

**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.

**Decision 2 – English speaking and writing requirement for drivers (Standards) – Only relevant if Option 1, 2b or 2c is decided for Decision 1 above.**

Relevant Sections in original draft proposal:

Section 3.2 and Appendix C

Options to be considered:

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:
  - 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

Reasons for Recommendation or Preferred Option:

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.

**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.

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.

UK NARIC is the UK's National Agency responsible for providing information and opinions on academic qualifications from across the world.

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 its merits.

**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 8years for ‘saloon taxis’, 10 years for purpose built/wheelchair accessible/fully electric vehicles, and 15years 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.