proprietor must prominently display signs indicating that CCTV is in use in the vehicle.

Trailers

3.3.28 Hackney carriages are permitted to tow trailers when undertaking the licensable activity, providing the conditions set out at **Appendix D** are complied with.

Ranks

3.3.29 The Highways section of Staffordshire Council is primarily responsible for the creation of ranks and will work with the hackney carriage trade, the Council and Staffordshire Police to determine where ranks/stands ought to be situated.

3.3.30 Where a driver is plying for hire and is illegally parked or creating an obstruction or if, in the opinion of an officer of the Council or police officer, the driver is plying for hire in a dangerous location (this does not include a legitimate period of time where a hackney carriage has stopped to drop off or pick up a fare), the driver's licence may be reviewed and such conduct may be deemed a reasonable cause to revoke or suspend the licence or to take any other appropriate action.

LPG Converted Vehicles

3.3.31 The Council must be satisfied that any vehicle that has been converted to LPG has been converted correctly prior to a licence being issued. The Council will undertake a check of the UK LPG Vehicle Register.

3.3.32 With respect to new applications, where it is established that a conversion has not been undertaken correctly and/or the vehicle is unsafe in any way, the Council will refuse the application.

3.3.33 In the event that an LPG conversion has been undertaken on a vehicle during a current licenced period and the proprietor of the vehicle fails to notify the Council within 7 days of the conversion. The Council will suspend the vehicle licence until such time as evidence is available on the UK LPG Vehicle Register. If the necessary evidence is not available on the UK LPG Vehicle Register within 28 days from the date the licence was suspended the Council will revoke the licence.

3.3.34 In the case of a conversion that has been undertaken on a vehicle during a current licenced period and it is subsequently established that the conversion has not been undertaken correctly and/or the vehicle is unsafe in any way, an authorised officer of the Council will suspend the licence until such time as necessary works to the conversion have been undertaken and/or it is demonstrated to the satisfaction of the Council that the vehicle is safe. If this does not occur within a period of 28 days from the date the licence was suspended the Council will revoke the licence.

Electric Vehicles

3.3.35 The Council encourages and promotes the purchase of fully electric vehicles to be licensed as Hackney Carriages. Fully electric vehicles will be the only type of non-wheelchair accessible vehicle permitted to be licensed as Hackney Carriages. Where possible the Council will seek to implement a number of 'plug-in' points around the Borough which will be available for vehicle proprietors to use, and also to actively target funding opportunities. Hybrid vehicles will not be permitted as Hackney Carriages unless they also fulfil the Wheelchair Accessible Vehicle requirements.

Hackney Carriage Fares

3.3.36 The hackney carriage trade will be expected to apply for any change to the hackney carriage fares. Any proposed changes will be considered by the Public Protection Committee, notified to all hackney carriage licence holders and advertised in the local press before they are adopted. This does not preclude the Council from putting forward changes to the fares or taking a decision not to accept the application from the trade.

Licence conditions

- 3.3.37 The applicable conditions relevant to a hackney carriage licence are set out at **Appendix D**; these conditions must be complied with. These conditions are in addition to any matters set out within the main body of the Policy.

Change of proprietor and/or driver

- 3.3.38 The proprietor must give notice to the Council of any transfer in her/his interest in the hackney carriage vehicle to a person other than the proprietor whose name is specified in the licence. Such notice must be given, in writing, within 14 days specifying the name and address of the person to whom the vehicle has been transferred and accompanied by the relevant documentation for proprietors.

The proprietor must give notice to the Council when any changes are made as to driver of the vehicle.

Change of address

- 3.3.39 The proprietor of a hackney carriage must notify the Council in writing, within 7 days, of any change of their address.

Retention of drivers licences

- 3.3.40 A proprietor of a hackney carriage must ensure that each driver's licence is lodged with the proprietor before the driver is employed to carry out work and must retain the licence in their possession for the period during which the driver remains in their employ. When a driver leaves the employ of a proprietor, the proprietor must return the driver's licence unless the licence holder has been guilty of misconduct in which case the operator may retain the licence and must issue a summons to have the cause of complaint determined by the Courts. (Note: If the Courts find that the licence has been improperly retained they have the powers to order its return and to award compensation.)

Inspection

- 3.3.41 The proprietor must present their hackney carriage for inspection/testing by the Council as required, up to a maximum of 3 times per year. If a vehicle continually fails tests and/or is found to be unsuitable following inspections or repeatedly fails to attend then the Council may suspend or revoke the vehicle licence.
- 3.3.42 The proprietor must provide, on request, the address where the hackney carriage is kept and allow the Council to inspect/test the vehicle at that address.

Accidents

- 3.3.43 The proprietor, notwithstanding their responsibilities under relevant road traffic legislation, must also report to the Council any accident as soon as reasonably practicable. However, where the vehicle has suffered accident damage that materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of fare paying passengers, the driver must notify the Council within 72 hours.

Production of documents

- 3.3.44 The proprietor must, on request by an authorised officer of the Council or a police officer, produce to the officer for inspection the hackney carriage vehicle licence and insurance certificate within 7 days.

Return of identification plates

- 3.3.45 Where a licence is revoked or suspended, the proprietor, when required by the Council to do so, must return the identification plates within 7 days otherwise further action may be taken against the licence holder. Where the licence plate expires, no replacement plates will be issued until the expired plates are returned to the Council.

Ranks

- 3.3.46 Hackney carriage ranks/stands are provided in accordance with the Local Government (Miscellaneous Provisions) Act 1976. There are currently XXX ranks appointed in the Borough Council of Newcastle-under-Lyme area.

Fares

- 3.3.47 Drivers of hackney carriages must not charge more than is permitted under the current table of fares. Drivers undertaking journeys ending outside the Council's area and in respect of which no fare and no rate of fare was agreed before the journey commenced must not charge more than that indicated on the taximeter or more than the current table of fares allows.
- 3.3.48 Where a hackney carriage is used for a private hire contract the fare charged must not exceed the fares set down in the current table of fares unless it has been agreed in advance between the driver and passenger and the journey is not wholly within the administrative area of the Borough Council.

Parking/waiting

- 3.3.49 Where a driver is dropping off or picking up a fare and is illegally parked or creating an obstruction (this does not include a legitimate period of time where a private hire vehicle has stopped to drop off or pick up a fare), the driver's licence may be reviewed and such conduct may be deemed a reasonable cause to revoke or suspend the licence or to take any other appropriate action such as being interviewed, have a warning issued to them.

The vehicle's horn is not to be used to inform customers you are waiting or that you have arrived. It must only be used in line with Reg.99 The Road Vehicles (Construction and Use) Regulations 1986.

3.4 Private Hire Vehicle Licences

Summary

- 3.4.1 Private hire vehicles are licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976. Private hire vehicles must not have the appearance of a hackney carriage vehicle.
- 3.4.2 When considering whether a vehicle is a private hire vehicle by the nature of the work it does, the Borough Council of Newcastle-under-Lyme will have regard to the document - [Private Hire Vehicle Licensing - A note for guidance from the Department for Transport \(August 2011\) and any other subsequent Government issued guidance.](#)

3.4.3 The Council cannot limit the number of private hire vehicle licences that it will issue.

3.4.4 The Council will not licence a vehicle for private hire which is licensed by another local authority or allow or permit a private hire vehicle identification plate issued by another authority to be displayed on the vehicle.

Period of licence

3.4.5 Vehicle licences will be issued for 12 months.

3.4.6 The applicant for a vehicle licence must be the legal owner of the vehicle concerned and entitled to have the ownership of the vehicle registered under the provisions of Regulation 10 of the Road Vehicles (Registration and Licensing) Regulations 2002 in their own name. Prior to licensing and thereafter, as required, satisfactory evidence must be produced to demonstrate compliance with this requirement, for example the V5C/Logbook.

Vehicles

3.4.7 The Council requires all private hire vehicles to comply with specifications and requirements set out in **Appendix H** and advises all applicants and current licence holders to familiarise themselves with this section.

Proprietors are encouraged to have provision for the legal transportation of a minimum of one wheelchair at all times. (When a vehicle licence is granted and the plates are issued, the maximum number of passenger seats that can be used at any one time. Eg. If the vehicle has X number of fixed seats and the fixings to carry 1 customer in a wheelchair then the licence will be to carry X + 1 passengers. If any of the fixed passenger seats become obstructed when a wheelchair is fitted then the driver must not permit that seat/those seats to be used during that journey.

Vehicle Age

3.4.8 Upon first application all vehicles must be less than 3 years old

3.4.9 The maximum age for vehicles to be licensed will be 7 years old (from date of first registration or if imported from the date of manufacture). The maximum age for Electric vehicles to be licensed will be 10 years old.

Grandfather Rights

3.4.10 Vehicles previously categorised as 'minibuses' which are licensed at the time this version of the policy is implemented may continue to be licensed until they fail the Council's mechanical vehicle test when it will cease to be suitable for licensing, or when they reach the maximum age of 10 years, whichever is soonest. These vehicles will be subject to a mechanical vehicle test every 6 months. The cost of the tests will be met by the vehicle owner. At each renewal test, and subsequent 6 month test will be permitted **one** retest only. Once a vehicle fails a test and retest it will cease to be suitable for licensing.

Taximeters

3.4.11 Private Hire vehicles are not required to be fitted with taximeters but if they do then they must comply with the specifications and requirements set out in **Appendix H** and the Council advises all applicants and current licence holders to familiarise themselves with this section.

The application process to licence a Private Hire vehicle is the same for a new or renewal application.

Application

3.4.12 The application form must be fully completed and include all relevant information, supporting

documentation and appropriate fee. If any part of the application form is incomplete or the relevant information, supporting documentation or fee is not provided, the applicant will be requested to provide the missing information/documentation/fee and informed that the application will not be processed until such time as all the information/documentation is provided. The full fee for the licence is payable at the time the application is submitted.

3.4.13 Any person wishing to licence a private hire vehicle must submit:

- a) a) A completed application form;
- b) A Basic Disclosure Certificate issued within the last 12 months or a DBS certificate registered on the update service;
- c) Complete a Statutory Declaration detailing the complete history of any criminal or motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices;
- d) A pass certificate for the Council's Knowledge Test
- e) b) the appropriate licence fee (in full at the time of application);
- f) c) a valid MOT (in accordance with the requirements set out at paragraph 3.99 below);
- g) d) a current vehicle fitness/garage test pass certificate (from the Council's Garage);
- h) e) a valid certificate of insurance for public hire, This must remain valid for the period of the licence and must be produced on demand to an authorised officer or Police, and in any case within 24 hours.
- i)
- j) f) the V5 registration certificate (or alternative interim measure outlined in paragraph 3.104 below);
- k) g) where a taximeter is fitted - a valid certificate/report to confirm the vehicles taximeter is fitted in accordance with the requirements set out at **Appendix H**
- l) h) Converted vehicles must provide an appropriate certificate to prove the conversion has been carried out to the required standard (European-wide type approval or equivalent).

Where the vehicle is fitted with a mechanically operated ramp/lift; a valid certificate/report confirming the ramp/lift complies with the requirements of the Lifting Operations and Lifting Regulations 1998. (NB. The vehicle proprietor is responsible for ensuring that a competent person carries out the necessary checks in accordance with these Regulations.);

Where non-mechanical ramps are used; confirmation is required from the proprietor of the vehicle that the ramps comply with the relevant provisions of the Provision and Use of Work Equipment Regulations 1998. (NB. Council officers will check that the provision of non-mechanical ramps is being maintained by the vehicle proprietor.); and

Where fittings are used to secure wheelchairs to the floor of a vehicle, a valid certificate/report confirming that all the fittings meet the required specifications should be provided that has been issued by an approved installer.

Vehicle Testing Requirements

MOT

3.4.14 MOTs are required in accordance with the following requirements:

- a. Vehicles must be submitted for an MOT inspection at least once per year, and if deemed necessary by an authorised officer. The applicant must produce valid MOT certificates to the Council in this respect;
- b. MOTs must be undertaken by a 'Nominated Tester' or Authorised Vehicle Examiner at a Vehicle Testing Station appointed under Section 45 of The Road Traffic Act 1988; the cost of all tests must be met by the vehicle operator;
- c. Vehicles will not require an MOT until they turn 3 years old. Once they turn 3 years old then it must have a valid MOT throughout the licence period;
- d. With respect to a licensed vehicle, in the event of a proprietor failing to present to the Council an MOT test certificate as required (unless delayed or prevented by sufficient cause accepted and agreed by the Council), the Council may suspend the licence and require the proprietor of

that vehicle to return the plate to them within 72 hours of receipt of the written request.

Vehicle Fitness/Garage Test

- 3.4.15 The Council requires all vehicles to be tested at least once a year, depending on the age of the vehicle, to ensure that they are suitable and 'fit' to be licensed.

Testing of all vehicles takes place at the Council Garage, Central Depot, Knutton Lane, Newcastle-under-Lyme, ST5 2SL, or at an alternative location as authorised by the Council.

- 3.4.16 The frequency of testing is once per year, prior to the Council issuing a renewed licence. An authorised officer of the Council may request that an additional test is carried out during the licence period. All costs of the test are to be made by the vehicle operator.

- 3.4.17 It is the proprietor's responsibility to organise the testing of the vehicle before the existing plate expires. Applicants should note that the earliest you can present your vehicle for test is one month prior to its current expiry date.

Where a vehicle is suspended as a result of an accident; a garage test will be required to confirm that it is roadworthy, once any repairs have been completed. The driver is responsible for the cost of any additional garage tests. A vehicle fitness/garage test pass certificate will be required before the suspension can be lifted.

- 3.4.18 Where a vehicle fails the garage test the proprietor will be given 28 days to rectify the failure items and submit the vehicle for a re-inspection. If the garage deems the vehicle to be non-repairable, it fails the re-inspection or is not resubmitted within 28 days then the vehicle will not be eligible for a retest and any licence in place will lapse or will not be granted.

V5 registration certificate

- 3.4.19 The Council accepts that a full V5 registration form in the new owner's name is not always available upon first licence; however, the V5/2 green section of the V5 form must be produced along with the proof of purchase. Where the green section has been produced on first licensing the vehicle, a full V5 form in the new owner's name must be produced to the Council within 7 days of the form being received by the owner of the vehicle. A V5 form or proof of purchase must be produced upon transfer of a vehicle licence.

Renewal of a Licence

- 3.4.20 To allow the vehicle's licence to be renewed, a renewal application form must be received by the Council at least 10 working days prior to the expiry date of the original licence to allow the Council sufficient time to process the renewal application. It is the Council's intention to process all valid renewal applications within 10 working days; hence, where applicants fail to submit their renewal application within this timescale, the risk that their licence will expire increases. Once a licence expires, is revoked (subject to a statutory appeal process) or is surrendered, it ceases to exist and applicants will not be permitted to drive the vehicle as a Hackney Carriage or Private Hire Vehicle in these circumstances.

- 3.4.21 Once a licence ceases to exist a renewal application will not be accepted by the Council and the applicant must submit a new vehicle licence application which will be processed in accordance with the Council's new application procedures.

Vehicle Not Fit for the Conveyance of Passengers

- 3.4.22 Where a proprietor has notified the Council that damage has occurred to a vehicle, or an inspection of the vehicle by an officer of the Council has determined that a vehicle is not fit for the purpose of conveying passengers, an authorised officer of the Council will decide if the condition is such that the vehicle may continue in service or not. If not, an authorised officer of the Council may at that time suspend the vehicle licence and require the proprietor of the vehicle to return the vehicle's plate to them within 7 days. The suspension will be lifted and the plate returned at such time when the condition of the vehicle is demonstrated, to the satisfaction of the Council, to be fit for conveying passengers. A vehicle fitness/garage test will be required to determine whether the suspension can be lifted.

Advertising

- 3.4.23 Proprietors are not permitted to advertise any third party company/person on private hire vehicles at any time.

Signage

- 3.4.24 All Private Hire vehicles will be required to display the signs as detailed in **Appendix M** on the exterior of the rear passenger door on both sides of the vehicle, at all times that the vehicle is licensed by the Council.

Closed Circuit Television (CCTV)

- 3.4.25 Proprietors of hackney carriage or private hire vehicles are permitted to install closed circuit television (CCTV) systems providing such systems are installed in accordance with the appropriate legal framework and the Council has been notified, in writing, of their intention to do so. If CCTV is fitted then the proprietor must prominently display signs indicating that CCTV is in use in the vehicle.

Trailers

- 3.4.26 Private hire vehicles are permitted to tow trailers when undertaking the licensable activity, providing the conditions set out at **Appendix G** are complied with.

LPG Converted Vehicles

- 3.4.27 The Council must be satisfied that any vehicle that has been converted to LPG has been converted correctly prior to a licence being issued. The Council will undertake a check of the UK LPG Vehicle Register.
- 3.4.28 With respect to new applications, where it is established that a conversion has not been undertaken correctly and/or the vehicle is unsafe in any way, the Council will refuse the application.
- 3.4.29 In the event that an LPG conversion has been undertaken on a vehicle during a current licenced period and the proprietor of the vehicle fails to notify the Council within 7 days of the conversion. The Council will suspend the vehicle licence until such time as evidence is available on the UK LPG Vehicle Register. If the necessary evidence is not available on the UK LPG Vehicle Register within 28 days from the date the licence was suspended the Council will revoke the licence.
- 3.4.30 In the case of a conversion that has been undertaken on a vehicle during a current licenced period and it is subsequently established that the conversion has not been undertaken correctly and/or the vehicle is unsafe in any way, an authorised officer of the Council will

suspend the licence until such time as necessary works to the conversion have been undertaken and/or it is demonstrated to the satisfaction of the Council that the vehicle is safe. If this does not occur within a period of 28 days from the date the licence was suspended the Council will revoke the licence.

Electric/Hybrid Vehicles

- 3.4.31 The Council encourages and promotes the purchase of fully electric or hybrid vehicles to be licensed as Private Hire Vehicles. Where possible the Council will seek to implement a number of 'plug-in' points around the district which will be available for vehicle proprietors to use, and also to actively target funding opportunities

Licence conditions

- 3.4.32 The applicable conditions relevant to a private hire vehicle licence are set out at **Appendix G**; these conditions must be complied with. These conditions are in addition to any matters set out within the main body of the Policy.

Change of proprietor and/or driver

- 3.4.33 The proprietor must give notice to the Council of any transfer in her/his interest in the private hire vehicle to a person other than the proprietor whose name is specified in the licence. Such notice must be given, in writing, within 14 days specifying the name and address of the person to whom the vehicle has been transferred.

The proprietor must give notice to the Council when any changes are made as to driver of the vehicle.

Change of address

- 3.4.34 The proprietor of a private hire vehicle must notify the Council in writing, within 7 days, of any change of their address.

Retention of drivers licences

- 3.4.35 A proprietor of a private hire vehicle must ensure that each driver's licence is lodged with the proprietor before the driver is employed to carry out work and must retain the licence in their possession for the period during which the driver remains in their employ. When a driver leaves the employ of a proprietor, the proprietor must return the driver's licence unless the licence holder has been guilty of misconduct in which case the operator may retain the licence and must issue a summons to have the cause of complaint determined by the Courts. (Note: If the Courts find that the licence has been improperly retained they have the powers to order its return and to award compensation.)

Inspection

- 3.4.36 The proprietor must present their private hire vehicle for inspection/testing by the Council as required, up to a maximum of 3 times per year. If a vehicle continually fails tests and/or is found to be unsuitable following inspections, or repeatedly fails to attend inspections then the Council may suspend or revoke the vehicle licence.
- 3.4.37 The proprietor must provide, on request, the address where the private hire vehicle is kept and allow the Council to inspect/test the vehicle at that address.

Accidents

- 3.4.38 The proprietor, notwithstanding their responsibilities under relevant road traffic legislation, must also report to the Council any accident as soon as reasonably practicable. However, where the vehicle has suffered accident damage that materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of fare paying passengers, the driver must notify the Council within 72 hours.

Production of documents

- 3.4.39 The proprietor must, on request by an authorised officer of the Council or a police officer, produce to the officer for inspection the hackney carriage vehicle licence and insurance certificate within 7 days.

Return of identification plates

- 3.4.40 Where a licence is revoked, suspended or expires, the proprietor, when required by the Council to do so must return the identification plates within 7 days. No new licence plates will be issued until the expired plates are returned to the Council.

Ranks/stands

- 3.4.41 A private hire vehicle must not wait (stop or park) on any rank/stand. It is an offence to do so and may result in enforcement action being taken against the driver.

Parking/waiting

- 3.4.42 Where a driver is dropping off or picking up a fare and is illegally parked or creating an obstruction (this does not include a legitimate period of time where a private hire vehicle has stopped to drop off or pick up a fare), the driver's licence may be reviewed and such conduct may be deemed a reasonable cause to revoke or suspend the licence or to take any other appropriate action such as being interviewed, have a warning issued to them.

The vehicle's horn is not to be used to inform customers you are waiting or that you have arrived. It must only be used in line with Reg.99 The Road Vehicles (Construction and Use) Regulations 1986.

3.5 Private Hire Operator Licences

Summary

- 3.5.1 Private hire operators are licensed in accordance with the Local Government (Miscellaneous Provisions) Act 1976. Any person who wishes to take bookings, in the course of a business, for a private hire vehicle must hold a private hire operator licence.

Period of licence

- 3.5.2 Operator licences will be issued for a period of 5 years unless the Council has reasonable cause to issue for a shorter time period.

Operator's Premises

- 3.5.3 The Operator must have a base within the administrative area of Newcastle-under-Lyme in order to ensure that the Council can inspect the base and associated operator records to check

compliance with licence conditions.

- 3.5.4 The Council will not grant an operator's licence to apply to any physical premises that falls outside the administrative area of the Borough Council of Newcastle-under-Lyme. Those operators who hold an operator's licence that applies to premises falling outside of the administrative area of the Borough Council of Newcastle-under-Lyme at the time of this policy coming in to force will not be affected until their licence requires renewing. At renewal the operator must apply to operate from a physical premises falling inside the Borough Council of Newcastle-under-Lyme.

If the licence of a current operator, that applies to premises falling outside of the administrative area of the Borough Council of Newcastle-under-Lyme at the time of this policy coming in to force, is due to expire within 6 months of the implementation date then the Council may, at its discretion, issue a 12 month licence to allow operator sufficient time to source a suitable premises within the Borough area. After this period no licences will be issued to premises that fall outside of the Borough area.

- 3.5.5 The Council will only grant operator licences applicable to the physical premises from which the operator's business will be run.
- 3.5.6 The Council advises operators to have all necessary planning permissions for the operator base before a licence is granted. Proof of which may be requested as part of the application procedure.
- 3.5.7 Where the base is accessible to the public, either for booking or waiting, the Council will expect the premises to be clean, adequately ventilated and heated and that all laws have been complied with, including the Equality Act 2010.
- 3.5.8 There are a number of specific conditions set out in the operator licence conditions that apply to premises. Operators must be particularly mindful of complying with these and should they fail to do so the Council will consider revoking the operator's licence.

Record Keeping

- 3.5.9 Operators must keep records in accordance with the conditions attached to their licence. Such records must be available upon request from an authorised officer of the Council or a police officer.

Under the conditions the operator is required to keep a number of different forms of record namely:

- Booking records (to include which member of staff took the booking);
- Operator vehicle schedule;
- Operator driver schedule;
- Maintenance programme for vehicles.

Each of these records must be kept up to date and retained by the operator for a period of at least 12 months (as per conditions of licence).

- 3.5.10 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information or supporting documentation, or fee is not provided, the applicant will be requested to provide the missing information/documentation and informed that the application will not be processed until such time as all the information/documentation is provided. The full fee for the licence (including the cost of a DBS check and Safeguarding Training, where appropriate) is payable at the time the application is submitted.
- 3.5.11 Any person (including a sole trader, partnership or company) wishing to become a licensed private hire operator must submit:

- a completed application form (where the application relates to a partnership or a company, the application form must provide the name, address and date of birth of all partners, directors/company secretaries, as appropriate) A check of the Companies House register may be undertaken to confirm these details;
- a schedule of all employees that are not NULBC licensed drivers
- a basic DBS certificate for each director and company secretary
 - A Statutory Declaration detailing the complete history of any criminal and motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices including any pending charges and 'spent' convictions;
- a Safeguarding Training certificate for each director, company secretary and employees that are not NULBC licensed drivers
- the appropriate licence fee;
- a list of the vehicles and drivers which they operate; and
- any fleet insurance they hold with an accompanying schedule of vehicles and named drivers disclosed to the insurance company.

Criminal Record Disclosure

- 3.5.12 All applicants (including sole traders, partnerships and companies) for a private hire operator's licence must prove that they are a fit and proper person to hold an operator's licence.

The applicant must also prove that all employees that work for them and have access to booking records are fit and proper people to be employed in such positions

- 3.5.13 Where the applicant or employee already holds a valid dual drivers licence (this will only apply to sole traders as individuals), a check will be made on the DBS update service. If the driver is not registered on the DBS update service then they will be required to submit a Basic DBS certificate. If the applicant is not a licensed driver then they will be required to submit a Basic DBS certificate. For a Basic Certificate:

Applicants can apply to the DBS online at <https://www.gov.uk/government/organisations/disclosure-and-barring-service/> or through a [Responsible Organisation](#).

- 3.5.14 For partnerships or companies, the above requirements apply to all partners and directors/company secretaries.

- 3.5.15 The Council adopts the same principles when determining whether an applicant is a fit and proper person to hold a private hire operator's licence as it does to persons applying for a drivers licence. In this respect, applicants are required to have due regard, as appropriate, to the requirements and information set out at paragraph 3.8a of this Policy.

- 3.5.16 Persons who have not been resident within the United Kingdom for the five years prior to submitting an application, will be required to produce a certificate of good conduct or equivalent document (at their own cost) issued by the relevant Embassy or High Commission. The certificate must be authenticated, translated and sealed by the Embassy or High Commission.

The Council may contact the relevant Embassy, High Commission, solicitor or other appropriate body to verify any documents provided.

Proof of a right to work in the United Kingdom will also be required. For further details please see the Home Office Guidance issued to Local Authorities:

<https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

Contact details for Embassies and High Commissions can be found from the Foreign & Commonwealth Office (FCO) on the [GOV.UK](#) website at <https://www.gov.uk/government/world>.

The FCO may be contacted for further assistance by telephone on 020 7008 1500, by email [at fcocorrespondence@fco.gov.uk](mailto:fcocorrespondence@fco.gov.uk) or by post at: FCO, King Charles Street, London, SW1A 2AH.

Insurance

- 3.5.17 Any premises that provide access to members of the public must be covered by Public Liability insurance for a minimum of £5,000,000.
- 3.5.18 If there is a requirement for the operator to have Employers Liability indemnity then it must be for a minimum of £10,000,000.
- 3.5.19 For vehicle insurance, the Council will generally only accept original insurance documentation. The exception to that policy is that the Council will accept copy documentation where the Council itself receives an email confirmation of cover from the Insurance Company itself and the Council is entirely satisfied as to its validity.
- 3.5.20 Where the policy is a vehicle fleet policy confirmation that the vehicle is included on the schedule of vehicles will also be required in addition to the insurance certificate.

Vehicle Not Fit for the Conveyance of Passengers

- 3.5.21 Where an operator has notified the Council that damage has occurred to a vehicle; or an inspection of the vehicle by an officer of the Council has determined that a vehicle is not fit for the purpose of conveying passengers; an authorised officer of the Council will determine if the condition of the vehicle is such that the vehicle may continue in service or not.
- 3.5.22 Where a vehicle is determined to be unfit for conveying passengers, an authorised officer of the Council may suspend the licence and require the proprietor of the vehicle to return the vehicle's plate to them within 7 days. The suspension will be lifted and the plate returned once the vehicle has been repaired and a vehicle fitness/garage test pass certificate has been provided to this authority. The officer will also inspect the vehicle to ensure it is suitable for use before the vehicle plates are returned.

Closed Circuit Television (CCTV)

- 3.5.23 Operators are permitted to install closed circuit television (CCTV) systems in premises to which the public have access to make bookings or to wait providing such systems are installed in accordance with the appropriate legal framework and the Council has been notified, in writing, of their intention to do so. If CCTV is fitted then the operator must prominently display signs indicating that CCTV is in use in the vehicle.

Complaints Procedure

- 3.5.24 Operators are required to have in place a complaints procedure and must maintain a record of all complaints received, including details of any investigation and/or actions taken as a result of a complaint.
- 3.5.25 The complaints procedure and compliant records must be made available to the licensing authority or Staffordshire Police on request and will be audited and checked by an authorised officer of the Council as appropriate.

Licence Conditions

- 3.5.26 Applicable conditions relevant to a private hire operator licence are set out at **Appendix I**. These conditions must be complied with.

Contract

3.5.27 Every contract for the hire of a private hire vehicle is deemed to be made with the operator who accepted the booking for that vehicle whether or not the operator provided the vehicle.

Production of records/documents

3.5.28 Any records required to be retained in accordance with the licence must be produced, on request, to any authorised officer of the Council or to any police officer. The operator licence must also be produced if requested.

Safeguarding Training

3.5.29 Where the applicant or employee already holds a valid taxi drivers licence (this will only apply to sole traders as individuals), no further checks will be undertaken by the Council and the current Safeguarding Training certificate will be considered sufficient. However, if a valid driver's licence is not held, the applicant/employee must:-

- Attend the Council's Safeguarding and Child Sexual Exploitation Awareness Training prior to an operator's licence being granted, including being renewed, and employees being permitted to take bookings.

COMPLIANCE, COMPLAINTS AND ENFORCEMENT

4.1 Summary

- 4.1.1 This part of the Policy sets out the manner in which the Council approaches compliance and enforcement, including the way in which complaints will be dealt with, as it relates to hackney carriage and private hire licensing.

Compliance and enforcement

- 4.1.2 The Council's licensing officers will work closely with the hackney carriage and private hire trades to achieve compliance with the relevant legislation and the Council's conditions of licence. The Council will do so in accordance with the Council's Enforcement Policy, which is available on the Council's website at <https://www.newcastle-staffs.gov.uk/all-services/your-council/policies-and-strategies-z/corporate-enforcement-policy>

In addition, hackney carriage and private hire vehicle drivers and operators must comply with all reasonable requests made by officers of the Borough Council of Newcastle-under-Lyme and the police.

- 4.1.3 The Council will work closely with other enforcement authorities when dealing with licensed and unlicensed vehicles and drivers, especially concerning cross boundary related issues.
- 4.1.4 Licence holders are strongly encouraged to cooperate with officers of all other local authorities. Failure to cooperate may lead to the suspension or revocation of their drivers licence.
- 4.1.5 Breaches of the driver code of conduct and/or vehicle and operator licence conditions will be dealt with in accordance with the Councils enforcement policy and will be referred to the duly authorised officer. Repeated breaches of licence conditions will result in the matter being referred to the Public Protection Sub-Committee.

Complaints

- 4.1.6 Where appropriate, complainants will be encouraged to raise complaints directly with the relevant licence holder or business concerned in the first instance. However, the Council will also respond to complaints in line with its Enforcement Policy and will use complaint information to assist in the determination of licensing decisions.

4.2 Enforcement

Enforcement Policy Statement

- 4.2.1 The Council has an Enforcement Policy which it will take into account before taking any enforcement action.
- 4.2.2 The Licensing Team must be familiar with the requirements of the policy and appropriate training will be provided, where required.
- 4.2.3 Enforcement Officers will be authorised by the Council to take enforcement actions relevant and appropriate to their level of competence. Competency will be assessed individually by reference to qualifications and experience.

- 4.2.4 Where there is a shared enforcement role with other agencies, e.g. the Police, we will liaise with and co-operate with them to ensure there is no conflict of interest or unnecessary duplication of enforcement.
- 4.2.5 The Council will investigate all valid complaints with regard to drivers, vehicles and operators/proprietors. It will also do spot checks and undercover checks. Investigations will be focused and targeted on businesses that do not comply and/or in those areas of the Borough where complaints have identified potential problems. Those individuals or businesses will face proportionate and meaningful sanctions. Complaints are frequently made against hackney carriage and private hire drivers. Such complaints will be considered first by the licensing officer as to the nature of the complaint being serious enough to be forwarded to an authorised officer of the Council or Public Protection Sub-Committee.
- 4.2.6 An authorised officer of the Council /Public Protection Sub-Committee will consider the history of all complaints made against the driver to assess any patterns. If a problem is inherent, then the Council will consider whether the driver is a fit and proper person to hold such a licence.
- 4.2.7 Complaints may be investigated by way of an interview under caution in compliance with the Police and Criminal Evidence Act 1984.
- 4.2.8 Private hire and hackney carriage drivers are 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 vehicles, or in the manner of their driving. The Council expects all licence holders to adhere to the specifications set out in this Policy and in any relevant legislation. Any complaints that relate to misconduct will be fully investigated and appropriate action will be taken where deemed necessary.
- 4.2.9 Licence holders are expected to co-operate fully with all requests made of them by an authorised officer of the Council. Failure to do so and/or obstruct an officer in their duty will lead to appropriate action being taken where deemed necessary. This includes, but is not limited to, attending interviews and vehicle inspections, and producing documentation upon request.

4.3 Enforcement Options

- 4.3.1 Licence application and enforcement decisions will always be consistent, balanced, fair and relate to common standards which ensure that the public is adequately protected. In reaching any decision many criteria will be considered including the:-
- seriousness of any offences;
 - driver or operator's past history;
 - consequence of non-compliance;
 - likely effectiveness of the various enforcement options;
 - danger to the public.

Having considered all relevant information and evidence, the choices for action are:-

Licence Applications:

- grant licences subject to the Council's Standard Conditions;
- refuse to grant a licence.
- Grant for a limited time period

Enforcement Action:

- take no action;
- take informal action;

- suspend a licence;
- revoke a licence;
- use simple cautions;
- endorse a licence with penalty points (see **Appendix L**)
- prosecute;

Where an officer is unable to determine an application/licence, where an applicant has declared convictions, or when the Council have become aware of convictions the application/licence may be referred to the Public Protection Sub-Committee.

This Council will have regard to the Convictions Guidelines at **Appendix J**.

Informal Action

4.3.2 Informal action to secure compliance with legislation includes offering advice, verbal and written warnings and written requests for action. Verbal warnings will be confirmed in writing.

4.3.3 Such informal enforcement actions may be appropriate in any of the following circumstances:-

- the act or omission is not serious enough to warrant more formal action;
- from the individual driver or operator's past history it can be reasonably expected that informal action will achieve compliance;
- confidence in the operator's management is generally high;
- the consequences of non-compliance will not pose a significant risk to the safety of the public.

Details of any informal action will be recorded on the councils' records. This will form part of the history which will be reviewed when considering the appropriate action to take if further enforcement action is prompted.

Appearance before the Public Protection Sub Committee

4.3.4 An offending individual or company may be summoned before the Public Protection sub-Committee to answer allegations of breaches of relevant legislation, or conditions attached to licences.

The Public Protection Sub Committee have the option of deciding the application on its merits, and may:

- Take no action;
- Give a written warning;
- require the production of driving licences or other specified documentation at the Council's office;
- suspend the licence, upon setting conditions, or for a period of time;
- revoke the licence;
- endorse a licence with penalty points (see **Appendix L**)
- recommend prosecution action.

Details of the appeals procedure will be set out in the written notification of action sent by the Council.

The Public Protection Sub Committee will have regard to the guidance on convictions shown at **Appendix J** of this policy.

Suspension Notices under section 68 of the Local Government (Miscellaneous Provisions) Act 1976

- 4.3.5 An authorised officer may serve notice in writing for a hackney carriage, private hire vehicle or taximeter attached to a licensed vehicle, requiring the vehicle or taximeter to be examined at the Council's garage at a time specified in the notice.
- 4.3.6 This notice will only be served having had due regard to the condition of the vehicle or with reasonable grounds to suspect the accuracy of the taximeter. An authorised officer may, in addition to requiring the vehicle to be tested, suspend the vehicle licence until such time as the officer is satisfied with the condition of the hackney carriage or private hire vehicle.
- 4.3.7 This action will only be taken when the officer has reasonable grounds to suspect that the condition of the vehicle is an immediate danger to passengers and/or other road users.

Details of the appeals procedure will be set out in the written notification of action sent by the Council.

Prosecution

- 4.3.8 The decision to prosecute is a very significant one. Prosecution will, in general be restricted to those circumstances where the law is blatantly disregarded, legitimate instructions of the Council are not followed and / or the public is put at serious risk. Such circumstances are, however, in a minority. Decisions to prosecute will be made in a consistent manner, and be proportionate to the circumstances.

The circumstances which are likely to warrant prosecution may be characterised by one or more of the following:-

- where there is a blatant disregard for the law, particularly where the economic advantages of breaking the law are substantial and the law-abiding are placed at a disadvantage to those who disregard it;
- when there appears to have been reckless disregard for the safety of passengers or other road users;
- where there have been repeated breaches of legal requirements;
- where a particular type of offence is prevalent;
- where a particular contravention has caused serious public alarm.

Officers will take account of the Council Enforcement Policy when circumstances have been identified which may warrant a prosecution.

Simple Cautions

- 4.3.9 A simple caution may be used as an alternative to a prosecution in certain circumstances.

4.4 Penalty Points Scheme (see Appendix L for further details)

Introduction

- 4.4.1 Hackney Carriage and Private Hire Operators, drivers and vehicles are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, Councils Byelaws and the Rules, Regulations and Conditions set by the Licensing Committee.
- 4.4.2 Should operators, drivers or proprietors of vehicles commit an offence or breach those rules, regulations or conditions of licence, persons involved are asked to attend the offices for an interview and then once investigations are completed, letters are sent out detailing the outcome and a permanent record kept on the persons' file. The outcome of investigations may result in no further action being taken, penalty points being awarded, a formal warning, referral to the Public Protection Committee and /or prosecution.

- 4.4.3 The aim of a penalty point scheme is to work in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of drivers, vehicle proprietors and operator's behaviour and conduct so as to ascertain whether they are a fit and proper person. It does not prejudice the Council's ability to take other actions.
- 4.4.4 The primary objective of the penalty point's scheme is to improve levels of compliance and help improve the standards, safety and protection of the travelling public.
- 4.4.5 Penalty points remain on the licensee's record for twenty four months. The period is a roll forward basis, so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licensee.

Issue of Penalty Points

- 4.4.6 Complaints from the public concerning significant breaches of conduct will be subject to investigation by officers and may be reported to the Public Protection Sub-Committee for the issue of discretionary points.
- 4.4.7 Where a licensee accumulates 12 or more penalty points in any 24 month period, the matter will be referred to the Council's Public Protection Sub-Committee to decide whether the licensee remains a fit and proper person. The Committee may then suspend or revoke a licence, or issue a warning to the Licensee, depending on the circumstances. Periods of suspension of a licence by a Committee will be dependent on the nature of the breaches of the legislation/conditions and the compliance history of the individual. Suspension periods will normally vary between 7 to 31 days.
- 4.4.8 Penalty Points will remain current for 24 months from the date the penalty points were issued. Points issued to either the proprietor of a vehicle, operator or a driver will be confirmed in writing normally within 10 working days of the conclusion of the investigation into the contravention.
- 4.4.9 Any disputes regarding the issuing of penalty points will be referred to the Public Protection Sub-Committee who will have the discretion to award a greater number of points than displayed on the tariff, if the complaint is upheld. Drivers, proprietors and Operators must appeal against points awarded by officers to the Public Protection Committee within 21 days of notification of them being issued.
- 4.4.10 If points are issued to a proprietor/driver or operator by the Council for a matter which is also a criminal offence, e.g. bald tyres, no badge, those person(s) will not be the subject of a prosecution for that offence by the Council but may be referred to other relevant authorities such as the Police.

Notes:

- The Council's approach for dealing with those who fail to meet the reasonable standards expected of a licensed driver, in the case of minor breaches of conditions/Codes of Conduct, will initially be by way of a verbal warning and then written warnings.
- The list of penalties above is not exhaustive and other offences and/or contraventions will be dealt with accordingly.
- Referral to the public protection sub committee can be made in respect of any offence/breach of condition at any time.
- A driver who is prosecuted for an offence may subsequently be referred to the Public Protection Sub Committee upon conviction of that offence.
- Significant matters may result in revocation of a licence at any time.

- Legislation allows for prosecution of some offences at any time.
- Authorised Officers have delegated powers to suspend and revoke licences. Revoked licences will be referred to the Public Protection Sub-Committee for consideration for prosecution where appropriate.

FARES & FEES

5. FARES & FEES

5. 1 The Council's policy is that the fees charged by the authority should meet the cost to the authority to administer the service. The service provided in relation to hackney carriages and private hire vehicles should not make a profit or a loss. Any surplus produced would of course be put back into the service. This is in line with Council's charging policy.

Review and Setting of fees

5. 2 The Council may review the licence fees annually. The Council is committed to working with the trade to identify ways in which savings/efficiencies can be made to avoid increasing the burden on the trade.

Private hire rates

5. 3 The Council has no power to regulate the rate for private hire vehicles. However the conditions set out the requirement that the amount charged shall be no more than the agreed fare. In addition the Council expects all drivers to meet their legal obligation not to prolong a journey.

Hackney carriage tariffs

5. 4 The Council sets the Table of Fares (or Tariffs) for hackney carriage journeys and they are the maximum charges that Hackney Carriages can charge for journeys wholly within the Borough's administrative area and the rate at which the taximeters must be calibrated to in order for them to calculate journey fares. These will be reviewed upon request by the trade, with a view to any changes coming into effect within 6 months of the review. The Council recognises the importance of these tariffs being fair (both to the public and to the trade). This is particularly the case as Hackney Carriages used for private hire can only charge at the Council set rates by virtue of section 67 of the Local Government (Miscellaneous Provisions) Act 1976.

The licensing conditions set out the requirement that the amount charged shall be no more than the agreed fare. In addition the Council expects all drivers to meet their legal obligation not to prolong a journey

The Table of Fares (or Tariffs) is published on the Council's website here: <https://www.newcastle-staffs.gov.uk/all-services/business/licensing/private-hire-and-hackney-carriage-licences>.

POLICY CONSULTATION

6.0 Members of the public were invited to put forward their comments to the proposed policy document during a series of consultation periods. In addition consultation was undertaken with the following stakeholders and partners:-

- Hackney Carriage and Private Hire Operators, Drivers and Proprietors
 - The Borough Council of Newcastle-under-Lyme Public Protection Committee
 - The Borough Council of Newcastle-under-Lyme Legal Services
 - The Borough Council of Newcastle-under-Lyme Licensing and Environmental Services Team
 - The Borough Council of Newcastle-under-Lyme Garage Vehicle Inspectors
 - The Borough Councils Partnerships team
 - Staffordshire County Council Passenger Transport Service (Education and Welfare)
 - Staffordshire Safeguarding Children's Board Child and Adult Safeguarding Services
 - Staffordshire Police
 - Staffordshire Fire and Rescue Service
 - Neighbouring local authorities
- a. The draft policy was approved to go out for consultation by the Public Protection Committee on **XXXXXXX**. The consultation was taken over a 12 week period from **XXXXXXX** to **XXXXXXX**. At the end of the 12 week period the responses were collated, amendments were made where deemed appropriate and the updated policy was referred back to the Public Protection Committee to be approved to be sent to Full Council for adoption.
- b. Full Council agreed to adopt the Policy in its current form on **XXXXXXX** and for it to be implemented on **XXXXXXX**
- c. During the consultation period the Council held meetings with the Hackney Carriage Association and representatives of holders of Private Hire Operator and Vehicle Licences.

APPENDICES

Appendix A – CHILD SEXUAL EXPLOITATION AND TRAFFICKING OF CHILDREN AND YOUNG PEOPLE

Appendix B – DRIVER CODE OF CONDUCT

Appendix C – DRIVER CRITERIA

Appendix D – HACKNEY CARRIAGE VEHICLE CONDITIONS

Appendix E – HACKNEY CARRIAGE VEHICLE SPECIFICATIONS

Appendix F – PLYING FOR HIRE

Appendix G –PRIVATE HIRE VEHICLE CONDITIONS

Appendix H – PRIVATE HIRE VEHICLE SPECIFICATIONS

Appendix I – PRIVATE HIRE OPERATOR CONDITIONS

Appendix J – TAXI AND PHV LICENSING CONVICTIONS GUIDELINES

Appendix K – CODE OF CONDUCT WHEN WORKING WITH VULNERABLE PERSONS

Appendix L – PENALTY POINTS SCHEME

Appendix M – VEHICLE SIGNAGE

Appendix A

CHILD SEXUAL EXPLOITATION AND TRAFFICKING OF CHILDREN AND YOUNG PEOPLE

Introduction

Set out below is information for hackney carriage and private hire vehicle drivers and operators to help them report, to the relevant authorities, matters of concern that could relate to the safety of children and vulnerable persons, particularly as it relates to child sexual exploitation and trafficking.

General information

The Borough Council of Newcastle-under-Lyme's Licensing Service is helping to tackle child sexual exploitation and trafficking by working together with key partners particularly Staffordshire Police, Children and Adult Services within the Council and the Staffordshire Safeguarding Children Board.

Through partnership working and sharing information, we aim to identify and prevent sexual exploitation, disrupt the activities of perpetrators, protect children and young people and prosecute perpetrators of sexual exploitation. Sharing information with Staffordshire Police and Staffordshire Safeguarding Children's Board helps to protect young people from harm. Safeguarding children and young people is everyone's business and everyone's responsibility.

Child sexual exploitation is a crime that can affect any child, anytime, anywhere regardless of their social or ethnic background.

Sexual exploitation of children and young people involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive something, e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money, etc. as a result of them performing, and/or another or others performing on them, sexual activities. Violence, coercion and intimidation are commonly involved in such exploitative relationships.

Child sexual exploitation involves perpetrators grooming youngsters and using their powers to sexually abuse them. Sexual exploitation of children and young people can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older boyfriend, or a young person having sex in return for attention, gifts, alcohol or cigarettes.

How hackney carriage and private hire vehicle drivers and private hire operators can help tackle child sexual exploitation.

Drivers of hackney carriages and private hire vehicles as well as private hire operators are in a good position to help identify victims of sexual exploitation because, through the transport services they provide, drivers and operators regularly come into contact with children and young people. This means that licensed drivers and private hire operators are in an ideal position to help protect young people.

In particular, drivers should ask themselves the following questions when picking up a fare.

- Does your customer appear to be under 18 years old?
- Are they with a much older person and appear to be in a relationship?
- Do you think that they are under the influence of alcohol or drugs?

- Are you taking them to a hotel, party or secluded location? If so, ask yourself why?
- Are children/young people being taken regularly to the same localities? If so, ask yourself why?

If the answers to any of the questions above gives you even the slightest cause for concern, these concerns should be reported.

If you have reason to suspect that a child is being abused or at risk of abuse it is your responsibility to report your concerns to and share information with Staffordshire Police (Tel: 101) and First Responders at Staffordshire County Council on 0800 131 3126 or if out of office and in an emergency on 0345 604 2886.

Further information about Staffordshire Safeguarding Children Board can be found at:

<http://www.staffsscb.org.uk/Home.aspx>

Appendix B

DRIVER CODE OF CONDUCT

CODE OF CONDUCT RELATING TO INDIVIDUALS ISSUED A DUAL HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE

Drivers issued a dual drivers licence by the Borough Council of Newcastle-under-Lyme under section 51 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act") must abide by this Code of Conduct. The Borough Council of Newcastle-under-Lyme considers that the Code is reasonably necessary.

It sets out the way in which the licence holder must act whilst acting as a licensed driver in addition to the existing legal requirements. They do not set out the existing legal requirements such as prohibition of illegal ply for hire.

It does not set out the detail as to what steps are required to become a licensed driver and it does not set out what factors are taken into account in deciding whether a person is a fit and proper person to be a driver. This is set out in the specifications earlier in the Policy.

Breach of the code of conduct may lead to the immediate suspension of the licence, consideration of revocation of the licence or other enforcement action including prosecution.

The Code of Conduct requires drivers to:

Notification requirements

1. Change of Name and/or Address - The licence holder ("the driver") must notify the Licensing Administration Team in writing at the Borough Council of Newcastle-under-Lyme ("the Council") within 7 days of changing name and/or address.
2. Medical circumstances – The driver must notify the Council in writing immediately if possible, or as soon as practicable of any serious illness, injury, medication or severe physical deterioration which could affect their ability to drive a licensed vehicle.
3. Damage to vehicle – The driver must inform the operator of any licensed vehicle in his custody of any damage occurring to that vehicle within 24 hours of the damage occurring. If the driver cannot contact the operator within 24 hours he/she must notify the Council in writing within 72 hours of the damage occurring.
4. Convictions/Cautions or other enforcement action – The driver must notify the Council in writing within 72 hours of any conviction, issue of a formal caution/final warning or issue of a fixed penalty notice by the Police or a Local Authority. **For the avoidance of doubt this also applies to any driving convictions.**
5. The driver must inform the Council in writing within 72 hours if they are questioned, arrested or interviewed voluntarily under caution, by the Police regarding any harassment, sexual offences, violent offences or in respect of any criminal offence.
6. When questioned by the Police or appear in Court, the driver must inform the Police/Court that they are a licensed driver.

7. The driver must also notify the Council in writing within 72 hours of any other enforcement action taken by any other local authority under the 1976 Act or the Town Police Clauses Act 1847.
8. Where the driver is required to notify the Council, in writing, under sections 4, 5, 6 or 7 he/she shall provide the Council with details of:
 - The offence/behaviour complained of;
 - Whether the offence occurred in a licensed vehicle and/or if they were working;
 - The date of conviction/enforcement action;
 - The sanction imposed.
9. Where the licence holder identifies or suspects that someone may be engaged in illegal terrorist related activity, the licence holder must refer such person or activity to the police.
10. Where the licence holder amends or changes their insurance policy for the vehicle they are driving then they must produce their amended/new insurance certificate to the Council Licensing department within 7 days.
11. Where the licence holder changes the operator that they work for they must notify the Council in writing within 7 days of that change with details of which operator they work for.

Child Sexual Exploitation & Safeguarding Training

12. Licence Holders must report any concerns they have to the relevant bodies as outlined in Appendix A.

Drivers' Badges/Licenses

13. Wearing/displaying of badges – The driver must wear the badge issued by the Council to them so that it is clearly and distinctly visible whenever he/she is acting as a hackney carriage or private hire driver. The driver must also display the second badge issued by the Council in a prominent position within the vehicle they are currently driving so that it is clearly and distinctly visible to all passengers whenever he/she is acting as a hackney carriage or private hire driver.
14. Licences given to Operator – The driver must provide a copy of the driver licence issued to them by the Council to their operator when they have made themselves available for private hire work for that operator. They must also give them a copy of their DVLA driver's licence.
15. Return of badges/licences – In the event of expiry of the licence or where the driver ceases to operate as a licensed private hire driver he/she must immediately return his/her badge and licence plates to the Council and otherwise upon any request by an Authorised Officer of the Council.

Conduct

16. Punctuality - The driver shall attend punctually when hired and shall provide reasonable assistance with the loading and unloading of luggage.
17. Appearance - The driver shall wear respectable and appropriate clothing at all times and appropriate footwear for driving.
18. Language – The driver must be capable of understanding instructions in the English language from customers and being understood in the English language by anyone hiring the vehicle.

19. Route - The driver must, unless otherwise requested by the hirer proceed to the destination by the most direct route
20. Receipts – The driver must, if requested, provide the hirer with a full written receipt for the fare paid.
21. Number of passengers – The driver must not allow the private hire vehicle to be used for more than the number of passengers the vehicle is licensed to carry.
22. Other passengers – The driver must not, without the express consent of the hirer, allow another person to be carried in the vehicle.
23. Front seat – The driver must not convey more persons in the front of the vehicle than the vehicle is designed for and must not convey any child below the age of fourteen years.
24. Music/Radio – The driver must comply with any request by the hirer to turn down or turn off any radio, music or other sounds in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle. The driver must obtain the relevant licence to play music in their vehicle when passengers are present (eg. PRS licence).
25. Behaviour – The driver must behave in a civil and orderly manner. The driver must not use any offensive, abusive, profane or insulting language or behaviour. The driver must take all reasonable precautions to ensure the health and safety of persons conveyed in or entering or alighting from the vehicle he is in charge of driving.
26. Assistance – The driver must offer reasonable assistance to customers with belongings upon request. This includes assistance with carrying shopping and luggage and lifting it into and out of the vehicle.
27. Check for lost property – The driver must at the end of each hiring search the vehicle for any lost property, which may have been left. Any property found must be handed to the owner, the nearest police station or the base operator.
28. Offer to hire vehicle - The driver must not, whilst driving or in charge of a private hire vehicle, accept an offer for the hire of any private hire vehicle while the holder of that vehicle is on the road or other public place except where such an offer is first communicated to the driver by telephone, radio or other communication method by a licensed operator or their booking office staff
29. Agreed fare - Where the fee is agreed in advance, the driver shall ensure that no more than the agreed fare is paid.
30. Receipts – The must issue a written receipt to the passengers for the fare paid for the journey undertaken, if requested to do so.
31. Smoking/Vaping – The driver must not smoke in any form, including using e-cigarettes and vaping, at any time they are in a licensed vehicle. This includes when driving the vehicle for private use and when working but not carrying passengers.
32. Data Protection – The must not use any personal data received during the course of their duty for any other purpose than that it was originally intended.

Medical

33. Medical reports – Group II shows that the applicant meets the required medical standard. Licence holders over the age of 65 are required to undertake annual medical examinations.
34. Medical reports where required by the Council - Any driver must, at their own cost, where required to by the Council, undergo a medical assessment with their own General Practitioner or other medical practitioner that has access to their full medical history. Such medical assessment must be completed using the standard from supplied by the Council. The Council will only exercise this power where such a medical is required to assist in the determination of whether a driver is fit and proper, for example where the driver has been seriously ill or an assessment has been recommended by a medical practitioner.

Maintenance check

35. Maintenance – The driver must before the start of any shift carry out a basic safety check to make sure that the vehicle is in a roadworthy condition e.g. checking lights, oil and water levels, condition of tyres, looking for obvious defects on the vehicle. Details of the checks must be recorded in writing, retained for at least 12 months and available to authorised officers of the Council and Police Constables within 72 hours of any request. Any issues with the vehicle must be reported immediately to the operator/proprietor as relevant..

Animals

36. The driver must not convey in the vehicle any animal except one belonging to a passenger.
37. The driver may carry any animal belonging to a passenger at his/her own discretion but only in the rear seating area of the vehicle and he/she shall ensure where necessary that such animals are suitably contained or restrained so as not to present a nuisance or hazard to the occupants of the vehicle.
38. Paragraph 31 does not in any way remove or reduce the duty placed on the driver of the vehicle to carry assistance dogs in the passenger compartment with the dogs' owner under Equality Act 2010 unless the driver has a valid exemption certificate issue by this authority under that Act (sections 168 and 169 apply to hackney carriage drivers; sections 170 and 171 apply to private hire drivers).

Other requirements

39. Comply with all other relevant statutory requirements. The most common statutory requirements are set out in the Council's guidance and policy statement accompanying these conditions.

The licence holder must comply with this code of conduct at all times. Failure to comply may lead to enforcement action being taken against your licence.

I acknowledge receipt of this code of conduct

Signature: _____

Date: _____

Printed: _____

Appendix C

CRITERIA TO BECOME A DRIVER

1. Any person who drives a hackney carriage must hold the appropriate vehicle driver's licence. Hackney carriage vehicle driver's licences are issued in accordance with section 46 of the Town Police Clauses Act 1847.
2. Any person who drives a private hire vehicle must hold the appropriate vehicle driver's licence. Private hire vehicle driver's licences are issued in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976.
3. The Council will issue a dual drivers licence, this will permit the licence holder to drive both hackney carriage and private hire vehicles, unless an applicant makes a specific request to the Council for either a hackney carriage driver licence or a private hire vehicle driver licence.

Fit and proper person

4. The Council will not licence anyone to drive a hackney carriage or private hire vehicle unless it is satisfied that they meet all criteria to be deemed a fit and proper person. Licensed drivers provide a public service.
5. In considering the fit and proper person test all applicants on initial application and renewal must:
 - Provide a current and satisfactory enhanced Disclosure and Barring Service (DBS) check which will include a check against the Adult and Child Barring Lists;
 - undergo a medical examination to the DVLA Group 2 standard completed by your own GP or one that has access to your full medical history;
 - produce a document proving their right to work in the UK in line with the Home Office requirements for taxi drivers;
 - Complete a Statutory Declaration detailing the complete history of any criminal and motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices including any pending charges and 'spent' convictions;
 - The Council may also make additional enquiries through Staffordshire Police (and other relevant police forces, where appropriate), other relevant local authorities (particularly if a driver has been previously licensed by another authority) and any other appropriate organisation, agency or person in order to ensure the Council is in a position to make as accurate an assessment of the applicant's fitness to hold a licence as is reasonably practicable.
6. New applicants for drivers licence will need to provide:
 - their certificate proving they have successfully completed the Level 2 BTEC/NVQ (or equivalent) in the professional role of a Taxi/Private Hire Driver;
 - the certificate proving they have attended a satisfactory Safeguarding Training course within the last 3 years;
 - their certificate proving they have successfully completed the Council's in-house knowledge test;
7. In addition, all current drivers must successfully complete the Council's in-house knowledge test prior to the first renewal application of their licence following the implementation of this policy.
8. With specific reference to existing licence holders, where there is any cause for a licence to be reviewed, the Council may require the licence holder to complete a further enhanced DBS check, the cost of which would lie with the licence holder. Where a licence holder refuses, this will be taken into consideration in determining their continuing fitness to hold a licence. Drivers

with convictions may have their licences reviewed in-line with the Convictions Guidelines at Appendix L, and where they have fallen within the previous policy it may result in them being referred to an authorised officer or Public Protection Sub-Committee to determine if they will be considered fit and proper.

9. When assessing the fitness of an applicant to hold a drivers licence, the Council will consider the applicant's criminal history as a whole, together with all other relevant evidence, information and intelligence including their history (e.g. complaints and positive comments from the public, compliance with licence conditions and willingness to co-operate with licensing officers) whilst holding a licence from the Council or any other authority. Particular attention will be given to patterns of behaviour, irrespective of the time-scale over which they have occurred, both in terms of proven criminal offences and other behaviour or conduct that may indicate that the applicant could put the safety and welfare of the public at risk.
10. It must also be recognised that the Council will consider all criminal history, behaviour and conduct irrespective of whether the specific history, behaviour or conduct occurred whilst drivers were directly engaged in hackney carriage or private hire work at the time or whether they occurred during the drivers' own personal time.
11. In addition, an important element associated with the fitness to hold a licence is the appearance and behaviour of a licensed driver. Consequently, the Council requires all licensed drivers to maintain a reasonable standard of appearance (see **Appendix B** para 14) and behaviour when in contact and dealing with other road users, pedestrians, customers, the general public, other licensed operators and drivers of hackney carriage and private hire vehicles, Council officers and elected members at all times. Applicants and licensed drivers must also co-operate with any reasonable request made by an authorised officer of the Council or any police officer.

Criminal Record Disclosure

12. Hackney carriage and private hire vehicle drivers are required to undertake an enhanced Disclosure and Barring Service (DBS) Check and due to the nature of the occupation such drivers are deemed to be an exempt occupation under the provisions of the Rehabilitation of Offenders Act 1974 (by virtue of the amended Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975).
13. The effect of this, in relation to hackney carriage and private hire drivers, is to render the Rehabilitation of Offenders Act 1974 not applicable and therefore convictions are never regarded as 'spent'. As a result, all convictions (including cautions), will be taken into account when considering a person's suitability to hold a driver's licence.

Applicants are required to provide details of ALL convictions and cautions, including driving endorsements and disqualification periods relating to traffic offences.

14. Although cautions are generally considered not as serious as convictions, they require an admission of guilt before they can be issued and are therefore will be treated in the same way, are a useful indication of an applicant's character and whether they are a fit and proper person to hold or be granted a licence.
15. A criminal record does not automatically prevent or bar an applicant from holding a drivers licence. However, it will be a significant factor when determining whether a licence should be granted or not. Where an applicant has previous criminal convictions, these will be considered in line with the guidance set out in **Appendix L**. However, the principal consideration will be to ensure the safety and welfare of the public.
16. Applicants who have not been resident within the United Kingdom for the five years prior to submitting an application, will be required to produce a certificate of good conduct or equivalent document (at their own cost) issued by the relevant Embassy or High Commission. Guidance can be found here:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

Such a certificate must be authenticated, translated and sealed by the Embassy or High Commission. The Council may contact the relevant Embassy, High Commission, solicitor or other appropriate body to verify any documents provided.

Proof of a right to work in the United Kingdom will also be required. For further details please see the Home Office Guidance issued to Local Authorities: <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

Contact details for Embassies and High Commissions can be found from the Foreign & Commonwealth Office (FCO) on the [GOV.UK](https://www.gov.uk) website at <https://www.gov.uk/government/world>.

The FCO may be contacted for further assistance by telephone on 020 7008 1500, by [email at fcocorrespondence@fco.gov.uk](mailto:fcocorrespondence@fco.gov.uk) or by post at the FCO, King Charles Street, London, SW1A 2AH.

Non-conviction information

17. In addition to information regarding convictions/cautions, applicants are expected to provide details of:

- all warnings, driving endorsements/disqualification periods relating to traffic offences, fixed penalties, penalty charge notices and any other similar sanctions;
- any charges or arrests that they are the subject of in connection with criminal offences, whether or not actually charged with the offence, and
- details of any allegations of involvement in criminal activity or where they have been questioned in connection with any alleged criminal activity
- or inappropriate/unacceptable behaviour or any other relevant pending matter.

For existing licence holders, this information must be notified to the Council within 7 days, in writing.

18. Where an applicant is the subject of an outstanding charge or summons, their application may continue to be processed. However, depending on the circumstances, it is unlikely that a decision on the application will be made until the conclusion of the criminal proceedings. Where the outstanding charge or summons involves a serious offence and/or the individual's offending history and behaviour/conduct indicates a pattern of unlawful or unacceptable behaviour/character, then the application is likely to be refused.
19. Where there is evidence and/or information that an applicant has been arrested or charged but not convicted of offences but the nature of this evidence/information suggests the applicant may not be a fit and proper person, the Council will give serious consideration to refusing an application or revoking an existing licence.

DVLA and other relevant driving licences

20. A person applying for a drivers licence must be a minimum of 21 years old and have held a full DVLA/EC/EEA category B driving licence for at least 3 years at the time of application. This includes European Union (EU), European Economic Area (EEA) and Northern Irish licences. These requirements apply only to applications received on or after the date this Policy comes into force.
21. Throughout the currency of the drivers licence, the driver must possess a full driving licence in accordance with the above requirements. Where a driver has received a ban from driving under their DVLA licence they must return their taxi driver licence to the Council within 7 days.
22. Applicants are required to produce the original of their driving licence, whether it is a photo card or old style paper licence. Copies will not be accepted. A holder of a DVLA drivers

licence must also provide a valid code to enable the Council to carry out an online check of their driving history.

23. All applicants holding driving licences issued by countries other than the UK or those within the EU/EEA must produce a certificate to show a driving record from the country of issue. If the driving licence was not issued in the UK or EU/EEA then they must comply with the Government requirements on exchanging/applying for a DVLA licence.

Knowledge test

24. All new applicants are required to pass the Council's written test before the Council will grant them a driver's licence. The test will be carried out in English. In addition, all existing drivers must successfully complete the Council's in-house knowledge test prior to the first renewal application of their licence following the implementation of this policy.

The test comprises an exam covering the following areas:

- the highway code;
- taxi legislation;
- the Council's vehicle conditions and driver Code of Conduct;
- safeguarding and child sexual exploitation awareness;
- Disability awareness
- Local area knowledge
- Working out fares and giving change;
- The understanding of and testing of written English

A 75% pass mark is required for each section, all sections must be passed at the same time and failure to answer certain questions correctly will result in automatic failure.

Where an applicant fails the knowledge test there is an additional fee for every subsequent test and every missed test. Once an appointment has been allocated for the test, the applicant must give 2 clear working days' notice to cancel an appointment otherwise they will be required to pay the test fee. In such circumstances the Council will deem that the applicant has failed the test.

Anyone failing the test will be entitled to re-sit the test twice, at a cost to themselves.

If the applicant fails the test three times then the application will be cancelled and the applicant will be unable to reapply again for a licence until a minimum period of 12 months has elapsed from the date of the last failure and be treated as a new applicant.

If any applicant has any particular needs as a result of a disability or otherwise he/she should let the Licensing team know and suitable arrangements can be made to facilitate the test.

25. Normal examination conditions will apply during the knowledge test. Any person found to be using unfair means during the test will be excluded from the test and will be required to take a fresh test and pay the appropriate fee. This may also affect their fitness and propriety to be granted a licence.
26. The holder of a driver's licence may be required to satisfactorily undertake a further knowledge test or tests at the discretion/request of an authorised officer of the Council or the Public Protection Sub Committee.
27. Failure to submit to or pass any knowledge test will permit the Council to refuse to grant or renew a driver's licence or to revoke or suspend the licence as required.

Safeguarding and Child Sexual Exploitation Awareness

28. The Council requires all licensed drivers to attend Safeguarding and Child Sexual Exploitation Awareness training. For new driver applications, this must be completed **before** a licence is

issued for the first time.

Applicants for renewal of an existing driver licence must have completed the awareness training **before** their first licence renewal after this policy comes into force. All drivers will be expected to renew/refresh this training every 3 years.

The licensing Authority will accept attendance at a Safeguarding and Child Sexual Exploitation Awareness delivered by Staffordshire County Council as part of a home to school transport contract and training from other Local Authorities that meet the standard required by the Council.

The Council requires all licensed drivers to abide by the Council's 'Code of Conduct' which will be issued as a supporting document to a granted new or renewal application, a copy of which can be found at **Appendix B**.

Medical requirements

29. The Council is permitted to satisfy itself that an applicant for a licence is mentally and physically fit and remains so during the currency of any licence. Consequently, all applicants for a Dual hackney carriage or private hire driver's licence are required to undertake a medical examination on initial application, at defined intervals thereafter and at any other such time as the Council require to ensure their fitness to drive.

The standards required are set out in the DVLA publication 'At a Glance Guide to the Current Medical Standards of Fitness to Drive'. The standards are amended from time to time and can be found online at:

<https://www.gov.uk/government/publications/at-a-glance>

The standard required is the 'Group 2 Entitlement'.

30. All new applicants must undertake the medical examination and provide a satisfactory medical certificate before a licence is issued for the first time and then every 3 years in line with a renewal application. All licensed drivers aged 65 and over must undertake a medical examination annually and produce the report to the Council. Failure to do so may result in the licence being suspended or revoked.
31. The Council may also require drivers to undertake more regular medicals if their medical condition warrants it. The medical cannot be more than 3 months old at the time the licence is issued. It is therefore advisable to wait until the rest of the application process is complete before making arrangements for your medical.
32. The Council will not grant or renew, any driver's licence unless the medical examination requirements are complied with and the driver can demonstrate that they are medically fit to hold a drivers licence.
33. In particular, applicants must consider the medical conditions listed in the current DVLA publication 'At a Glance Guide to the Current Medical Standards of Fitness to Drive', as the Council may refuse to grant an application or revoke an existing licence where an applicant is unable to meet the nationally recommended guidelines in respect of the listed medical conditions.
34. If, once licensed, the driver's medical circumstances change during the licence period, the driver must inform the Council within 7 days. The Council may require the driver to immediately undertake a further medical examination and provide an approved medical certificate confirming the outcome of this examination and the driver's fitness (or otherwise) to continue as a licensed driver.

35. Should an authorised officer of the Council have reason to believe that a licensed hackney carriage or private hire vehicle driver has a medical condition that renders them unfit to drive, a further medical examination will be requested. The cost of the further medical examination will be met by the licensed driver.
36. The medical must be filled out on the Council's medical application form. The medical must be carried out either by the applicant/driver's own GP or by a medical practitioner than can gain access to that individual's full medical history. Any other medical will not be accepted.
37. With respect to current licence holders, if it is deemed necessary to do so, a licence may be revoked or suspended in the interests of protecting the public until further medical examination(s) has/have been carried out or if the licence holder is unable to demonstrate that they are medically fit to hold a drivers licence.

Medical Exemptions

38. Medical exemptions involving the carriage of disabled persons and assistance dogs may apply to new applicants or licensed drivers who suffer from certain medical conditions. Where this is the case, the applicant/licensed driver must provide sufficient proof from their GP, or independent medical specialist, confirming that the exemption is required in order for the driver to carry out their duties. The Council reserves the right to refuse to grant a licence if sufficient medical proof is not provided and it is deemed appropriate to do so. Examples of sufficient proof include results of blood tests, skin tests and evidence of the individual's clinical history.

English speaking

39. Applicants must be able to converse orally and in writing in English to a standard that would be reasonably expected of a person undertaking a role as a hackney carriage or private hire driver. This will be tested as part of the Knowledge Test, BTEC/NVQ qualification and interview appointment. If an applicant cannot satisfy the authorised officers of the Council that their standard of English is suitable then the application may be referred to the Public Protection Sub-Committee or authorised officers.

Code of Conduct

40. All dual drivers licence holders must comply with the Code of Conduct set out at **Appendix B**. The Code of Conduct is in addition to any matters set out within the main body of the Policy.

Appendix D

HACKNEY CARRIAGE CONDITIONS OF LICENCE

These conditions are attached to the licenses issued by The Borough Council of Newcastle-under-Lyme under sections 47 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act").

The Borough Council of Newcastle-under-Lyme has carefully considered the following conditions and has decided that they are reasonably necessary.

The licence holder (the owner of the vehicle) must meet all the conditions of this licence. Breach of these conditions may lead to the immediate suspension of the vehicle and consideration of revocation of the licence or prosecution.

The Conditions attached to the licence are as follows:

Notification

1. Change of Address - The proprietor of the vehicle ("the owner") must notify the Licensing Administration Team in writing at The Borough Council of Newcastle-under-Lyme ("the Council") within 72 hours of his/her change of address.
2. Identification – The owner must inform the Council in writing of which form of identification on the vehicle he/she wishes to adopt (see condition 22).
3. Accident damage – The owner must report any accident damage to the Council within 72 hours in writing and must be repaired as soon as possible.
4. Transfer of ownership – The owner must inform the Council within 14 days in writing if s/he transfers part or all of her/his interest in the vehicle to any other person.
5. The proprietor must give notice to the Council when any changes are made as to driver of the vehicle
6. Where the licence holder amends or changes their insurance policy for the vehicle they are driving then they must produce their amended/new insurance certificate to the Council Licensing department with 7 days.
7. Where the licence holder changes the operator that they work for they must notify the Council in writing within 7 days of that change with details of which operator they work for.

Vehicle Condition and Maintenance

8. Safety and good order – The vehicle must be maintained in a safe, comfortable, clean and tidy condition at all times.
9. Maintenance programme – The owner/driver must at all times ensure that the vehicle is properly and regularly maintained. The owner must have in place a programme to ensure that vehicles are inspected regularly, record this in writing and retain for a period of 12 months. The programme and vehicle history must be submitted to the Council on request and must include details of how often the vehicle is inspected, serviced and what checks are carried out.
10. Advisory Work notified during Testing – The Council's garage may, while not failing the vehicle, give advice that further works are recommended to ensure that the vehicle complies with these conditions. The Council expects that the owner of the vehicle will take account of these advisories and incorporate any recommendations into the maintenance programme required in condition 6 above.

11. Appearance of vehicle – all paintwork shall be maintained to a high standard and be free from dents, scratches and rust other than can be attributed to general wear and tear in the life of a licensed vehicle.
12. Seats - The seats of the vehicle must be properly cushioned and covered.
13. Floor – The floor of the vehicle must be provided with a properly fitted carpet, mat or other suitable covering.
14. Luggage – There must be means of carrying and securing luggage in the rear of the vehicle.
15. Spare Tyre – There must be, in or on the vehicle, a full size spare wheel or space saver design wheel and the tools to change a wheel OR an emergency puncture repair kit OR carry details of their current a contract with a mobile tyre, replacement specialist (in any event where a spare wheel or puncture repair kit has been used, it is only to permit the current fare to be completed and any defective wheel must be replaced before taking another fare to ensure passenger safety
16. Safety equipment – The vehicle must carry at all times a suitable and efficient fire extinguisher and a suitable first aid kit that is marked with the registration number of the vehicle. These must be readily available to the driver. The First Aid Kit must meet the British Standard BS 8599 1 and the Fire Extinguisher may be dry powder or CO2 but must meet the British Standard EN 3-10:2009

Alteration to vehicle

17. No material alteration or change in the specification, design, condition or appearance of the vehicle (including its colour) shall be made without prior consent of the Council.
18. If the vehicle has CCTV fitted then the proprietor must inform the Council in writing within 7 days. The footage must be made available to authorised officers of the Council within 72 hours and the footage must be kept for a period not less than 14 days of recording. If CCTV is fitted then the proprietor must ensure that there is signage displayed notifying customers

Signs and notices

19. Licence plate – The Council will issue to each licensed vehicle two white “licence plates” particular to the vehicle, one rectangular plate to be affixed securely to the exterior of the front and one square plate to be affixed securely to the exterior of the rear of the vehicle. The licence plates for the vehicle must be displayed at all times in a clearly visible place and maintained in good order. The plate must not at any time be wholly or partially concealed from view.
20. The Council plates shall be fitted securely to the exterior of the vehicle using a bracket provided by the Council and fixed directly to the body work of the vehicle. Magnetic fixings are not permitted.
21. All parts of the licence plate remain the property of the Council and must be returned to the Council on expiry.
22. The vehicle must, at all times, have the white stripe identifying the vehicle as a Hackney Carriage permanently affixed to the exterior, in line with the vehicle licensing specifications. Magnetic stripes are not permitted.
23. The vehicle must, at all times, display the Council set tariff sheet on the dashboard of the vehicle or in a suitable location visible to all passengers.
24. Identification Sticker – The Council will issue a white “identification sticker” or “internal plate” particular to the vehicle. Such sticker/plate must be displayed at all times in a clearly visible place in the front of the vehicle in a location visible to all passengers. The sticker must not at any time be wholly or partially concealed from view.

25. Further signs required by the Council – Each vehicle must display such notices as the Council reasonably requires and in the manner the Council prescribes. This includes the requirement to display signs, issued by the Council, on both rear passenger doors stating that vehicle is licensed as a Hackney Carriage by the Council as detailed in **Appendix M**
26. Roof sign – The vehicle must have a roof sign; that bears one of “for hire” or “taxi”. All parts of the sign must be clearly legible from a reasonable distance. The sign must be approved by the Council before use.
27. Door Signs – Where the owner chooses to adopt door signs the form, location and wording must be approved by the Council. It must have the name and telephone number of the operator or proprietor. It may have one of “for hire” or “taxi” but must not have the words “private hire” on the livery. All parts of the sign must be clearly legible from a reasonable distance.
28. Advertisements - The owner must not display any advertisements on or in the vehicle
29. No Smoking Signs – All vehicles must display a reasonable amount of no-smoking signs in the interior of the vehicle so as to be visible to all passengers.
30. Other signs – No other sign, notice, advertisement, inappropriate material, marks, or letters may be displayed on or in the vehicle (other than in accordance with the other conditions detailed above) unless the Council approves such markings or it is required under relevant legislation.
31. Taxi meter for hackney carriages – any hackney carriage must be fitted with a taximeter and this must be well maintained and clearly visible at all times. The meter must be set in accordance with the hackney carriage fare table approved by the Council and the fare table displayed prominently within the hackney carriage. The fare charged when the meter is used must be no more than that permitted by the approved tariff.

Insurance

32. The owner must at all times ensure that there is in force in relation to the use of the vehicle as a Hackney Carriage vehicle a policy of insurance as complies with the requirements of part VI of the Road Traffic Act 1988. Where possible the Council recommends that owners purchase a fully comprehensive insurance policy.

Vehicle Tests

33. MOT - The owner must at all times ensure that there is a valid MOT test certificate in force.
34. Requirement to attend vehicle test – The owner must, if requested, present the vehicle at such place and at such time as the Council may require in order for it to be tested as to whether it is suitable to be licensed as a Hackney Carriage vehicle.
35. Number of passengers – The driver must not allow the Hackney Carriage vehicle to be used for more than the number of passengers the vehicle is licensed to carry.

Animals

36. No animal belonging to the proprietor or driver of the vehicle shall be conveyed in the vehicle.
37. Any animal belonging to a passenger must be conveyed in the rear seating area of the vehicle and shall when necessary be contained so as not to present a nuisance or hazard to the occupants of the vehicle.
38. Paragraph 32 does not in any way remove or reduce the duty placed on the driver of the hackney carriage vehicle to carry assistance dogs in the passenger compartment with the dogs' owner under s168 Equality Act 2010 unless the driver has a valid exemption certificate issue by this authority under s169.

The licence holder must meet all the conditions of this licence. Breach of these conditions may lead to the immediate suspension of the vehicle and consideration of revocation of the licence or prosecution.

I acknowledge receipt of these conditions

Signature: _____

Date: _____

Printed: _____

PLEASE NOTE THAT SHOULD YOU FEEL AGGRIEVED BY ANY OF THE CONDITIONS SET OUT ABOVE THEN YOU HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT WITHIN 21 DAYS FROM THE DATE WHEN THE LICENCE IS ISSUED. YOU ALSO HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT AGAINST REFUSAL TO ISSUE A LICENCE WITHIN 21 DAYS FROM REFUSAL.

ADDITIONAL CONDITIONS APPLICABLE TO THE USE OF TRAILERS

1. Any driver using a trailer must ensure they hold the appropriate DVLA (or equivalent) driving licence.
2. The use of trailers is only permitted for vehicles of the multi-passenger type (more than 4 passenger seats) and on pre-arranged journeys where passenger's luggage cannot be safely accommodated within the vehicle.
3. The licensed towing vehicle's insurance must cover the towing of a trailer.
4. Trailers must not be left unattended anywhere on the highway.
5. The speed restrictions applicable to trailers must be observed at all times.
6. A spare wheel for the trailer and adequate tools to change a wheel must be carried at all times by a licensed vehicle whilst towing a trailer.
7. The towing of a trailer by a licensed vehicle shall only permit the conveyance of luggage and belongings owned by a passenger whilst the vehicle is hired by a passenger within the vehicle.
8. The owner of the trailer must carry out periodic checks of the vehicle and be able to provide a written history of the checks and any maintenance that have been carried out,
9. The trailer must at all times comply with all Road Traffic legislation requirements, in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
10. The trailer shall not display any form of sign or advertisement not required or approved by the Council or Road Traffic legislation
11. The trailer must display a duplicate of the rear licence plate affixed to the vehicle. The proprietor must inform the Council that they use a trailer and pay an additional fee for the duplicate plate.

Appendix E

HACKNEY CARRIAGE VEHICLE SPECIFICATIONS

1. Vehicle Age

Upon first application all vehicles must be a purpose built hackney carriage or wheelchair accessible, or converted to conform with European type approval, or be a fully electric vehicle and be less than 3 years old.

The maximum age for vehicles to be licensed will be 7 years old. The maximum age for Electric vehicles to be licensed will be 10 years old.

2. Grandfather Rights

Vehicles that are wheelchair accessible or previously categorised as 'minibuses' which are licensed at the time this version of the policy is implemented may continue to be licensed until they fail the Council's mechanical vehicle test when it will cease to be suitable for licensing, or when they reach the maximum age of 10 years, whichever is soonest. These vehicles will be subject to a mechanical vehicle test every 6 months. The cost of the tests will be met by the vehicle owner. At each renewal test, and subsequent 6 month test will be permitted **one** retest only. Once a vehicle fails a test and retest it will cease to be suitable for licensing.

Current holders of Hackney Carriage licences for non-wheelchair accessible vehicles (i.e. saloons, hatchbacks and estates) will cease to benefit from existing grandfather rights allowing them to replace their current vehicle, either during the licence period or at the expiry date of the licence, with another non-wheelchair accessible vehicle. All replacement vehicles will be required to meet the criteria for a new Hackney Carriage Vehicles.

3. Specifications

- a) Vehicles must seat not less than four (4) or more than eight (8) passengers (not including the driver) and:
- b) Be a Light Passenger Vehicle as defined by section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels. Unless licensed at the implementation of this policy, vehicles converted from being light goods vehicles (registered under the N1 tax classification) to being passenger carrying vehicles will not be considered suitable for licensing;
- c) To be licensed as a Hackney Carriage the vehicle must be black with an affixed four inch white stripe which runs the length of both sides of the vehicle
- d) Vehicles presented to be licensed as a Hackney Carriage for the first time must be wheelchair accessible, unless they are a fully electric vehicle. They may be purpose built 'London-type' taxis, or specifically converted from a passenger carrying vehicle with no wheelchair access to a passenger carrying vehicle that is capable of carrying a passenger in their wheelchair (typically known as an M1 conversion). Converted vehicles must provide an appropriate certificate to prove the conversion has been carried out to the required standard (European-wide type approval).
- e) Be fitted with a taximeter, calibrated to the Borough Council's approved tariff
- f) Be fitted with an illuminated roof sign
- g) Provide sufficient means by which any person in the carriage may communicate with the driver;

- h) All paintwork must be maintained in a uniform colour and free from dents, scratches or rust;
- i) Have a watertight roof or covering;
- j) Provide at least two windows on each side of the vehicle of which one window on one side must have a means of opening/closing;
- k) Have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light (tolerance of 2%) and must comply with the Road Vehicles (Construction & Use) Regulations 1986;
- l) Have seats that are properly cushioned and covered;
- m) Have a floor provided with a proper carpet, mat, or other suitable covering;
- n) Have fittings and furniture in a clean condition and be well maintained and in every way fit for public service;
- o) Provide means for securing luggage if the carriage is so constructed as to carry luggage;
- p) Be fitted with an anti-lock braking system
- q) Where tilting passenger seats are fitted **(except where these are part of the manufacturer's original vehicle specification), the seat must:-**
 - be forward facing (with the exception of the fold down seats fitted onto the bulkhead/partition of a purpose built hackney carriage);
 - be designed for use by an adult;
 - have a three point seatbelt - as specified in the Road Vehicle (Construction and Use) Regulations 1986 (as amended).
- r) Have a minimum of four passenger doors, which may include the rear tailgate doors if they can be opened from inside the vehicle, including an entry/exit point for the driver;
- s) Be maintained in a sound mechanical and structural condition at all times;
- t) Have a full size spare wheel or space saver design wheel and the tools to change a wheel OR an emergency puncture repair kit OR carry details of their current a contract with a mobile tyre, replacement specialist (in any event where a spare wheel or puncture repair kit has been used, it is only to permit the current fare to be completed and any defective wheel must be replaced before taking another fare to ensure passenger safety); all pneumatic tyres, including the spare, must comply with the vehicle manufacturer's specification and any relevant legislation;
- u) Be maintained in a clean and safe condition at all times from both exterior and interior perspectives.
- v) Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes
- w) Minibuses and Multi-Purpose Vehicles (MPVs) must have a step fitted to assist passenger access through all rear passenger doors.

Proprietors are encouraged to have provision for the legal transportation of a minimum of one wheelchair at all times. (When a vehicle licence is granted and the plates are issued, the maximum number of passenger seats that the vehicle will be licensed to carry will be the maximum number of seats, as detailed in the vehicle specification, less the number of wheelchairs that can be carried in the vehicle).

4. Taximeters

Taximeters must be:

- a. certified by a recognised body in accordance with the Measuring Instruments Directive (MID) (2004/22/EC), in particular Annex 007;

- b. fitted with a device, the use/action of which will bring the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter and such a device must be capable of being locked in a position such that the machinery of the taximeter is not in action or switched off and that no fare is recorded on the face of the taximeter;
- c. calibrated against an appropriate standard to ensure the tariff charged does not exceed the maximum fares determined by the Council;
- d. calendar and time controlled;
- e. fixed to the vehicle with appropriate seals/appliances, where possible, to prevent any person from tampering with the meter except by breaking, damaging, or permanently displacing the seals/appliances;
- f. have the word 'FARE' printed on the face of the meter in plain letters so as clearly to apply to the fare recorded thereon; and

5. Wheelchair Accessible Vehicles

- 5.1 Vehicles must be able to accommodate at least one wheelchair using passenger.
- 5.2 Vehicles shall have a designated space capable of accepting a reference wheelchair, of at least 1200mm by 700mm (measured front to back and side to side) with a minimum headroom of 1350mm measured from the floor of the vehicle for each passenger who uses a wheelchair. The space(s) shall be immediately adjacent to a vehicle door which is fitted with wheelchair access equipment so that the passenger using a wheelchair can board the vehicle and use the anchoring equipment with the minimum of manoeuvring.
- 5.3 Wheelchairs can be loaded from either the side or the rear of the vehicle
- 5.4 A system for the effective anchoring of wheelchairs must be provided such that they only face forwards or rearwards when the vehicle is in motion.
- 5.5 A suitable restraint must be available to the occupant of the wheelchair.
- 5.6 A ramp or ramps, or other approved lifting device must be present and available for use to enable the safe loading and unloading of any passenger using a wheelchair, and be capable of supporting a wheelchair, occupant and helper. When deployed ramps must run flush with the vehicles interior floor level.
- 5.7 Any lifting device fitted must be regularly tested in accordance with any applicable health and safety regulations for such devices and maintained in good working order.

Appendix F

PLYING FOR HIRE

1. Only licensed hackney carriages are permitted to ply for hire and only in the administrative area of the Borough Council with which they are licensed. It is **ILLEGAL** for a private hire vehicle to ply for hire. This means:
 - a) Private hire vehicles **MUST NOT** carry passengers if the journey has not been pre-booked with a private hire operator by the passenger.
 - b) All private hire vehicle journeys **MUST** be pre-booked through a licensed private hire operator.
 - c) All bookings **MUST** be made by prospective passengers with a private hire operator who will dispatch the vehicle. Prospective passengers may instruct a third party, e.g. a restaurant manager or bus station marshal, to make a booking on their behalf but this third party **MUST NOT** be the private hire vehicle driver.
 - d) A driver of a private hire vehicle is **NOT** permitted to make the booking on behalf of a prospective passenger, e.g. via their radio or mobile telephone or other device.
 - e) Private hire operators **MUST NOT** accept any booking made by a driver on behalf of a passenger.
 - f) Private hire vehicle drivers are **NOT** permitted to make their vehicles available for immediate hire. This means that private hire vehicle drivers **MUST NOT** physically position their vehicles in such a way as to be waiting in any area that is on view to the public to invite custom, e.g. allowing prospective customers to approach the vehicle and ask, 'Are you free?'
 - g) In most cases, the vehicle will not be insured during a journey that has not been correctly pre-booked.
 - h) Private hire vehicles **MUST NOT** wait at any taxi rank/stand.
 - i) Private hire vehicles **MUST NOT** be hailed in the street.
2. Other circumstances may constitute unlawful 'plying for hire'; accordingly, each case of allegedly unlawful 'plying for hire' will be judged on its own facts. Nevertheless, attention is drawn to the Council's position as set out above.
3. Further information about the relevant legislation is available in the Town Police Clauses Act 1847, in particular Section 45, and in Part II of the Local Government (Miscellaneous Provisions) Act 1976, in particular Section 64.

APPENDIX G

PRIVATE HIRE VEHICLE CONDITIONS

These conditions are attached to the licenses issued by The Borough Council of Newcastle-under-Lyme under sections 48 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act").

The Borough Council of Newcastle-under-Lyme has carefully considered the following conditions and has decided that they are reasonably necessary.

The licence holder (the owner of the vehicle) must meet all the conditions of this licence. Breach of these conditions may lead to the immediate suspension of the vehicle and consideration of revocation of the licence or prosecution.

The Conditions attached to the licence are as follows:

Notification

1. Change of Address - The proprietor of the vehicle ("the owner") must notify the Licensing Administration Team at The Borough Council of Newcastle-under-Lyme ("the Council") within 72 hours in writing of his/her change of address.
2. Accident damage – The owner must report any accident damage to the Council within 72 hours in writing and must be repaired as soon as possible.
3. Transfer of ownership – The owner must inform the Council in writing within 14 days if s/he transfers part or all of her/his interest in the vehicle to any other person.
4. The proprietor must give notice to the Council when any changes are made as to driver of the vehicle
5. Where the licence holder amends or changes their insurance policy for the vehicle they are driving then they must produce their amended/new insurance certificate to the Council Licensing department with 7 days.
6. Where the licence holder changes the operator that they work for they must notify the Council in writing within 7 days of that change with details of which operator they work for.

Vehicle Condition and Maintenance

7. Safety and good order – The vehicle must be maintained in a safe, comfortable, clean and tidy condition at all times.
8. Maintenance programme – The owner/driver must at all times ensure that the vehicle is properly and regularly maintained. The owner must have in place a programme to ensure that vehicles are inspected regularly and record this in writing. The programme must be submitted to the Council on request and must include details of how often the vehicle is inspected, serviced and what checks are carried out.
9. Advisory Work notified during Testing – The Council's garage may, while not failing the vehicle, give advice that further works are recommended to ensure that the vehicle complies with these conditions. The Council expects that the owner of the vehicle will take account of these advisories and incorporate any recommendations into the maintenance programme required in condition 6 above.
10. Appearance of vehicle – all paintwork shall be maintained to a high standard and be free from

dents, scratches and rust other than can be attributed to general wear and tear in the life of a licensed vehicle.

11. Seats - The seats of the vehicle must be properly cushioned and covered.
12. Floor – The floor of the vehicle must be provided with a properly fitted carpet, mat or other suitable covering.
13. Luggage – There must be means of carrying and securing luggage in the rear of the vehicle.
14. Spare Tyre – There must be, in or on the vehicle, a full size spare wheel or space saver design wheel and the tools to change a wheel OR an emergency puncture repair kit OR carry details of their current contract with a mobile tyre, replacement specialist (in any event where a spare wheel or puncture repair kit has been used, it is only to permit the current fare to be completed and any defective wheel must be replaced before taking another fare to ensure passenger safety)
15. Safety equipment – The vehicle must carry at all times a suitable and efficient fire extinguisher and a suitable first aid kit that is marked with the registration number of the vehicle. These must be readily available to the driver. The First Aid Kit must meet the British Standard BS 8599 1 and the Fire Extinguisher may be dry powder or CO2 but must meet the British Standard EN 3-10:2009

Alteration to vehicle

16. No material alteration or change in the specification, design, condition or appearance of the vehicle (including its colour) shall be made without prior consent of the Council.
17. If the vehicle has CCTV fitted then the proprietor must inform the Council in writing within 7 days. The footage must be made available to authorised officers of the Council within 72 hours and the footage must be kept for a period not less than 14 days of recording. If CCTV is fitted then the proprietor must ensure that there is signage displayed notifying customers

Signs and notices

18. Licence plate – The Council will issue to each licensed vehicle two “licence plates” particular to the vehicle, one to be affixed to the front and one to be affixed to the rear of the vehicle. The licence plates for the vehicle must be displayed at all times in a clearly visible place and maintained in good order. The plate must not at any time be wholly or partially concealed from view.
19. The Council plates shall be fitted securely to the exterior of the vehicle using a bracket provided by the Council fixed directly to the body work of the vehicle. Private Hire Vehicle Licence plates will be green and white. Magnetic fixings are not permitted.
20. All parts of the licence plate remain the property of the Council and must be returned to the Council on expiry.
21. Identification Sticker – The Council will issue an “identification sticker” or “internal plate” particular to the vehicle. Such sticker/plate must be displayed at all times in a clearly visible place in the front of the vehicle in a location visible to all passengers. The sticker must not at any time be wholly or partially concealed from view.
22. Further signs required by the Council – Each vehicle must display such notices as the Council reasonably requires and in the manner the Council reasonably requires. This includes the requirement to display signs, issued by the Council, on both rear passenger doors stating that vehicle is licensed as a Private Hire Vehicle by the Council.
23. Other Identification - Each private hire vehicle, unless granted an exemption by the Council, must display door livery (as detailed in condition 23).

24. Roof sign – Are not permitted to be used on Private Hire Vehicles
25. Door Livery – The form, location and wording must be approved by the Council. It must have the name and telephone number of the operator and the words “private hire” or “office bookings only” on the livery. All parts of the sign must be clearly legible from a reasonable distance. The livery of any private hire vehicle must not include the words “for hire”, the word “taxi” or any derivative thereof.
26. Advertisements - The owner must not display any advertisements on or in the vehicle
27. No Smoking Signs – All vehicles must display a reasonable amount of no-smoking signs in the interior of the vehicle so as to be visible to all passengers.
28. Other signs – No other sign, notice, advertisement, marks, or letters may be displayed on or in the vehicle (other than in accordance with the other conditions detailed above) unless the Council approves such markings or it is required under relevant legislation.
29. Taxi meter for private hire vehicles – any private hire vehicles fitted with a taximeter must ensure they are well maintained and clearly visible at all times. The meter must be set in accordance with the hackney carriage fare table approved by the Council and the fare table displayed prominently within the vehicle. The fare charged when the meter is used must be no more than that permitted by the approved tariff.

Insurance

30. The owner must at all times ensure that there is in force in relation to the use of the vehicle as a private hire vehicle a policy of insurance as complies with the requirements of part VI of the Road Traffic Act 1988. Where possible the Council recommends that owners purchase a fully comprehensive insurance policy.

Vehicle Tests

31. MOT - The owner must at all times ensure that there is a valid MOT test certificate in force.
32. Requirement to attend vehicle test – The owner must, if requested, present the vehicle at such place and at such time as the Council may require in order for it to be tested as to whether it is suitable to be licensed as a private hire vehicle.
33. Number of passengers – The driver must not allow the private hire vehicle to be used for more than the number of passengers the vehicle is licensed to carry.

Animals

34. No animal belonging to the proprietor or driver of the vehicle shall be conveyed in the vehicle.
35. Any animal belonging to a passenger must be conveyed in the rear seating area of the vehicle and shall when necessary be contained so as not to present a nuisance or hazard to the occupants of the vehicle.
36. Paragraph 32 does not in any way remove or reduce the duty placed on the driver of the private hire vehicle to carry assistance dogs in the passenger compartment with the dogs' owner under s170 Equality Act 2010 unless the driver has a valid exemption certificate issue by this authority under s171.

The licence holder must meet all the conditions of this licence. Breach of these conditions may lead to the immediate suspension of the vehicle and consideration of revocation of the licence or prosecution.

I acknowledge receipt of these conditions

Signature: _____

Date: _____

Printed: _____

PLEASE NOTE THAT SHOULD YOU FEEL AGGRIEVED BY ANY OF THE CONDITIONS SET OUT ABOVE THEN YOU HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT WITHIN 21 DAYS FROM THE DATE WHEN THE LICENCE IS ISSUED. YOU ALSO HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT AGAINST REFUSAL TO ISSUE A LICENCE WITHIN 21 DAYS FROM REFUSAL.

ADDITIONAL CONDITIONS APPLICABLE TO THE USE OF TRAILERS

1. Any driver using a trailer must ensure they hold the appropriate DVLA (or equivalent) driving licence.
2. The use of trailers is only permitted for vehicles of the multi-passenger type (more than 4 passenger seats) and on pre-arranged journeys where passenger's luggage cannot be safely accommodated within the vehicle.
3. The licensed towing vehicle's insurance must cover the towing of a trailer.
4. Trailers must not be left unattended anywhere on the highway.
5. The speed restrictions applicable to trailers must be observed at all times.
6. A spare wheel for the trailer and adequate tools to change a wheel must be carried at all times by a licensed vehicle whilst towing a trailer.
7. The towing of a trailer by a licensed vehicle shall only permit the conveyance of luggage and belongings owned by a passenger whilst the vehicle is hired by a passenger within the vehicle.
8. The owner of the trailer must carry out periodic checks of the vehicle and be able to provide a written history of the checks and any maintenance that have been carried out,
9. The trailer must at all times comply with all Road Traffic legislation requirements, in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
10. The trailer shall not display any form of sign or advertisement not required or approved by the Council or Road Traffic legislation.
11. The trailer must display a duplicate of the rear licence plate affixed to the vehicle. The proprietor must inform the Council that they use a trailer and pay an additional fee for the duplicate plate.

Additional Conditions for Vehicles with Private Hire Vehicle Exemption Certificates

1. Where a private hire vehicle licence has been issued a Private Hire Vehicle Exemption Certificate it must be retained in the boot of the vehicle at all times and produced to an authorised officer of the Council or a Police Constable upon request.
2. Where a private hire vehicle licence has been issued a Private Hire Vehicle Exemption Certificate the driver of the vehicle must have their taxi driver licence badge in the vehicle at all times and produced to an authorised officer of the Council or a Police Constable upon request.
3. Where the Council request copies of contracts and/or client lists the proprietor shall, within 72 hours, produced them an authorised officer.
4. Any amendments to the intended use of the vehicle must be notified in writing to the Council before they take place. If the Council determine that the proposals are not suitable and/or inline with the grounds given for the original issue of the Private Hire Vehicle Exemption Certificate then the Certificate may be withdrawn.

5. Vehicles that benefit from a Private Hire Vehicle Exemption Certificate may be transferred from one proprietor to another but the Private Hire Vehicle Exemption Certificate itself is non-transferrable. The proposed new proprietor would have to submit an application for a Private Hire Vehicle Exemption Certificate at the time as the vehicle transfer. The vehicle must not be used until the Council have granted a new certificate.
6. The vehicle must remain in pristine condition, both internally and externally, at all times. Failure to do so may lead to the certificate being withdrawn.

ADDITIONAL LIMOUSINE CONDITIONS OF LICENCE

These additional conditions are attached to the licenses issued by the Borough Council of Newcastle-under-Lyme under section 48 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act") in relation to limousines and special event vehicles.

For the purpose of licensing a limousine is described as a luxurious vehicle that has been stretched by the insertion of an additional section not exceeding 3048 millimetres to extend the length of the vehicle.

The Borough Council of Newcastle-under-Lyme has carefully considered the following conditions and has decided that they are reasonably necessary.

The licence holder (the owner of the vehicle) must meet all the conditions of this licence, including those for private hire vehicles generally. Breach of the conditions may lead to the immediate suspension of the vehicle and consideration of revocation of the licence or prosecution.

The additional conditions attached to the licence are as follows:

1. The vehicle will be presented for, and successfully complete, a garage test at the Council testing station on Knutton Lane or an alternative location authorised by the Authority every 6 months.
3. The vehicle will be licensed for a maximum number of 8 passengers.
4. The vehicle will not be subject to an age restriction for the purposes of licensing.
5. Adequate three point seat belt installations must be in place for the equivalent number of passengers and driver.
6. Must provide a certificate of compliance through the Individual Vehicle Approval Scheme (IVA, formerly known as the Single Vehicle Approval Scheme (SVA)).
7. Must provide proof of manufacturer's alterations approval for the vehicle
7. Children under 135cm tall or 12 years (whichever they reach first) can not travel in a sideways facing seat
8. Standard council identification plates must be displayed.

APPENDIX H

PRIVATE HIRE VEHICLE SPECIFICATIONS

Vehicle Age

Upon first application all vehicles must be less than 3 years old

The maximum age for vehicles to be licensed will be 7 years old (from date of first registration or if imported from the date of manufacture). The maximum age for Electric Vehicles to be licensed will be 10 years old

Grandfather Rights

Vehicles previously categorised as 'minibuses' which are licensed at the time this version of the policy is implemented may continue to be licensed until they fail the Council's mechanical vehicle test when it will cease to be suitable for licensing, or when they reach the maximum age of 10 years, whichever is soonest. These vehicles will be subject to a mechanical vehicle test every 6 months. The cost of the tests will be met by the vehicle owner. At each renewal test, and subsequent 6 month test will be permitted **one** retest only. Once a vehicle fails a test and retest it will cease to be suitable for licensing.

Specifications

1. Vehicles must not seat less than 4 or more than eight passengers (not including the driver) and:
2. Be a Light Passenger Vehicle as defined by section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels. Vehicles converted from being light goods vehicles (registered under the N1 tax classification) to being passenger carrying vehicles will be considered subject to paragraph (e) below;
3. It must not be of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage
4. To be licensed for Private Hire the vehicle must have uniform coloured paintwork and can be any colour other than black, or a colour that closely resembles black (eg dark greys, blues may not be suitable)
5. The Council encourages vehicles presented to be licensed for Private Hire for the first time to be wheelchair accessible but they do not have to be. Where the vehicles are wheelchair accessible they may be purpose built, or specifically converted from a passenger carrying vehicle with no wheelchair access to a passenger carrying vehicle that is capable of carrying a passenger in their wheelchair (typically known as an M1 conversion). Converted vehicles must provide an appropriate certificate to prove the conversion has been carried out to the required standard (European-wide type approval).
6. Provide sufficient means by which any person in the carriage may communicate with the driver;
7. All paintwork must be maintained to a high standard and be free from dents, scratches and rust other than can be attributed to general wear and tear in the life of a licensed vehicle.
8. Have a watertight roof or covering;
9. Provide at least two windows on each side of the vehicle of which one window on one side must have a means of opening/closing;
10. Have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light (tolerance of 2%) and must comply with the Road Vehicles (Construction & Use) Regulations 1986;
11. Have seats that are properly cushioned and covered;
12. Have a floor provided with a proper carpet, mat, or other suitable covering;

13. Have fittings and furniture in a clean condition and be well maintained and in every way fit for public service;
14. Provide means for securing luggage if the carriage is so constructed as to carry luggage:
15. Be fitted with an anti-lock braking system
16. Where tilting passenger seats are fitted (**except where these are part of the manufacturer's original vehicle specification**), the seat must:-
 - be forward facing (with the exception of the fold down seats fitted onto the bulkhead/partition of a purpose built hackney carriage);
 - be designed for use by an adult;
 - have a three point seatbelt - as specified in the Road Vehicle (Construction and Use) Regulations 1986 (as amended).
17. Have a minimum of four passenger doors, which may include the rear tailgate doors if they can be opened from inside the vehicle, including an entry/exit point for the driver:
18. Be maintained in a sound mechanical and structural condition at all times;
19. Have a full size spare wheel or space saver design wheel and the tools to change a wheel OR an emergency puncture repair kit OR carry details of their current a contract with a mobile tyre, replacement specialist (in any event where a spare wheel or puncture repair kit has been used, it is only to permit the current fare to be completed and any defective wheel must be replaced before taking another fare to ensure passenger safety); all pneumatic tyres, including the spare, must comply with the vehicle manufacturer's specification and any relevant legislation;
20. Be maintained in a clean and safe condition at all times from both exterior and interior perspectives.
21. Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes
22. Minibuses and Multi-Purpose Vehicles (MPVs) must have a step fitted to assist passenger access through all rear passenger doors.

Proprietors are encouraged to have provision for the legal transportation of a minimum of one wheelchair at all times. (When a vehicle licence is granted and the plates are issued, the maximum number of passenger seats that the vehicle will be licensed to carry will be the maximum number of seats, as detailed in the vehicle specification, less the number of wheelchairs that can be carried in the vehicle).

Wheelchair Accessible Vehicles

23. Vehicles must be able to accommodate at least one wheelchair using passenger.
24. Vehicles shall have a designated space capable of accepting a reference wheelchair, of at least 1200mm by 700mm (measured front to back and side to side) with a minimum headroom of 1350mm measured from the floor of the vehicle for each passenger who uses a wheelchair. The space(s) shall be immediately adjacent to a vehicle door which is fitted with wheelchair access equipment so that the passenger using a wheelchair can board the vehicle and use the anchoring equipment with the minimum of manoeuvring.
25. Wheelchairs can be loaded from either the side or the rear of the vehicle
26. A system for the effective anchoring of wheelchairs must be provided such that they only face forwards or rearwards when the vehicle is in motion.
27. A suitable restraint must be available to the occupant of the wheelchair.
28. A ramp or ramps, or other approved lifting device must be present and available for use to enable the safe loading and unloading of any passenger using a wheelchair, and be capable of supporting a wheelchair, occupant and helper. When deployed ramps must run flush with the vehicles interior floor level.

29. Any lifting device fitted must be regularly tested in accordance with any applicable health and safety regulations for such devices and maintained in good working order.

Other Vehicles

Limousines, Novelty Vehicles and Vintage Vehicles

30. For the purpose of licensing a limousine is described as a luxurious vehicle that has been stretched by the insertion of an additional section not exceeding 3048 millimetres to extend the length of the vehicle. The vehicle shall be capable of carrying up to, but not exceeding, eight passengers. Applicants are directed towards the VOSA (now DVSA) 'Guidance for Operators of Stretch Limousines' (March 2011).
31. Limousines will be licensed by the Council however, the over-riding consideration will be the safety of the vehicle. Such types of vehicle will only be licensed as private hire vehicles. They will be subject to the production of specific documents, in original form or as copies certified by the vehicle builder (uncertified photocopies will not be accepted), and to conditions as set out in Appendix G. These are in addition to the documents required and the conditions applicable to standard private hire vehicle licensing. Proprietors may submit an application for a Private Hire Vehicle Exemption Certificate.
32. The following documentation must be produced prior to licensing:
- a. Evidence of compliance through the Individual Vehicle Approval Scheme (IVA) or a Qualified Vehicle Modifier (QVM) certificate; this is issued by the vehicle builder.
 - b. Public Liability Insurance documentation for a minimum of £5,000,000 and, where drivers other than the proprietor are used, Employer Liability Insurance documentation for a minimum of £10,000,000.
 - c. Documentation recording the overall weight of the vehicle (as displayed on the vehicle.)
33. In addition to stretched limousines, novelty vehicles, e.g. fire engines, and vintage vehicles will also be considered for licensing. Such vehicles do not have to comply with the European Emission Standards or the New Car Assessment Programme rating but will be dealt with by a case by case basis and referred to the Council's Public Protection Committee for determination.

Private Hire Vehicle Exemption Certificates

The Local Government (Miscellaneous Provisions) Act 1976 ("LGMPA76") prohibits a licensed private hire vehicle being used without the identification plate issued by the Council being displayed upon the vehicle. It also provides that the driver of said vehicle must wear their identity badge (referred to here as drivers badge) at all times they are driving it.

The Council may issue a written notice (referred to here as a Private Hire Vehicle Exemption Certificate) that exempts the proprietor of the vehicle from having to display the identification plates. The Private Hire Vehicle Exemption Certificate can be used to exempt a vehicle from displaying plates at specific times or can give a blanket exemption. If the Council issues a Private Hire Vehicle Exemption Certificate then the LGMPA76 provides that the driver of said vehicle does not have to wear their drivers badge.

The LGMPA76 allows the Council to attach conditions to a private hire vehicle licence including the displaying of door signs upon the vehicle, colour of the vehicle and level tint permitted in the windows.

A proprietor can request to be exempt (referred to here as Private Hire Vehicle Exemption Requests) from displaying the vehicle licence plates and wearing the drivers badge, and also to be exempt from conditions attached to private hire vehicle licences such as those detailed above.

The LGMPA76 is silent on the reasons why a Council may choose to grant such an exemption to not display signs, plates and the drivers badge.

Private Hire Vehicle exemption requests are usually made in connection with 'executive' or 'celebrity' customers who rather than requiring the security that clear identification of the vehicle and driver usually affords, instead may become more at risk (along with the driver) if their presence can be identified from use of a particular vehicle or operator.

There are currently a small number of local operators that benefit from a Private Hire Vehicle Exemption Certificate and the Council's starting position is that a Private Hire Vehicle Exemption Request will only be granted in very limited circumstances. While the legislative process is specific and a standard process for requesting and determining an exemption operates, there is an absence of criteria within the legislation to guide applicants and Members regarding if and when an exemption should be granted. Here we seek to outline the criteria that the Council will use when determine whether a request will be granted.

The Council will request copies of written contracts or client lists to support the application, and may restrict the use of an exempted vehicle to contracted work only.

Given the type of passengers to be carried exempted vehicles are expected to be prestigious models with above average appearance and levels of equipment. Suggested indicative features are:

- ***A vehicle which is above the standard model and towards the top of the range as offered by the vehicle manufacturer***
- ***Climate control, all electric windows, and central anti-intrusion locking***
- ***Front and rear headrests and above average legroom***
- ***Seats which permit direct access into and out of the vehicle without the need to move, remove or fold down any other seat***
- ***Pristine interior and external condition***

Use of the vehicle outside of the exemption is permitted by the legislation provided door signs and licence plates are reapplied, however if a vehicle has been granted an exception certificate that restricts the use of the vehicle to contract work only then a condition will be placed on the vehicle licence that it may not be used for 'general private hire bookings' such as a trip to the shops or home from a restaurant.

All exempted vehicles must carry their licence plates and the Private Hire Vehicle exemption certificate in the boot of the vehicle at all times and produce them to an authorised officer of the Council or a Police Constable upon request.

There is a prohibition on private hire vehicles being black or a similar colour. Vehicles that benefit from a Private Hire Vehicle exemption certificate will be exempt from this condition and may be any colour.

If a proprietor of an exempted vehicle applies to transfer it to another person then that person will also have to apply for a new exemption certificate. Private Hire Vehicle Exemption certificates can not be transferred from one person to another, or from one vehicle to another.

APPENDIX I

PRIVATE HIRE OPERATOR CONDITIONS

These conditions are attached to the licenses issued by the Borough Council of Newcastle-under-Lyme under section 55 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act").

The Borough Council of Newcastle-under-Lyme has carefully considered the following conditions and has decided that they are reasonably necessary.

These conditions set out the way in which the licence holder must act whilst acting as a private hire operator in addition to the existing legal requirements. They do not set out the existing legal requirements such as prohibition of illegal ply for hire.

These conditions do not set out the detail as to what steps are required to become and remain an operator and they do not set out what factors are taken into account in deciding whether a person is a fit and proper person to be a driver. Information on these issues is set out in the Policy document above.

Breach of these conditions may lead to the suspension of the licence and consideration of revocation of the licence or prosecution.

The Conditions attached to the licence are as follows:

Notification requirements

1. Change of Address - The private hire operator must notify the licensing authority ("the Council") within 72 hours in writing of his/her change of personal address.
2. Change of Vehicles – The operator must inform the Council in writing *before* they wish to operate an additional vehicle. Where an operator ceases to operate a vehicle on the Operator Vehicle Schedule (see condition 10) he/she must notify the Council within 72 hours in writing.
3. Convictions/Cautions or other enforcement action – The operator must notify the Council within 72 hours in writing of any conviction, issue of a formal caution/final warning or issue of a fixed penalty notice by the Police or a Local Authority.

The operator must also notify the Council, in writing, within 72 hours of any other enforcement action taken by another local authority under the 1976 Act or the Town Police Clauses Act 1847. If the operator is a company or partnership any action listed above taken against the company or any of the directors or partners must also be notified to the Council. **For the avoidance of doubt this condition also applies to any driving convictions.**

4. Where the operator is required to notify the Council under condition 3, they must provide the Council with details of:
 - The offence / mischief;
 - The date of conviction / enforcement action;
 - The sanction imposed;

- The imposing authority / place;
5. Accident damage – The operator must report any accident damage to any vehicle under their control to the Council in writing within 72 hours and it must be repaired as soon as possible.

Record Keeping

6. Booking records - Each operator must keep a record of the particulars of every booking invited or accepted by him, including the name of the staff member that took the booking. Such records must be kept for 12 months. **Each record must be fully completed before the dispatch of any vehicle or any part of the journey is undertaken.**

Records must also be maintained for any regular contract work that the operator may undertake such as school contracts. The records must specify the following:

- Date and time of booking;
 - Client's first name and surname;
 - Origin of journey;
 - Time of journey;
 - Destination of journey;
 - Identification of both driver and the vehicle allocated to the booking;
 - The agreed fare.
7. Booking records must be kept at the base recorded on the Operator's licence.
8. The operator must ensure that they use appropriate staff to carry out their bookings. The Operator must use a Fit and Proper test, similar to the one the Council uses for determining whether to grant an operator's licence, for each member of staff that they employ. The operator should not employ any individual that falls below that test.
9. Sub-contracted Bookings – Each operator must keep a record of the particulars of each journey that is either subject to sub-contracting. The record must specify:
- Date and time of booking;
 - Operator received from (or passed to);
 - Client's first name and surname;
 - Origin of journey;
 - Time and date of journey;
 - Destination of journey;
 - Identification of both driver and the vehicle allocated to the booking;
 - The agreed fare;
 - Confirmation that the customer has been advised that the journey has been sub-contracted.

Complaints Procedure

10. Each operator must have in place a complaints procedure and must maintain a record of all complaints received, including details of any investigation and/or actions taken as a result of a complaint.
11. The complaints procedure and complaint records must be made available to the licensing authority or Staffordshire Police on request and will be audited and checked by an authorised officer of the Council as appropriate on a risk based approach. Where a child under the age of 18 years is involved the local safeguarding procedures will be used by the licensing authority on receipt of the complaint. Where a complaint is received about the behaviour/conduct of a driver towards a vulnerable person the operator must notify the Council in writing within 72

hours.

12. The records may be kept in hard copy or on computer. If kept in hard copy they must be in a bound book with consecutively numbered pages.

Operator Vehicle Schedule

13. The operator must keep a schedule of all vehicles they operate ("the Operator Vehicle Schedule"). The Operator Vehicle Schedule must record the make, model, registration number, private hire number and the date of expiry of the private hire plate, insurance, road tax and MOT (where applicable) on the Operator Vehicle Schedule. The Operator Vehicle Schedule must be kept up to date by the operator.
14. The operator must not operate any private hire vehicle other than those which have been listed on the Operator Vehicle Schedule. All vehicles on the Operator Vehicle Schedule must have a valid private hire licence with the Council.

Operator Driver Schedule

15. The operator must keep a schedule of all drivers s/he employs or uses ("the Operator Driver Schedule"). The Operator Driver Schedule must record the name, address, contact details together with the date of expiry of his private hire licence, the date of his next medical and the date when his driving licence expires on the Operator Driver Schedule. The Operator Driver Schedule must be kept up to date.
16. The operator must not use or employ any private hire driver other than those listed by the Operator on the Operator Driver Schedule.

Operator to keep Drivers' Licences

17. It is the operator's responsibility to check that all drivers are licensed as private hire drivers. The operator should ensure that when a driver has made themselves available for private hire work that the driver has deposited her/his licence with the operator whilst s/he is available for work.

Maintenance

18. Safety and good order – The operator must ensure that all vehicles on the Operators Vehicle Schedule are maintained in a safe, comfortable, clean and tidy condition at all times **whether or not the operator owns the vehicle**. The operator must ensure that at all times all vehicles on their Operators Vehicle Schedule meet all relevant legal obligations including the vehicle conditions imposed by the Council.
19. Maintenance programme – The operator must at all times ensure that all vehicles on their Operator Vehicle Schedule are properly and regularly maintained. The operator must have in place a programme to ensure that vehicles are inspected regularly and record in writing. The programme must be submitted to the Council on request and must include details of how often the vehicle is inspected, serviced and what checks are carried out.

Standard of Service

20. General standards - The operator must provide a prompt, efficient, safe and reliable service to members of the public.

21. Punctuality – The operator must ensure that when a private hire vehicle has been hired to be at an appointment at a certain time and place that the vehicle attends punctually unless delayed for reasons beyond the reasonable control of the operator.
22. Standard of Premises accessible to public – Where the operator has premises accessible by the public whether for booking or waiting they must be kept clean and adequately heated, ventilated and lit. They must also have adequate seating facilities. Premises accessible to the public must also have public liability insurance cover of at least £5,000,000.

Operator Base

23. Limit on operation – The operator must only operate from the base or bases identified on the operator's licence and the base/s must be within the administrative area of Newcastle-under-Lyme Borough Council.
24. Licence for radio equipment – The operator must hold the necessary permission from OFCOM where they operate radio equipment requiring such permission.

Insurance

25. Insurance - The operator must ensure that there is in force in relation to the use of the vehicle as a private hire vehicle a policy of insurance as complies with the requirements of part VI of the Road Traffic Act 1988. A copy of the original certificate of insurance or cover note relating to each vehicle which shows those persons entitled to drive must be retained by the operator on the premises specified on the licence. Where the policy is a fleet policy confirmation that the vehicle is included on the schedule of vehicles will also be required in addition to the insurance certificate.
26. MOT – The operator must at all times ensure that each vehicle has a valid MOT test certificate if required by law.

Fares

27. Agreed fare- Where the fee is agreed in advance, the operator shall ensure that no more than the agreed fare is paid.

Other requirements

28. The Operator must comply with all other relevant statutory requirements. The Operator must also take all reasonable steps to ensure that any drivers they employ or uses comply with relevant statutory requirements. The most common statutory requirements are set out in the Council's guidance and policy statement accompanying these conditions.

The licence holder must meet all the conditions of this licence. Breach of these conditions may lead to the suspension of the operator's licence and consideration of revocation of the licence and/or where appropriate prosecution.

I acknowledge receipt of these conditions

Signature: _____

Date: _____

Printed: _____

PLEASE NOTE THAT SHOULD YOU FEEL AGGRIEVED BY ANY OF THE CONDITIONS SET OUT ABOVE THEN YOU HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT WITHIN 21 DAYS FROM THE DATE WHEN THE LICENCE IS ISSUED. YOU ALSO HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT AGAINST REFUSAL TO ISSUE A LICENCE WITHIN 21 DAYS FROM REFUSAL.

APPENDIX J

Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades

1. There is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk reduces over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.
2. Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) will be persons of the highest integrity.
3. The purpose of this document is to specify how Newcastle-Under Lyme Borough Council will determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence.
4. In certain circumstances these guidelines say never to a licence being granted, but each case will be considered on its own merits

Pre-application requirements

5. The Council is entitled to set its own pre-application requirements and these are outlined in the Policy and relevant appendices.
6. In relation to all Hackney Carriage and Private Hire licences, the Council has discretion as to whether or not to grant the licence.
7. Drivers and operators cannot be granted a licence unless the Council is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
8. There are no statutory criteria for vehicle licences, therefore the Council has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor's licence.
9. "Fit and proper" means that the individual (or in the case of a private hire operator's licence, the limited company together with its directors and secretary, or all members of a partnership) is "safe and suitable" to hold the licence.
10. In determining safety and suitability the Council is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person's behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual's attitude and temperament.
11. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction.
12. It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the Council. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
13. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, the Council will decide what action to take in the light of these guidelines.
14. In all cases, the Council will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.
15. Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire

- vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
16. As the Council will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
 17. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
 18. Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.
 19. It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
 20. Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution or other enforcement action being taken.
 21. As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.
 22. Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The Council is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
 23. Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the Council will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
 24. These guidelines do not replace the duty of the Council to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the Council will consider the matter from first principles and determine the fitness and propriety of the individual.

Drivers

25. As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
26. A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle.
27. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.
28. As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
29. In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

Crimes resulting in death

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

Exploitation

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

Offences involving violence

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

Possession of a weapon

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

Sex and indecency offences

34. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.
35. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

Dishonesty

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

Drugs

37. Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
38. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

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

Motoring convictions

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

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

41. Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to

undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

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

Other motoring offences

43. A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. The 5 year period remains in place even when penalty points expire and are removed from the DVLA licence.
44. A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. The 7 year period remains in place even when penalty points expire and are removed from the DVLA licence.

Hackney carriage and private hire offences

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

Vehicle use offences

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

Private Hire Operators

47. A private hire operator ("an operator") does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.
48. As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.
49. Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the Council's overall criteria, that will lead to the operator's licence being revoked.
50. As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

Vehicle proprietors

51. Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.
52. Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.
53. Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.
54. As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

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

Appendix K

CODE OF CONDUCT WHEN WORKING WITH VULNERABLE PASSENGERS

A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be, for example, a child, an elderly person or somebody with learning difficulties. In addition, an individual should be considered vulnerable if they do not fall within the description above, but their condition is such as to render them more susceptible to harm than may otherwise be the case (for example as a result of being under the influence of alcohol or drugs).

This code of conduct aims to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the taxi or private hire trade. The following safeguarding principles should be embedded into driver working practice:

- Drivers must carry photo ID at all times, and wear it in accordance with the conditions of licence.
- A vulnerable passenger must not be transported in the front passenger seat of the vehicle.
- The driver / operator must confirm that appropriate provision has been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver / operator is responsible for the provision of appropriate measures, however if appropriate measures are not in place then the driver / operator must not undertake the journey.
- When making a journey with vulnerable passengers and there is a carer/responsible person present, then photo-identification should be produced to the driver by the carer responsible for the vulnerable person. If necessary, the driver should obtain a record of the carer's contact details if there is no chaperone.
- If a vulnerable passenger is refused service a responsible person, such as their carer, family member, parent or guardian should be informed so that alternative arrangements can be made. For example, this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the council.
- Drivers should always ask if a vulnerable passenger needs assistance, and should not make assumptions.
- Drivers must remain professional at all times and should not:
 - Touch a person inappropriately
 - Make offensive or inappropriate comments (such as the use of swearing or sexualised or discriminatory language)
 - Behave in a way that may make a passenger feel intimidated or threatened
 - Attempt to misuse personal details obtained via the business about a person

These standards are equally applicable when working with vulnerable and non-vulnerable passengers.

- A log should be maintained by drivers when a service has been provided to a vulnerable passenger including the details of any incidents occurring / actions taken or refusals of service.

- Drivers and operators must remain alert to issues around the safeguarding of children and adults at risk. If a driver/operator is concerned about the safety, welfare or behaviour of a vulnerable person, they should report this to the Police by telephoning 101 (or in an emergency by calling 999).
- If a driver/operator is concerned about someone else's conduct, they should report such concerns to the council's licensing department (01782 717717), Police (101 or in an emergency by calling 999) or Crimestoppers (0800 555111).

APPENDIX L

PENALTY POINTS SCHEME

	Details of the misconduct	Points Applicable	Driver	Vehicle Owner or Operator
1	Providing false or misleading information on licence application form / failing to provide relevant information or pay the relevant fee (including dishonoured cheques)	6	✓	✓
2	Failure to notify, in writing, the Council of a change of address within 7 calendar days	3	✓	✓
3	Refusal to accept hiring without reasonable cause	6	✓	✓
4	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares	6	✓	
5	Plying for hire by Private hire drivers or Hackney Carriage drivers plying for hire outside the district	9	✓	✓
6	Private hire vehicle parking or waiting on a taxi rank	9	✓	✓
7	Inappropriate behaviour at a taxi rank,	1-12*	✓	✓
8	Leaving a taxi unattended at a rank	4	✓	
9	Using unlicensed vehicle or using a licensed vehicle without insurance or without a valid MOT	12	✓	✓
10	Failure to produce relevant documents within timescales when requested by an Authorised Officer	4	✓	✓
11	Unsatisfactory condition of vehicle, interior or exterior	4	✓	✓
12	Failure to provide proof of insurance cover when requested	6	✓	✓
13	Failure to produce Hackney Carriage or Private Hire vehicle for re-testing when required	4		✓
14	Using a vehicle subject to a suspension order issued by an Authorised Officer or a police officer	12	✓	✓
15	Using a vehicle for which the licence has been suspended or revoked	12	✓	✓
16	Failure to report, in writing, within 72 hours, accident or damage to licensed vehicle, which would cause the vehicle to breach licence conditions	4	✓	✓
17	Carrying more passengers than stated on the vehicle licence	6	✓	
18	Failure to display external/internal licence plate in a fixed position or failure to display appropriate door signs	6	✓	✓
19	Carrying an offensive weapon in the vehicle	12	✓	
20	Failure to notify a transfer of Private Hire or Hackney Carriage vehicle licence within 14 days of transfer	4		✓
21	Failure to carry fire extinguisher	4		✓
22	Failure to carry first aid kit	3		✓
23	Displaying unsuitable or inappropriate sited signs or unauthorised advertisements in or on the vehicle	3	✓	✓

24	Failure to use authorised roof light	4	✓	✓
25	Failure to maintain records in a suitable form of the commence and cessation of work of each driver each day	4		✓
26	Failure to produce on request records of drivers' work activity	4		✓
27	Using a non approved or non-calibrated taximeter (HC)	6	✓	✓
28	Obstruction of an authorised officer or police officer wishing to examine a licensed vehicle	12	✓	✓
29	Evidence of smoking in vehicle	3	✓	✓
30	Evidence of food or drink waste in Vehicle	3	✓	✓
31	Displaying any feature on private hire vehicle that may suggest that it is a Hackney Carriage	6	✓	✓
32	Using a vehicle, the appearance of which suggests that it is a Taxi	6	✓	✓
33	Failure to carry an assistance dog without requisite medical exemption certificate	12	✓	✓
34	Driver not holding a current DVLA licence	12	✓	✓
35	Failure to have the driver's badge clearly displayed on their person and in the vehicle as required by the Code of Conduct	4	✓	
36	Failure to notify, in writing, a change in medical circumstances	6	✓	✓
37	Driver dressed inappropriately	4	✓	
38	Failure to observe rank discipline (HC)	3	✓	
39	Failure to maintain proper records of private hire vehicles	3		✓
40	Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced	6		✓
41	Failure to notify, in writing, change in details of operator working for			
42	Misleading use of the words 'Taxi' or 'Cab' on advertising materials	3		✓
43	Failure to issue receipt on request.	6	✓	✓
44	Using a licensed vehicle in a dangerous condition	9	✓	✓
45	Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspensions of such licence	4		✓
46	Unsatisfactory behaviour or conduct of a driver.	1-12*	✓	
47	Failure to notify the Council in writing, of any motoring or criminal convictions within 72 hours or conviction or cautions during period of current licence	6	✓	✓
48	Failure to behave in a civil and orderly manner, or bringing the trade into disrepute.	1-12*	✓	✓
49	Failure to provide reasonable assistance to a passenger	1-12*	✓	✓
50	Failure to display a correct up to date fare card (HC)	3	✓	✓
51	Carrying two or more separate fares without the appropriate consent	9	✓	

52	Failure to carry a legal spare wheel (or appropriate alternative) and the necessary tools to fit the spare wheel	4	✓	✓
53	Failure to attend punctually at appointed time and place without sufficient cause This includes application appointments	4	✓	✓
54	A licensed vehicle with a bald or dangerous or defective tyre	4 per tyre	✓	✓
55	Failure to submit licence renewal application including documents and attendance at a vehicle inspection	6	✓	✓
56	Failure to display an applicable fare card AND the Councils valid fare card together	3	✓	✓
57	Waiting or stopping on a double yellow area, bus stop or private land (without the owner's permission) unless requested by a paying customer present in the vehicle	3	✓	
58	Driving whilst using a mobile phone	9	✓	
59	Appeal of points by way of Public Protection Sub-Committee	4-12*	✓	✓

*- discretionary points up to a maximum of 6 points can be issued by officers, but greater awards of points can only be issued by the Public Protection Sub-Committee

Officers may refer any mandatory award of points to Members where there are aggravating features to any case

Ticks indicate potential recipients of points for infringements, but are not limited to those only. Certain cases may result in drivers and/or proprietors and/or operators receiving penalty points. Points may be awarded to one or several persons depending upon the circumstances of the case, but each case will be considered on its individual merits.

Introduction

- 1.0 Hackney Carriage and Private Hire Operators, drivers and vehicles are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, Councils Byelaws and the Rules, Regulations and Conditions set by the Public Protection Sub-Committee.
- 2.0 Should operators, drivers or proprietors of vehicles commit an offence or breach those rules, regulations or conditions of licence, persons involved are asked to attend the offices for an interview and then once investigations are completed, letters are sent out detailing the outcome and a permanent record kept on the persons' file. The outcome of investigations may result in no further action being taken, penalty points being awarded, a formal warning, referral to the Public Protection Sub-Committee and /or prosecution.
- 3.0 The aim of a penalty point scheme is to work in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of drivers, vehicle proprietors and operator's behaviour and conduct so as to ascertain whether they are a fit and proper person. It does not prejudice the Council's ability to take other actions.
- 4.0 The primary objective of the penalty point's scheme is to improve levels of compliance and help improve the standards, safety and protection of the travelling public.
- 5.0 Penalty points remain on the licensee's record for twenty four months. The period is a roll forward basis, so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licensee.

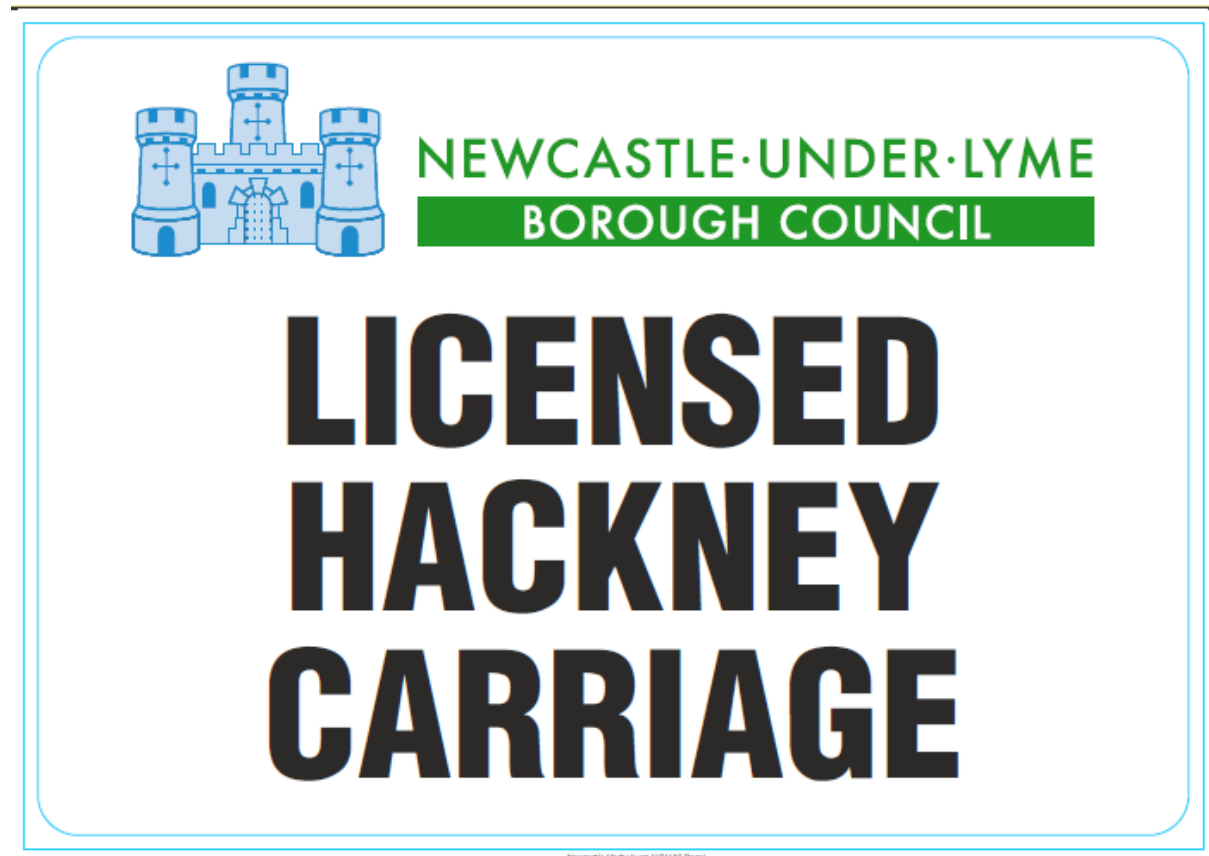
Issue of Penalty Points

- 6.0 Complaints from the public concerning significant breaches of conduct will be subject to investigation by officers and may be reported to the Public Protection Sub-Committee for the issue of discretionary points.
- 7.0 Where a licensee accumulates 12 or more penalty points in any 24 month period, the matter will be referred to the Council's Public Protection Sub-Committee for the Committee to decide whether the licensee remains a fit and proper person. The Committee may then suspend or revoke a licence, or issue a warning to the Licensee, depending on the circumstances. Periods of suspension of a licence by a Committee will be dependent on the nature of the breaches of the legislation/conditions and the compliance history of the individual. Suspension periods will normally vary between 7 to 31 days.
- 8.0 Penalty Points will remain current for 24 months from the date the penalty points were issued. Points issued to either the proprietor of a vehicle, operator or a driver will be confirmed in writing normally within 10 working days of the conclusion of the investigation into the contravention.
- 9.0 The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws and regulations.
- 10.0 Any disputes regarding the issuing of penalty points will be referred to Public Protection Sub-Committee who will have the discretion to award a greater number of points than displayed on the tariff, if the complaint is upheld. Drivers or Operators must appeal *against points awarded by officers* to the Public Protection Sub-Committee within 21 days of them being issued.
- 11.0 If points are issued to a proprietor/driver or operator by the Council for a matter which is also a criminal offence, e.g. bald tyres, no badge, those person (s) will not be the subject of a prosecution for that offence by the Council.

Appendix M

Vehicle Door Signage

Example for HCV:



Example for PHV:



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of the Local Government Act 1972.

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