

# Eastbourne Licensing Committee 5 December 2023



Working in partnership with **Eastbourne Homes**

Time and venue:

6.00 pm in the Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG

Membership:

Councillor Amanda Morris (Chair); Councillors Daniel Butcher (Deputy-Chair) Kathy Ballard, Colin Belsey, Andy Collins, Penny di Cara, Nigel Goodyear, Jane Lamb, Anita Mayes, Hugh Parker, Teri Sayers-Cooper and Jenny Williams

Quorum: 3

*Published: Monday, 27 November 2023*

## Agenda

1 Minutes of the meeting held on 26 June 2023 (Pages 5 - 8)

2 Apologies for absence/declaration of substitute members

3 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.

4 Questions by members of the public

On matters not already included on the agenda and for which prior written notice has been given (total time allowed 15 minutes).

5 Urgent items of business

The Chair to notify the Committee of any items of urgent business to be added to the agenda.

6 Right to address the meeting/order of business

The Chair to report any requests received to address the Committee from a member of the public or from a Councillor in respect of an item listed below and to invite the Committee to consider taking such items at the commencement of the meeting.

One spokesperson is permitted to speak for 3 minutes and must register by 12noon on Friday, 1<sup>st</sup> December 2023. Email: [committees@lewes-eastbourne.gov.uk](mailto:committees@lewes-eastbourne.gov.uk)

Note: Normally only one speaker is allowed to address the Committee on an item for three minutes and that one person should act as spokesperson for the group. No more than one speaker can be allowed except in exceptional circumstances with prior agreement of the Chair at the registration deadline.

**7 Approval of Licensing Fees 2024/2025 (Pages 9 - 24)**

Report of the Director of Service Delivery

**8 Hackney Carriage and Private Hire Guidance Consultation Results (Pages 25 - 228)**

Report of the Director of Service Delivery

**9 Date of the next meeting**

To note that the next meeting of the Licensing Committee is scheduled to be held on Monday, 15 January 2024 at 6:00pm.

Any additional meetings of the Committee will be scheduled as and when required.

## Information for the public

### Accessibility:

Please note that the venue for this meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired. If you would like to use the hearing loop please advise Democratic Services (see below for contact details) either in advance of the meeting or when you arrive so that they can set you up with the relevant equipment to link into the system.

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### Public participation:

Please contact Democratic Services (see end of agenda) for the relevant deadlines for registering to speak on a matter which is listed on the agenda if applicable.

## Information for Councillors

### Disclosure of interests:

Members should declare their interest in a matter at the beginning of the meeting.

In the case of a disclosable pecuniary interest (DPI), if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported

to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

**Councillor right of address:**

Councillors wishing to address the meeting who are not members of the committee must notify the Chairman and Democratic Services in advance (prior to the start of the meeting), with the exception of Planning Committee meetings where registering to speak must be made in accordance with the relevant public speaking rules set out in the Council's constitution.

## **Democratic Services**

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Working in partnership with **Eastbourne Homes**

## **Eastbourne Licensing Committee**

**Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 26 June 2023 at 6.00 pm.**

### **Present:**

Councillor Amanda Morris (Chair).

Councillors Daniel Butcher (Deputy-Chair), Kathy Ballard, Penny di Cara, Nigel Goodyear, Hugh Parker, Teri Sayers-Cooper and Jenny Williams.

### **Officers in attendance:**

Jo Dunk (Lead for Regulatory Services), Tim Whelan, Director of Service Delivery, Michele Wilkinson (Lawyer – Housing & Regulatory), Sarah Lawrence (Committee Team Manager) and Emily Horne (Committee Officer).

### **1 Introductions**

Members of the Committee and Officers present introduced themselves via roll call during the meeting.

### **2 Minutes of the meeting held on 16 January 2023**

The minutes of the meeting held on 16 January 2023 were submitted and approved, and the Chair was authorised to sign them as a correct record.

### **3 Apologies for absence/declaration of substitute members**

Apologies for absence had been received from Councillors Colin Belsey, Andy Collins, Jane Lamb and Anita Mayes.

### **4 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.**

There were none.

### **5 Questions by members of the public**

There were none.

**6 Urgent items of business**

There were none.

**7 Right to address the meeting/order of business**

There were none.

**8 Amendments to the Hackney Carriage and Private Hire Licensing Guidance**

The Committee considered the report of the Director of Service Delivery to review the Hackney Carriage and Private Hire Licensing Guidance and to progress a six-week public consultation as part of an annual review.

Appended to the report at Appendix 1 was the Eastbourne Borough Council Hackney Carriage and Private Hire Licensing Guidance.

The Regulatory Services Lead (RSL) presented the report highlighting suggested changes to the Guidance.

Members' questions included:

- Could the consultation list be extended to include: schools, Mencap, Eastbourne Blind Society, women's organisations involving refugees etc.? Officers confirmed they would take the request on board.
- Had there been a form of consultation before this meeting and would the whole of the Guidance be open to review? Officers confirmed that there had been some discussions with the Trade which had led to some suggestions for revision within the Guidance, as highlighted in the Appendix but that was not a formal consultation process. Further that the whole of the Guidance was amenable to review.
- Who will pay for the CCTV downloads, oversee it and ensure equipment was functioning at all times? Officers confirmed there was a choice of five approved suppliers from which drivers could choose. CCTV could not be downloaded by the driver and any tampering may be treated as a criminal offence. The Local Authority would be the data controller when the implementation date became effective and would contact a driver directly to view the CCTV footage. It was the driver's responsibility to ensure the CCTV camera was switched on whilst they were operating and there would be measures in place to verify the CCTV was working i.e. spot checks and annual checks for data protection purposes.
- Have the Police commented and have there been any incidents that have been resolved as a result of CCTV? The Director of Service Delivery read a statement from Inspector Burrows which referred to the benefits of CCTV.
- Would there be a payment plan to help drivers with the cost of implementing CCTV? Officers confirmed there was no financial support

the authority could provide. However, one supplier would offer the option of leasing the equipment. CCTV units would cost around £500 which could be tax deductible and personal business loans might be available in addition to the leasing option. In addition, the trade had had a considerable time to prepare for the change, so the cost was not a surprise.

- What potential impact could CCTV have in relation to drivers either leaving the industry or not joining? Officers confirmed the Licensing Committee had agreed in principle for CCTV to be used subject to further research being undertaken regarding potential costs and the implementation date would be 31 October 2023.
- What was the feedback from the previous consultation process that determined that CCTV should be required? Officers advised that 5,000 people had engaged in the 8 week consultation process. The Department of Transport standards were as a result of concerns concerning abuse of position in the trade. Safeguarding and Disability training had already been implemented and there would be a need for an enhanced DBS for each driver at 6 months. Following feedback from the trade, the suppliers have been extended from three to five with some drivers having already implemented CCTV systems with one of the suppliers.
- Who is the data controller for the existing systems? Officers confirmed the drivers were the data controllers for the existing systems and the Local Authority would be from the implementation date.
- Has a Data Protection Impact Assessment been done? Officers confirmed that a DPIA had been undertaken.
- Had the Licensing Committee, who had previously made the decision on CCTV, decided not to include audio? Officers advised the Information Commissioner did not recommend the use of audio, as referred to in the officer's report. Some authorities in the UK have been subject to an investigation as a result of using audio.
- Have there been any concerns from drivers regarding the implementation of the DBS and the revised disability legislation? Officers confirmed the 6 monthly enhanced DBS through the National Disclosure Barring Service (NDBS) costs £13, on average it would cost £65. The guidance had been amended to reflect it was now a requirement for drivers to sign up to the DBS within 30 days of receiving their certificate. To date, 60%-70% of drivers had signed up within the year, the remaining 30% had not signed up despite it being cheaper via the NDBs. The trade had asked for further guidance on the legislative changes and that suggestion had been included as a potential revision in the Guidance.

Councillor Parker proposed that the Committee agrees the officer recommendations as listed in the report. This was seconded by Councillor Ballard.

**RESOLVED (Unanimous) that the Licensing Committee:**

1. Reviews and notes the proposed Eastbourne Borough Council Hackney

Carriage and Private Hire Licensing Guidance.

2. Authorises the Senior Specialist Advisor to start a six week consultation with the taxi trade, partner agencies and the public regarding changes to the guidance and about wheelchair access transportation in the community.
3. Agrees that the results of the consultation be reported to a subsequent meeting of the Licensing Committee, unless only minor changes are proposed as a result of the consultation responses, in which case any changes may be made by the Lead for Regulatory Services in consultation with the Chair of the Licensing Committee.

**9 Date of the next meeting**

It was noted that the next meeting of the Licensing Committee was scheduled to commence at 6:00pm on Monday, 15 January 2024. Any additional meetings of the Committee would be scheduled as and when required.

The meeting ended at 6.38 pm

Councillor Amanda Morris (Chair)



<b>Report to:</b>	<b>Licensing Committee</b>
<b>Date:</b>	<b>5<sup>th</sup> December 2023</b>
<b>Title:</b>	<b>Approval of Licensing Fees 2024/25</b>
<b>Report of:</b>	<b>Director of Service Delivery</b>
<b>Ward(s):</b>	<b>All</b>
<b>Purpose of report:</b>	<b>To recommend the licensing fees proposed within the Appendix 1 to apply from 1 April 2024</b>
<b>Officer recommendation(s):</b>	<b>Members to consider and approve the Licensing fees to apply from 1 April 2024, proposed in Appendix 1, and recommend approved fees to Full Council</b>
<b>Reasons for recommendations:</b>	<b>To ensure that the licensing fees are approved by the Licensing Committee</b>
<b>Contact Officer(s):</b>	<b>Name: Joanna Dunk Post title: Regulatory Services Lead E-mail: jo.dunk@lewes-eastbourne.gov.uk Telephone number: 07920251841</b>

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## **1 Introduction**

- 1.1 Licensing fees should be considered by the Licensing Committee and then be recommended to Full Council. The table at 2.5 summarises the predicted income for 2024/25 together with the estimated financial impact of the fees proposed to apply from 1 April 2024, as detailed in Appendix 1.
- 1.2 The Council as the Licensing Authority is responsible for administering a number of statutory and discretionary licensing regimes. Certain licensing fees and charges are prescribed by central Government, as highlighted in the table below. Changes to the level of fees and charges set by central Government are implemented as and when issued by the appropriate Department and communicated to service users through appropriate channels e.g. the Council's website. Central Government has not, to date, announced any change in these fees for 2024/25. Other fees, as highlighted in the table below are set locally by Members.
- 1.3 Some general principles apply to those fees set locally:
- they cannot be used to generate a profit, and any surplus should be identified and carried over to the following year;
  - it is acceptable to carry forward deficits from previous year;
  - income from licence fees may only be spent on the specific regime from which they were generated;
  - fees may not be discriminatory or to be used as an economic deterrent.

## 2 Financial Overview

2.1 2023-2024 has proved challenging for the Licensing Authority to meet the demand of delivering a broad service within Eastbourne Borough Council.

2.2 There has been a further increase in demands particularly arising from the updated Hackney and Private Hire Guidance and CCTV implementation as well as work to tackle challenges relating to the night time economy.

2.3 Members are asked to consider an increase in some fees to meet the increased costs of delivering service. The proposed schedule of fees and charges is set out in Appendix 1

2.4 The fees and charges were increased last year to meet inflations and the costs for the service. The Authority is carrying a deficit of at year end 2022/23 £79,064.

2.5 **Estimated financial impact of the fees proposed to apply from 1 April 2024 – 31 March 2025**

<b>Eastbourne Borough Council Services</b>	<b>Budgeted income estimate for 2023/24 £</b>	<b>Additional income forecast 2024/25 £</b>	<b>2024/2025 indicative income forecast £</b>
<b>Discretionary charges (i.e. where fees are set by Eastbourne Borough Council)</b>			
Taxi Licensing	240,150	34,754	274,904
Environmental Health (Includes Skin Piercing)	8,300	415	8,715
Gambling Act 2005	13,550	0	13,550
Animal Welfare	1,100	55	1,155
Miscellaneous Licences (Street Trading)	2,400	120	2,520
<b>Total Discretionary Charges</b>	<b>265,500</b>	<b>35,344</b>	<b>300,844</b>
<b>Statutory charges (i.e. where fees are prescribed by Government)</b>			
Licensing Act 2003	103,000	0	103,300
Miscellaneous Licences (Scrap Metal)	5,100	0	5,100
<b>Total Statutory Charges</b>	<b>108,400</b>	<b>0</b>	<b>108,400</b>
<b>Total income estimates</b>	<b>£373,900</b>	<b>£35,344</b>	<b>£409,244</b>

### **3 Financial Significant Changes Impact**

- 3.1 Taking the continued increasing costs of the service a further increase in fees is proposed of 5% for most areas of Licensing to meet the costs of delivering this service area. This is also includes another resource to meet demands in administering taxi and private hire CCTV.

### **4 Financial appraisal**

- 4.1 The council as the Licensing Authority is responsible for administering several statutory and discretionary licensing regimes. 2023-2024 has proved challenging for the Licensing Authority to meet the demand of delivering a broad service within Eastbourne Borough Council. Taking the continued increasing costs of the service a further increase in fees is proposed of 5% for most areas of Licensing to meet the costs of delivering this service area. The proposed increase will result in an estimated increase in income of £35,344.

### **5 Legal implications**

- 5.1 Licensing fees must be charged in accordance with the requirements of the particular legislation and the relevant case law. Members are asked to note that some fees are set by central Government, and some are locally set – as indicated in this Report.
- 5.2 Members are asked to note that case law has established that if there is any surplus or deficit in the fees generated then that must be taken into account when setting the following year's fees.
- 5.3 The Legal Section considered this Report on xxx (IKEN 12469-EBC-MW).

### **6 Risk management implications**

- 6.1 No relevance.

### **7 Equality analysis**

- 7.1 No relevance.

### **8 Environmental sustainability implications**

- 8.1 No relevance.

### **9 Appendices**

- 9.1 Appendix 1 – Proposed Licensing Fees and Charges 2024-2025.

### **10 Background papers**

- 10.1 None.

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## Appendix 1 - Eastbourne Borough Council Fees and Charges Proposals 2024/25

By Service and Activity

### **ENVIRONMENTAL HEALTH LICENSING**

Acupuncture, tattooing, ear piercing  
and electrolysis (Personal)

90.00

94.50

e

4.50

5%

Acupuncture, tattooing, ear piercing  
and electrolysis (Premises)

140.00

147.00

e

7.00

5%

Acupuncture, tattooing, ear piercing  
and electrolysis (Premises +  
Personal)

230.00

241.50

e

11.50

5%

Amendment to registered premises

-

-

e

0.00

0%

Replacement certificate

-

-

e

0.00

0%

**Total Estimated Annual Income**

**8,300.00**

**8,715.00**

### **MISC LICENSING**

Street Trading

Application Fee

25.00

26.25

e

1.25

5%

Daily rate

30.00

31.50

e

1.50

5%

Weekly Rate

175.00

183.75

e

8.75

5%

Annual Rate

475.00

498.75

e

23.75

5%

Market Operators

475.00

498.75

e

23.75

5%

Pavement Licences

75.00

78.75

e

3.75

5%

**Total Estimated Annual Income**

**2,400.00**

**2,520.00**

Concessions	Event by a charity (inc street collections)	Free upon approval from Licensing Officer	Free upon approval from Licensing Officer	e	0.00	0%
Scrap Metal Dealers Act 2013	Site Licence - New	375.00	375.00	e	0.00	0%
	Site Licence - Renewal	375.00	375.00	e	0.00	0%
	Collector - New	255.00	255.00	e	0.00	0%
	Collector - Renewal	255.00	255.00	e	0.00	0%
	Licence Variation	75.00	75.00	e	0.00	0%
Stage Hypnotism	Not Listed	-	-	e	0.00	0%
Sex Establishments	Initial Grant of Licence	3,600.00	3,600.00	e	0.00	0%
	Annual Renewal	2,050.00	2,050.00	e	0.00	0%
	Variation	1,800.00	1,800.00	e	0.00	0%
Zoo Licensing Act 1981	Not Listed	-	-	e	0.00	0%
Guard Dogs Act 1975	Not Listed	-	-	e	0.00	0%
Dangerous Wild Animals Act 1976	Application + Vet fee	750.00	750.00	e	0.00	0%
	Renewal + Vet fee	250.00	250.00	e	0.00	0%
	Variation + Vet fee	200.00	200.00	e	0.00	0%
<b>Total Estimated Annual Income</b>		<b>5,100.00</b>	<b>5,100.00</b>			
<b><u>TAXI LICENSING</u></b>	Visit <a href="http://www.lewes-eastbourne.gov.uk">www.lewes-eastbourne.gov.uk</a> for access to our guidance that outlines additional services provided by other organisations					

Drivers License Application Fee (including DBS check, Knowledge Test and English language Test)		237.50		11.00	
Knowledge Test Hackney & Private Hire - Retest		226.50	e	5%	
English Language Test - Retest		50.00	e	5%	52.50 2.50
Additional DBS fee for Drivers only Hackney Carriage and Private Hire Driver's Licence (Renewal)	2 per Annum 1 Year - Exceptional circumstances apply	72.00	e	5%	75.50 3.50
Hackney Carriage and Private Hire Driver's Licence (Renewal)	3 Years	144.00	e	5%	151.00 7.00
Hackney Carriage and / or Private Hire Vehicle Licence	Exceptional circumstances apply	116.50	e	5%	122.50 6.00
Private Hire Operator Licence 1 Year up to 5 Vehicles	Exceptional circumstances apply	350.00	e	5%	367.50 17.50
Private Hire Operator Licence 1 Year 6 - 10 Vehicles	Exceptional circumstances apply	185.00	e	5%	195.00 10.00
Private Hire Operator Licence 1 Year 11 - 20 Vehicles	Exceptional circumstances apply	70.00	e	0%	70.00 0.00
Private Hire Operator Licence 1 Year 21 - 40 Vehicles	Exceptional circumstances apply	110.00	e	0%	110.00 0.00
Private Hire Operator Licence 1 Year 41 - 80 Vehicles	Exceptional circumstances apply	160.00	e	0%	160.00 0.00
Private Hire Operator Licence 1 Year 81-100 Vehicles	Exceptional circumstances apply	260.00	e	0%	260.00 0.00
		456.00	e	0%	456.00 0.00
		560.00	e	0%	560.00 0.00

Private Hire Operator Licence 1 Year 101+ Vehicles	Exceptional circumstances apply	700.00	700.00	e	0.00	0%
Private Hire Operator Licence 5 Year up to 5 Vehicles		350.00	350.00	e	0.00	0%
Private Hire Operator Licence 5 Year 6 - 10 Vehicles		550.00	550.00	e	0.00	0%
Private Hire Operator Licence 5 Year 11 - 20 Vehicles		800.00	800.00	e	0.00	0%
Private Hire Operator Licence 5 Year 21 - 40 Vehicles		1,300.00	1,300.00	e	0.00	0%
Private Hire Operator Licence 5 Year 41 - 80 Vehicles		2,280.00	2,280.00	e	0.00	0%
Private Hire Operator Licence 5 Year 81-100 Vehicles		2,800.00	2,800.00	e	0.00	0%
Private Hire Operator Licence 5 Year 101+ Vehicles		3,500.00	3,500.00	e	0.00	0%
New / Replacement of Lost /Damaged Licence Plates (External)		44.50	46.50	e	2.00	4%
New / Replacement of Lost /Damaged Licence Plates (Internal)		11.00	11.55	e	0.55	5%
New / Replacement Doorsigns		27.50	28.50	e	1.00	4%
Replacement of Driver's Badge		11.00	11.55	e	0.55	5%
Transfer of Licence Plate to Different Vehicle (Hackney)		41.50	43.50	e	2.00	5%
Transfer of Licence Plate to Different Vehicle (Private Hire)		41.50	43.50	e	2.00	5%
Transfer of Ownership (Hackney)		41.50	43.50	e	2.00	5%
Transfer of Ownership (Private Hire)		41.50	43.50	e	2.00	5%
Vehicle Change of Use	From Private Hire to Hackney		43.50		2.00	
	Carriage and vice versa	41.50		e		0%
Change of Address		11.00	11.55	e	0.55	0%



Missed Appointment	-	-	e	0.00	0%
<b>Total Estimated Annual Income</b>	<b>240,150.00</b>	<b>274,904.00</b>			

**LICENSING ACT 2003**

**Premises Licence and Club Premises Certificates**

Statutory fees apply as shown below

(Licence fees are linked to non-domestic rateable value of the premises)

Application Fee	Band A	100.00	100.00	e	0.00	0%
	Band B	190.00	190.00	e	0.00	0%
	Band C	315.00	315.00	e	0.00	0%
	Band D	450.00	450.00	e	0.00	0%
	Band E	635.00	635.00	e	0.00	0%
Annual Charge	Band A	70.00	70.00	e	0.00	0%
	Band B	180.00	180.00	e	0.00	0%
	Band C	295.00	295.00	e	0.00	0%
	Band D	320.00	320.00	e	0.00	0%
	Band E	350.00	350.00	e	0.00	0%
Minor variation application		89.00	89.00	e	0.00	0%
Dis Application DPS		23.00	23.00	e	0.00	0%
Personal Licence		37.00	37.00	e	0.00	0%
Tempory Event Notice		21.00	21.00	e	0.00	0%
Theft, loss etc of premises licence summary		10.50	10.50	e	0.00	0%
Application for a provisional statement where premises being built etc.		315.00	315.00	e	0.00	0%
Notice of change of name or address		10.50	10.50	e	0.00	0%



Animal Welfare Regs 2018 Dog Day Care		250.00		262.50	e	12.50	5%
Animal Welfare Regs 2018 Sale of animals		277.50		291.38	e	13.88	5%
Animal Welfare Regs 2018 Breeding Dogs	Vet Fee + 1st inspection only	277.50		291.38	e	13.88	5%
Animal Welfare Regs 2018 Cat and Dog Home Boarding		250.00		262.50	e	12.50	5%
Animal Welfare Regs 2018 Horses (upto 10)	Vet Fee +	277.50		291.38	e	13.88	5%
Animal Welfare Regs 2018 Horses (between 11and 20)	Vet Fee +	350.00		367.50	e	17.50	5%
Animal Welfare Regs 2018 Horses (More than 20)	Vet Fee +	460.00		483.00	e	23.00	5%
Animal Welfare Regs 2018 Keeping or training animals		161.00		169.05	e	8.05	5%
Animal Welfare Regs 2018 Dog Day Care ADDITIONAL ACTIVITY		76.50		80.33	e	3.83	5%
Animal Welfare Regs 2018 Sale of animals ADDITIONAL ACTIVITY		101.00		106.05	e	5.05	5%
Animal Welfare Regs 2018 Breeding Dogs ADDITIONAL ACTIVITY		112.00		117.60	e	5.60	5%
Animal Welfare Regs 2018 Cat and Dog Home Boarding ADDITIONAL ACTIVITY		65.50		68.78	e	3.28	5%
Animal Welfare Regs 2018 Horses (upto 10) ADDITIONAL ACTIVITY		118.50		124.43	e	5.93	5%
Animal Welfare Regs 2018 Horses (between 11 and 20) ADDITONAL ACTIVITY		136.50		143.33	e	6.82	5%
Animal Welfare Regs 2018 Horses (More than 20) ADDITIONAL ACTIVITY		278.50		292.43	e	13.93	5%

Animal Welfare Regs 2018 Keeping or training animals ADDITIONAL ACTIVITY		53.55		2.55	
	51.00		e		5%
Animal Welfare Regs 2018 Dog Day Care PLV	153.00	160.65		7.65	5%
			e		
Animal Welfare Regs 2018 Sale of animals PLV	160.00	168.00		8.00	5%
			e		
Animal Welfare Regs 2018 Breeding Dogs PLV	173.00	181.65		8.65	5%
			e		
Animal Welfare Regs 2018 Cat and Dog Home Boarding PLV	125.00	131.25		6.25	5%
			e		
Animal Welfare Regs 2018 Horses (up to 10) PLV	180.00	189.00		9.00	5%
			e		
Animal Welfare Regs 2018 Horses (between 11 and 20) PLV	196.50	206.33		9.82	5%
			e		
Animal Welfare Regs 2018 Horses (More than 20) PLV	338.50	355.43		16.93	5%
			e		
Animal Welfare Regs 2018 Keeping or training animals PLV	161.00	169.05		8.05	5%
			e		
Animal Welfare Regs 2018 Dog Day Care RESCORE	127.50	133.88		6.38	5%
			e		
Animal Welfare Regs 2018 Sale of animals RESCORE	112.00	117.60		5.60	5%
			e		
Animal Welfare Regs 2018 Breeding Dogs RESCORE	123.00	129.15		6.15	5%
			e		
Animal Welfare Regs 2018 Cat and Dog Home Boarding RESCORE	100.00	105.00		5.00	5%
			e		
Animal Welfare Regs 2018 Horses (up to 10) RESCORE	130.00	136.50		6.50	5%
			e		
Animal Welfare Regs 2018 Horses (between 11 and 20) RESCORE	147.50	154.88		7.38	5%
			e		
Animal Welfare Regs 2018 Horses (More than 20) RESCORE	290.00	304.50		14.50	5%
			e		

Animal Welfare Regs 2018 Keeping or training animals RESCORE		-	-	e	0.00	0%
Animal Welfare Regs 2018 Dog Day Care APPEAL		91.00	95.55	e	4.55	5%
Animal Welfare Regs 2018 Sale of animals APPEAL		79.00	82.95	e	3.95	5%
Animal Welfare Regs 2018 Breeding Dogs APPEAL		96.50	101.33	e	4.83	5%
Animal Welfare Regs 2018 Cat and Dog Home Boarding APPEAL		66.50	69.83	e	3.33	5%
Animal Welfare Regs 2018 Horses (up to 10) APPEAL		96.50	101.33	e	4.83	5%
Animal Welfare Regs 2018 Horses (between 11 and 20) APPEAL		114.50	120.23	e	5.72	5%
Animal Welfare Regs 2018 Horses (More than 20) APPEAL		256.50	269.33	e	12.83	5%
Animal Welfare Regs 2018 Keeping or training animals APPEAL		-	-	e	0.00	0%
<b>Total Estimated Annual Income</b>		<b>1,100.00</b>	<b>1,155.00</b>			
<b><u>GAMBLING ACT 2003</u></b>						
<u>Lotteries (Statutory Fee)</u>	Initial	40.00	40.00	e	0.00	0%
	Renewal	20.00	20.00	e	0.00	0%
<u>Gaming Machines (Licensed Premises - Licensing Act 2003)</u>	Statutory Fees					
Notify Licensing Authority of intention to provide a maximum of 2 gaming machines - category C and/or D		50.00	50.00	e	0.00	0%
New licensed premises gaming permit		150.00	150.00	e	0.00	0%
Vary an existing licensed premises gaming permit		100.00	100.00	e	0.00	0%

Transfer an existing licensed premises gaming permit		25.00		25.00	e	0.00	0%
Annual Fee (Permits over 2 machines)		50.00		50.00	e	0.00	0%
<u>Bingo Premises Licence</u>	Statutory Fees						
Annual Fee		800.00		800.00	e	0.00	0%
Application to vary a licence		1,500.00		1,500.00	e	0.00	0%
Application to transfer a licence		1,000.00		1,000.00	e	0.00	0%
Application for reinstatement of a licence		1,000.00		1,000.00	e	0.00	0%
Application for provisional statement		2,700.00		2,700.00	e	0.00	0%
Application for a new premises licence		2,700.00		2,700.00	e	0.00	0%
Application for a new premises licence (Provisional Statement Holder)		1,000.00		1,000.00	e	0.00	0%
<u>Adult gaming centre premises licence</u>	Statutory Fees						
Annual Fee		800.00		800.00	e	0.00	0%
Application to vary a licence		800.00		800.00	e	0.00	0%
Application to transfer a licence		1,000.00		1,000.00	e	0.00	0%
Application for reinstatement of a licence		1,000.00		1,000.00	e	0.00	0%
Application for provisional statement		1,500.00		1,500.00	e	0.00	0%
Application for a new premises licence		1,500.00		1,500.00	e	0.00	0%
Application for a new premises licence (Provisional Statement Holder)		1,500.00		1,500.00	e	0.00	0%
<u>Club Gaming/Machine Permit</u>	Statutory Fees						
Application for a new permit		200.00		200.00	e	0.00	0%
Application for a permit (Club Premises Certificate Holder)		100.00		100.00	e	0.00	0%

Application for a permit (Existing Operator))		100.00	e	0.00	0%
Application to vary a permit		100.00	e	0.00	0%
Renewal		200.00	e	0.00	0%
Renewal (Club Premises Certificate Holder)		100.00	e	0.00	0%
Annual Fee		50.00	e	0.00	0%
Copy of Permit		15.00	e	0.00	0%
<u>Betting premises (Track licence)</u>	Statutory Fees				
Annual Fee		800.00	e	0.00	0%
Application to vary a licence		1,000.00	e	0.00	0%
Application to transfer a licence		800.00	e	0.00	0%
Application for reinstatement of a licence		800.00	e	0.00	0%
Application for provisional statement		2,000.00	e	0.00	0%
Application for a new premises licence		2,000.00	e	0.00	0%
Application for a new premises licence (Provisional Statement Holder)		800.00	e	0.00	0%
<u>Betting premises (other) licence</u>	Statutory Fees				
Annual Fee		500.00	e	0.00	0%
Application to vary a licence		1,200.00	e	0.00	0%
Application to transfer a licence		1,000.00	e	0.00	0%
Application for reinstatement of a licence		1,000.00	e	0.00	0%
Application for provisional statement		2,300.00	e	0.00	0%
Application for a new premises licence		2,300.00	e	0.00	0%
Application for a new premises licence (Provisional Statement Holder)		1,000.00	e	0.00	0%

<u>Temporary use notice</u>		250.00	250.00	e	0.00	0%
Family entertainment centre premises licence	Statutory Fees					
Annual Fee		600.00	600.00	e	0.00	0%
Application to vary a licence		800.00	800.00	e	0.00	0%
Application to transfer a licence		800.00	800.00	e	0.00	0%
Application for reinstatement of a licence		800.00	800.00	e	0.00	0%
Application for provisional statement		1,500.00	1,500.00	e	0.00	0%
Application for a new premises licence		1,500.00	1,500.00	e	0.00	0%
Application for a new premises licence (Provisional Statement Holder)		800.00	800.00	e	0.00	0%
<u>Family Entertainment Centre Gaming Machine Permit</u>	Statutory Fees					
Application for a new permit		300.00	300.00	e	0.00	0%
Renewal		300.00	300.00	e	0.00	0%
Application to Substitute name		25.00	25.00	e	0.00	0%
Copy of permit		15.00	15.00	e	0.00	0%
<b>Total Estimated Annual Income</b>		<b>13,550.00</b>	<b>13,550.00</b>			



# Agenda Item 8

<b>Report to:</b>	<b>Licensing Committee</b>
<b>Date:</b>	<b>5<sup>th</sup> December 2023</b>
<b>Title:</b>	<b>Hackney Carriage and Private Hire Guidance Consultation Results</b>
<b>Report of:</b>	<b>Director of Service Delivery</b>
<b>Ward(s):</b>	<b>All</b>
<b>Purpose of report:</b>	<b>1) To report the findings of the consultation on the proposed changes to Eastbourne Borough Council Hackney Carriage and Private Hire Licensing Guidance (“the Guidance”).</b> <b>2) To agree a final Guidance document to be adopted on a date to be agreed.</b>
<b>Officer recommendation(s):</b>	<b>1) That the Committee considers the consultation responses received.</b> <b>2) That the Committee considers if changes are to be made to the Guidance following the results of the public consultation.</b> <b>3) That the Committee delegates the Lawyer to discuss points raised in Appendix C (part of Appendix 2) with those making the submissions and seek to agree changes.</b> <b>4) That the Committee delegates the Senior Specialist Advisor to take the necessary steps to implement any changes, produce a final Guidance and publish it on a date to be agreed with the Chair of the Licensing Committee.</b> <b>5) That the Committee agrees that the Guidance should be reviewed every three years.</b>
<b>Reasons for recommendations:</b>	<b>The consultation sought views on changes to the Guidance following feedback received from the trade and changes deemed appropriate by officers.</b>
<b>Contact Officer(s):</b>	<b>Name: Jo Dunk</b> <b>Post title: Lead for Regulatory Services</b> <b>E-mail: jo.dunk@lewes-eastbourne.gov.uk</b> <b>Telephone number: 07342065628</b>

## **1 Introduction**

- 1.1 This Committee meeting follows on from the Licensing Committee on 26th June 2023, which having regard to the proposed changes to the Guidance, agreed that the revised Guidance should be consulted on for a 6-week period. It was also agreed that the results of that consultation should be brought back to a subsequent Licensing Committee, unless only minor changes were proposed following the consultation, in which case those could be dealt with by the Lead for Regulatory Services in consultation with the Chair of Licensing. Members are asked to note that it is considered appropriate for all changes to be considered by the Licensing Committee.
- 1.2 Members are asked to note that the Licensing Committee on 16th January 2023, considered having an annual review of the Guidance. Having followed this process this year, on reflection, it is a task which takes up some significant time. Therefore, Members are asked to consider that a review of the Guidance takes place every three years. Members are asked to note that in the Statutory Taxi and Private Hire Vehicle Standards (July 2020), to which Members should have regard, it is advised that Licensing Authorities should review their licensing policies every five years, but also consider interim reviews should there be significant issues arising in their areas.
- 1.3 Due to the size of the Guidance, Members are asked to note for information that Officers intend to reformat the document.
- 1.4 The Guidance that went out for public consultation is attached at Appendix 1 and the summary of results, the Consultation Report is attached at Appendix 2.
- 1.5 Members are advised that the Department of Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance has recently been updated, on 17<sup>th</sup> November 2023. There are some parts of this document which are relevant to changes proposed and the outcomes of the consultation, attached at Appendix 3.

## **2 Background**

- 2.1 The online survey part of the consultation took place from 31st July 2023 to Sunday 10<sup>th</sup> September 2023.
- 2.2 The consultation was promoted through a press release to the local media. An email was sent to everyone who had responded to a previous taxi and private hire licensing consultation. The consultation was also promoted through the council's social media channels and key stakeholders were emailed directly with an invitation to respond to the consultation.
- 2.3 The consultation information was sent to all members of the Eastbourne Taxi and Private Hire Drivers Forum. The proposed changes were discussed at that Forum on Monday 2 October 2023.

- 2.4 A focus group was conducted with a number of residents who responded to the consultation and expressed an interest in taking part in such an exercise. This took place on Monday 16 October 2023 at Eastbourne Town Hall.
- 2.5 A written response was received the Eastbourne Access Group and Eastbourne Blind Society.
- 2.6 A composite document with the responses is attached at Appendix 2.

### 3 Specific changes considered during public consultation

- 3.1
- a) Removal of the requirement for new licensed hackney vehicles to be wheelchair accessible.
  - b) Due to current challenges in the recruitment of drivers to the profession locally, in support of the trade, the addition of private hire driver licences be applied.
  - c) An additional requirement that drivers are expected to sign up to the National Disclosure and Barring Service.
  - d) The requirement for a HMRC tax code to be shared with the licensing authority.
  - e) Further clarity regarding the English proficiency test.
  - f) Link to guidance regarding the new Taxi and Private Hire Vehicle (Disabled persons) Act 2022.
  - g) Changes to current Penalty Points Scheme.
  - h) An addition of a Customer and Driver Charter.
  - i) Privacy Notice.
  - j) An addition of information regarding the Taxi and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.

### 4 Key Findings

- 4.1 The online survey asked questions from the list in paragraph 3.1.
- 4.2 The first question asked 'in what capacity the respondents were acting':

A resident	73.39%	251
A driver licensed by Eastbourne Borough Council	21.93%	75
An operator licensed by Eastbourne Borough Council	1046%	5
A partner organisation or community group	1.46%	5
Other Local Authority	0	0
Other	1.75	6

- 4.3 Question 2:

Current guidance: All new drivers can only apply to hold a Dual Hackney Carriage or a Restricted Private Hire driver licence. A dual licence allows drivers to drive a Hackney Carriage vehicle and/or a Private Hire vehicle. A restricted Private Hire

drivers licence only allows a driver to undertake school transportation work in a private hire vehicle.

Proposal: We would introduce a Private Hire-only licence for new applicants. As a Private Hire driver, the applicant would not be required to complete the 'Routes' section of the knowledge test but would still need to complete all other aspects of the knowledge test and application. How much do you agree or disagree with this proposal?

4.4 Responses:

Strongly agree	13.24%	45
Agree	28.53%	97
Disagree	19.12%	65
Strongly disagree	27.06%	92
Don't know	12.06%	41

Members are advised to make reference to Appendix 2, page 4, for comments made and a further breakdown of results. Members are also advised to make reference to paragraph 6.11 of Appendix 3 in relation to topographical knowledge of private hire drivers.

4.5 Question 3:

Requirement for new Hackney Carriage vehicles to be Wheelchair Accessible Vehicles (WAVs).

Current guidance: New Hackney Carriage vehicles are required to be WAVs to obtain a licence. These may be side-loading or rear-loading via a ramp. This does not apply to existing Hackney Carriage licence holders who apply to change their vehicles.

Proposed change: New Hackney Carriage vehicles would no longer be required to be WAVs. This is following feedback from the trade about the difficulties and costs involved the new drivers acquiring WAV's. How much do you agree or disagree with this proposal?

4.6 Responses:

Strongly agree	22.94%	78
Agree	32.35%	110
Disagree	15.88%	54
Strongly disagree	21.18%	72
Don't know	7.65%	26

Members are advised to make reference to Appendix 2, page 5 and 6 for comments made and a further breakdown of results. Members are also advised to make reference to paragraphs 4-4.5 of Appendix 3 in relation to accessible services and WAV provision.

4.7 Question 4:

The purpose of a penalty point scheme is to take a stepped approach for enforcement against a licence holder, for certain matters.

Proposed change: We would reword the scheme to make it easier for licence holders to understand. This would also help to streamline investigations. The number of penalty points for certain matters has also been changed to better reflect the severity of some matters.

How much do you agree or disagree with this proposal?

4.8 Responses:

Strongly agree	19.71%	67
Agree	52.06%	177
Disagree	5.88%	20
Strongly disagree	5.88%	20
Don't know	16.47%	56

Members are advised to make reference to Appendix 2, page 8, for comments made and a further breakdown of results.

4.9 Question 5:

This charter sets out what passengers (customers) should expect when travelling in a Hackney Carriage or Private Hire vehicle in Eastbourne and what a driver can expect from a customer travelling in the vehicle. We do not currently have a charter, however other nearby authorities do.

See Appendix 8: Customer and Driver Charter How much do you agree or disagree with this proposal?

4.10 Responses:

Strongly agree	29.88%	101
Agree	44.08%	149
Disagree	6.21%	21
Strongly disagree	6.80%	23
Don't know	13.02%	44

Members are advised to make reference to Appendix 2, page 8, for comments made and a further breakdown of results.

4.11 Question 6:

Mandatory in-vehicle CCTV in all Private Hire and Hackney Carriage vehicles (other than private hire vehicles issued with a plate exemption for executive and VIP work, those vehicles solely used for this purpose) will become a requirement from 31 October 2023.

Following feedback from the taxi trade, we are considering the possibility of allowing audio recording via the CCTV of licensed vehicles. Current guidance: The CCTV system shall not be used to record conversations between members of the public, since that is highly intrusive, and if any system is equipped with a sound recording facility then that functionality shall be disabled. Proposed change: Audio recording should be permitted. Do you agree or disagree with this proposal?

4.12 Responses:

Strongly agree	23.3%	79
Agree	27.43%	93
Disagree	15.04%	51
Strongly disagree	20.94%	71
Don't know	9.14%	31

Members are advised to make reference to Appendix 2, page 9, for comments made and a further breakdown of results.

4.13 Question 7:

If you agree with the proposal that audio recordings should be permitted, do you agree or disagree that audio recording should be permitted?

4.14 Responses:

Answer choices	Strongly agree	Agree	Disagree	Strongly Disagree	Don't know	Response Total
At all times in limited circumstances	32.26% 70	38.71% 84	9.68% 21	11.98% 26	7.37% 16	217
That audio be recorded via CCTV if the customer or driver wishes it as activated by a trigger switch	25.70% 55	46.73% 100	11.21% 24	14.02% 30	2.34% 5	214
That audio be recorder via CCTV in vehicles driven by the restricted private hire licence	30.14% 66	38.81% 85	11.87% 26	9.59% 21	9.59% 21	219

Members are advised to make reference to Appendix 2, page 11, for comments made and a further breakdown of results.

4.15 Question 8:

Current guidance: Currently there is no requirement to carry a legal spare wheel or appropriate alternative such as a tyre repair kit made up of a compressor which inflates the tyre.

Proposed change: We are considering introducing the condition for all licensed vehicles to carry a spare wheel or an appropriate alternative in the boot of the vehicle and the necessary tools to fit the spare wheel. How much do you agree or disagree with this proposal?

4.16 Responses:

Strongly agree	25.96%	88
Agree	36.58%	124
Disagree	13.27%	45
Strongly disagree	14.75%	50
Don't know	9.44%	32

Members are advised to make reference to Appendix 2, page 13, for comments made and a further breakdown of results.

4.17 Question 9:

We would not license any vehicle that has been classed a written-off in any category.

Current guidance: If a vehicle has an MOT, VST and valid insurance it can be licensed by Eastbourne Borough Council as Hackney Carriage or Private Hire. We do not take into consideration vehicles being classed as 'written-off'.

Proposal: There are several categories for vehicles to be classed as written-off. These range from those which cannot be repaired and those which could potentially be repaired to a roadworthy condition. We would not license any vehicle that has been classed a written-off in any category. Do you feel that you agree with this proposal?

4.18 Responses:

Strongly agree	29.34%	98
Agree	35.33%	118
Disagree	9.58%	32
Strongly disagree	11.38%	38
Don't know	14.37%	48

Members are advised to make reference to Appendix 2, page 14, for comments made and a further breakdown of results.

4.19 Question 10:

Proposed change: Drivers shall sign up to the Disclosure and Barring Service. It is considered that this will speed up the licence application and renewal process. A DBS check is a way to find out whether someone has a criminal record. Do you feel that you agree with this proposal?

4.20 Responses:

Strongly agree	29.34%	170
Agree	35.33%	137
Disagree	9.58%	9
Strongly disagree	11.38%	10
Don't know	14.37%	13

Members are advised to make reference to Appendix 2, page 15, for comments made and a further breakdown of results.

4.21 Question 11:

Proposed change: A grant of a licence will be subject to a tax code check being made with the HMRC. This is to ensure all drivers are registered correctly for tax purposes. Do you feel that you agree with this proposal?

4.22 Responses:

Strongly agree	45.27%	153
Agree	35.21%	119
Disagree	6.51%	22
Strongly disagree	6.21%	21
Don't know	6.80%	23

Members are advised to make reference to Appendix 2, page 16, for comments made and a further breakdown of results.

4.23 Question 12:

Proposed change: All new applicants are required to undergo a proficiency test to demonstrate their ability to communicate effectively in the English language. Any person found cheating on the test will be disqualified and will not be granted a licence for at least three years. Do you feel that you agree with this proposal.

4.24 Responses:

Strongly agree	45.27%	153
Agree	35.21%	119
Disagree	6.51%	22
Strongly disagree	6.21%	21



Don't know	6.80%	23
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Members are advised to make reference to Appendix 2, page 16, for comments made and a further breakdown of results.

4.25 Question 13:

Proposed change: We are proposing to introduce a Privacy Notice. As data controllers, Eastbourne Borough Council must hold and process licence holders' personal data in order to issue and manage Hackney Carriage and Private Hire licences. This includes personal information such as including medical records, in order to determine whether a licence can be issued.

Do you feel that you agree with this proposal?

4.26 Responses:

Strongly agree	33.04%	111
Agree	41.37%	139
Disagree	4.17%	14
Strongly disagree	2.98%	10
Don't know	18.45%	62

Members are advised to make reference to Appendix 2, page 9, for comments made and a further breakdown of results.

4.27 Question 14:

Do you think that there are other changes that should be made to the Guidance?

4.28 Responses:

No further changes requested	13
Not wanting CCTV	8
Costs are too High	6
Drivers should be more courteous	5
Uber should be allowed to operate in Eastbourne	3
More ways are needed in the trade	3
CCTV should be optional	3

Members are advised to make reference to Appendix 2, page 17, for comments made and a further breakdown of results.

**5. Written submissions**

5.1 Two written submissions were received during the consultation; from Eastbourne Access Group and Eastbourne Blind Society and Eastbourne & Country Limited who are an Operator. Feedback has also been sought through a Taxi and

Private Hire Forum and through a residents focus group. These are attached at Appendix 2.

5.2 These submissions are summarised as follows:

5.3 Appendix A: Written response from the Eastbourne Access Group and Eastbourne Blind Society:

- Strongly opposed to removal of requirement for all new licensed Hackney vehicles to be wheelchair accessible.
- Opposed to a private hire only licence as this will have a detrimental impact upon customers with visual or cognitive impairment.
- For the proposal to permit audio recording as well as CCTV with a proviso that clear when and how recording is taking place.
- Supportive of the introduction of a Customer and Driver Charter.
- Strongly support the signing up of the DBS Service.
- A number of points regarding amendments to the Guidance in relation to Part 6 of the Guidance (Equalities and Accessibility) and generally. On this point, Members are asked to consider delegating the Lawyer to discuss these points with those making the submission and seek to agree, as minor changes.

5.4 Appendix B: Written response and petition submitted by operator Eastbourne & Country Ltd:

- Against the previous decision of the Licensing Committee to introduce mandatory CCTV.
- Approach to interaction with the trade to be reviewed.

5.5 Appendix C: Notes from meeting with Eastbourne Taxi and Private Hire Drivers Forum 2 October 2023:

- Concerns about financial impact if audio is required.

5.6 Appendix D: Notes from resident focus group 16 October 2023:

- Opposed to private hire only licences.
- Feedback regarding removal of WAVS requirement.
- In support of adding to the penalty point scheme.
- Mixed feelings regarding use of audio.
- Mixed response for spare wheels.
- In agreement of written off vehicle change.
- Welcomed changes to English proficiency test.
- Good idea for a customer and driver charter.

5.7 In reference to comments made as part of the petition, Members are reminded that the proposal of CCTV was presented in a report to the Licensing Committee on 18<sup>th</sup> January 2021 a consultation period of 8 weeks took place, and the results of the consultation were presented on 24<sup>th</sup> May 2021. The results showed that 104 drivers engaged in the consultation process and that 2 Operators engaged in the consultation process. Members agreed on 24<sup>th</sup> May 2021 to the requirement for all licensed vehicles to have CCTV systems installed.

5.8 The Licensing Authority actively engages with the taxi trade through forums. The most recent consultation process has also included a focus group. The priority of the Licensing Authority is public safety. Whilst Officers endeavour to work closely with the hackney and private hire trade their role is to present a balanced viewpoint from the public, other agencies, community groups as well as the trade to Members.

## **6 Options**

6.1 The Committee is asked to consider what, if any, changes are to be made to the Guidance taking into account the results of the public consultation.

6.2 The Committee will see that section 3.1 outline several proposed changes to the Guidance. The Committee is asked to decide for each one as follows:

- a. Implement the change as proposed.
- b. Disregard the change.
- c. Implement the change in part as appropriate.

## **7 Financial Implications**

7.1 Some proposals in this review involve costs to the trade as follows:

- a. Approved suppliers have been contacted and provided feedback that the installation of Audio on existing CCTV systems will be approximately £80-150 per vehicle.

7.2 There are no immediate Financial Implications arising from this report, however one proposal in this review will impact some suppliers. Those impacted have been contacted and provided feedback that the installation of Audio on existing CCTV systems will be approximately £80-150 per vehicle.

## **8 Legal Implications**

8.1 There is no statutory requirement for the Licensing Authority to adopt any Guidance in relation to hackney carriage and private hire licences. However, the statutory Standards recommend that should make publicly available a cohesive document which brings together all its procedures. In any case, it is considered best practice to have such Guidance as it informs, guides decision makers and assists with consistent decision making. Any Guidance is not a fetter on decision making as each case must be judged on its own merits.

8.2 The Legal Section considered this Report on 23 November 2023 (Iken 12469-EBC-MW).

## **9 Risk management implications**

9.1 No relevance.

## **10 Equality analysis**

10.1 **To follow.**

**11 Environmental sustainability implications**

11.1 No relevance.

**12 Appendices**

- Appendix 1 - Eastbourne Borough Council Hackney Carriage and Private Hire Licensing Guidance (Consultation document).
- Appendix 2 - Analysis of Public consultation (including written submissions).
- Appendix 3 - Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England (17 November 2023).

**13 Background papers**

Statutory Taxi and Private Hire Vehicle Standards July 2020.

Statutory Guidance. Access to taxis and private hire vehicles for disabled users (June 2022).

DPIA to take into account the potential impact of changes in relation to audio.

Equalities Assessment.



## **Eastbourne Borough Council**

### **Hackney Carriage and Private Hire Licensing Guidance**

**COMMENCES To be Confirmed**

**Eastbourne Borough Council  
Licensing Section  
Town Hall  
Grove Road  
Eastbourne  
BN21 4UG**

**licensing@lewes-eastbourne.gov.uk**

**Telephone number: 01323 410000**

# Eastbourne Borough Council Hackney Carriage and Private Hire Licensing Guidance

Effective Date: 4 April 2022

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## **Part One: Introduction**

This Licensing Guidance is written pursuant to the powers conferred by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as amended, which place on Eastbourne Borough Council (“the Council”) the duty to carry out its licensing functions in respect of hackney carriage and private hire vehicles. In addition, the Council will have due regard to all other relevant legislation and guidance in its decision-making process. The Council has responsibility for the licensing of vehicles, drivers and operators within the borough of Eastbourne and in exercising its discretion the Council will have regard to this Guidance.

The Council recognises the important role that hackney carriage and private hire vehicles play as part of an integrated transport system as they provide essential services particularly in those situations where public transport is either not available, for example in rural areas, and for those individuals with mobility difficulties.

In setting out this Guidance the Council seeks to:

- a. Ensure the safety and welfare of the public - which is the overriding objective,
- b. Encourage environmental sustainability,
- c. Ensure an efficient and effective hackney carriage and private hire provision,
- d. Monitor and improve standards of service in the trade

Notwithstanding the existence of this Guidance, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to substantially depart from this Guidance, in exceptional circumstances, reasons will be given for doing so.

This Guidance was introduced on 4 April 2022 and will be kept under review and amended as and when necessary to reflect changes in legislation, case law, statutory guidance and best practice. The guidance will be fully reviewed in June of each year commencing June 2023.

Minor amendments to this Guidance required for example by virtue of legislative change or administrative procedural change may be made by the Lead – Regulatory Services in consultation with the Chair of the Licensing Committee.

Significant amendments to the Guidance will require a full public consultation prior to consideration by the full Licensing Committee. Significant amendments include those that will have a significant procedural or financial impact on applicants, licence holders or the public and those which are inconsistent with the Guidance objectives.

When any revisions are made to the Guidance the Council will publish a statement of the revision on its website along with the revised Guidance.

Any changes to the licensing requirements will be followed by a review of the licences currently issued. If requirements are changed regarding vehicle specification or licence, holders will need to undertake additional training, then reasonable time will be allowed for these changes to take place. Where a more subjective change has been introduced, for example an amended Guidance on previous convictions, the licensing authority will



consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a Guidance, the licensing authorities will consider doing so.

## **Part 2: Definitions**

The 1847 Act	Town Police Clauses Act 1847
The 1976 Act	Local Government (Miscellaneous Provisions) Act 1976
Authorised Officer	Means an Officer of the Council authorised under the Council's Scheme of Delegation to administrate the licensing function
Best Practice Guidance	Means Best Practice Guidance on Taxi and Private Hire Vehicles Licensing issued by the Department of Transport in March 2010 as amended or as may be replaced.
Council or Licensing Authority	Means Eastbourne Borough Council in its licensing function
Driver	Refers to dual drivers, unless expressly stated or the context indicates otherwise
Hackney Carriage	Means a vehicle licenced under the 1847 Act to stand or ply for hire throughout the borough controlled by the Council
He/his	shall apply to female equivalent
Plate	means the identification plate with the Council's licence reference number fixed to the rear exterior of the vehicle.
Private Hire Operator	Means a person who during business makes provision for the invitation or acceptance of bookings for private hire vehicles
Private Hire Vehicle	A motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers
Proprietor	Refers to owners of either hackney carriage or private hire vehicles, unless expressly stated or the context indicates otherwise and includes a part proprietor
Vehicle	Refers to a hackney carriage or private hire or specialist vehicle, unless expressly stated or the context indicates otherwise

## **Part 3: Vehicles**

### **Limitation of Numbers**

The Council currently has no limit on the number of hackney carriages which may be licensed within the Borough and has no intention of introducing one unless evidence of no significant un-met demand can be provided.

~~Applications for a new licensed hackney carriage vehicle will not be considered unless the vehicle is Wheelchair Accessible. The vehicles may be either side loading or rear loading via a ramp. This does not apply to existing licence holders of hackney carriage vehicles who apply to change their vehicles.~~

No powers exist for the Council to limit the number of private hire vehicles that it may licence.

### **Criminality Checks on Vehicle Proprietors**

As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime. Where vehicle proprietors are not currently licensed drivers, they will be required to provide an annual basic disclosure certificate.

### **Specifications and Conditions**

The Council has a wide discretion over the type of vehicle it can licence, and the best practice suggests that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible.

The Council is empowered to impose such conditions as it considers reasonably necessary in relation to vehicles licences. Licence conditions relevant to the type of vehicle are contained in Appendix 1.

### **Environmental Considerations**

The Council has considered introducing tougher emissions standards for all licensed vehicles and considers its responsibility in protecting the environment to be an important objective of the Guidance.

The Council is committed to reducing emissions through raising awareness of environmental issues with the trade and other interested parties.

At this time the Council considers that its requirement for all vehicles to be tested every six months means that it does not require tougher emission standards for licensed vehicles other than the relevant Euro standard.

## **Licence Duration**

The duration of a vehicle licence is 12 months.

## **Maximum Age of Vehicles**

Vehicles presented for first licensing shall not be more than nine years old and vehicles presented for re-licensing shall not be more than ten years old, apart from in exceptional circumstances at the discretion of an Authorised Officer. Applications to re licence vehicles over ten years old must be made in writing to the Council citing what is an 'exceptional circumstance'. Neither financial circumstances nor the condition of the vehicle will be considered as an exceptional circumstance when making a determination.

For new and relicensed vehicles defined by the Vehicle Certification Agency as Low Emission, Hybrid, Ultra Low Emission Vehicles and Zero Emission Vehicles shall not be more than 15 years old in age.

## **Vehicle Testing**

No vehicle may be used unless it has a current MOT pass certificate and have passed a Vehicle Suitability Test ("VST") both of which must be dated no earlier than one calendar month prior to the licence commencement date. Vehicles that are less than one year old will be exempt from obtaining a current MOT pass certificate but will still be required to pass a VST.

All vehicles will be subject to an annual MOT and a six monthly VST. Each application for a grant or renewal of a vehicle licence must be accompanied with proof of compliance.

The licence of any vehicle which fails its testing requirement will be automatically suspended until such time as the vehicle has been re-examined and the necessary pass certificate obtained.

In addition, the Council will undertake a programme of inspections between formal testing dates. All vehicles must be available for inspection, at any location within the Borough, at any time, when requested by an Authorised Officer or a Police Officer. All vehicle documentation must be produced within 24 hours, or at such time as specified, when requested by an Authorised Officer or a Police Officer. In the event of any concerns in relation to vehicle safety the vehicle will be referred for a VST. Where in the opinion of an Authorised Officer the testing requirements would not be met, they may agree a period for rectification and re-inspection, or they will suspend the vehicle until such time as the re-testing requirements shall be met.

Responsibility for ensuring the vehicle is tested and licensed remains with the licence holder.

VST's are only to be carried out by a Council designated DVSA approved garage in the Borough.

## **Livery**

The Council believes that the requirements of this Guidance ensure that hackney carriages and private hire vehicles are easily distinguishable.

1. All hackney carriage vehicles will be white in colour.
2. Private hire vehicles will be any colour other than white.
3. Door signs are provided by the Council. All vehicles are required to display an approved door sign on the middle portion of the front driver and passenger doors as supplied by the council. This sign must be permanently fixed to the door, magnetised signs are not permitted.
4. All hackney carriage vehicles will display a roof sign as specified within the vehicle conditions.

### **Change of Ownership**

Any change to the proprietor named on a vehicle licence must be notified to the Council within fourteen days of any change.

When the proprietor of a vehicle licence wishes to transfer the licence to another person, company or partnership they must notify the Council, using the prescribed application form and paying the appropriate fee, before such a change takes place.

### **Unauthorised Use**

The proprietor shall not allow the vehicle to be driven and/or used for hire by any person who does not hold an appropriate current driver licence.

### **Intended Use (Hackney Carriages only)**

A hackney carriage vehicle licensed by one local authority can be used to fulfil pre-booked hiring's on behalf of private hire operator licensed by another local authority. In order that the Council may retain local control over the hackney carriages it licenses, applicants will be asked as part of the application process which area they intend to operate from entirely or predominantly for the purposes of fulfilling pre-booked hiring's. It will be incumbent upon the applicant to demonstrate to the Council's satisfaction that they intend to ply for hire predominantly within the Borough. If the applicant indicates that they will not predominately work within the Borough the application will normally be refused.

If the vehicle is found to be operating in contravention to the information supplied in the application form, then enforcement action will be considered, which may include revocation of the licence.

This section is not intended to act as a restraint of trade since applicants may make applications to any local authority in which area they intend to ply for hire.

### **Accident Reporting**

Any accident in a vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers must be reported

to the Council as soon as reasonably practicably and in any case within 72 hours of the event.

Following any accident, as defined above, if it is the intention of the proprietor to continue licensed use of the vehicle it must pass a VST. It is the responsibility of the licence holder to notify the Council that this requirement has been satisfied. The Council may suspend the use of the licenced vehicle until it is suitably repaired and conforms to the testing requirements.

A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be temporarily replaced by another vehicle provided that the damage or defect has been reported to an Authorised Officer, and the replacement vehicle meets the requirements of this Guidance and is suitable to be used for hire purposes.

### **Internal Signage**

All vehicles must display a Council issued internal sign containing the plate number which must be visible from outside the vehicle and the comments section visible from inside the vehicle.

'How Did I Do' stickers are mandatory for all licensed vehicles and must be placed on either the headrest of the driver's seat or passenger's seat facing the passengers. These stickers will be provided by the Council's Licensing Team.

### **CCTV (Implementation date 31 October 2023)**

1. The Council considers that it is important to mandate the requirement for CCTV in all licensed vehicles to protect the travelling public and drivers. The Council considers that the security of drivers and passengers is of paramount importance and CCTV can be a valuable deterrent and useful to confirm or rebut complaints made against drivers.
2. The Council understands that there is a need to balance its responsibilities to protect drivers and the travelling public with the individual's privacy rights.
3. CCTV equipment are to be installed and operated in all licensed hackney carriage and private hire vehicles (other than private hire vehicles issued with a plate exemption for executive and VIP work and those vehicles used solely for this purpose).
4. The system must be approved by the Council which will maintain a list of such CCTV systems and approved providers on a list available on its website. For those vehicles that have a CCTV system installed before the implementation of compulsory CCTV those systems may be allowed at the discretion of an Authorised Officer.
5. All CCTV media and its data must secure, password encrypted and not accessible to anyone other than the data controller or their appointed administrator or agent.
6. The Council will become the Data Controller and will publish a Data Protection Statement.
7. The CCTV systems must be installed in vehicles.

8. The installation and operation of the CCTV systems shall comply with the requirements of the Information Commissioner's CCTV Code of Practice and the Home Office Surveillance Code of Practice. The CCTV system shall comply with any legislative requirements as regards safety, technical acceptability and operational/data integrity.
9. The CCTV system shall comply with any legislative requirement as regards safety, technical acceptability and operational/data integrity.
10. The CCTV system will always remain the property of the proprietor of the vehicle who will be responsible for the maintenance of the system and will ensure that it is checked regularly and always maintained in working order.
11. It will be the responsibility of the driver of a vehicle to report to the Council within 48 hours any breakdown of or other issues that may affect the efficient working of the CCTV system.
12. Any failure to install, maintain or operate a system is likely to lead to the vehicle licence being suspended, revoked or the licence not being renewed. Such a failure may also call into question the fitness and propriety of the driver.
13. The CCTV system must be capable of date, time and vehicle identification. It must be capable of capturing images during daytime and darkness of sufficient quality to enable the identification of any person travelling in the vehicle and be of such quality that it can be used for prosecution purposes, where necessary.
14. The positioning of the CCTV camera and hardware should be such that the hard disc or data card is not accessible to any passenger travelling in the vehicle. The equipment must be securely fixed such that it cannot be tampered with or damaged by any person travelling in the vehicle.
15. The CCTV system shall not be used to record conversations between members of the public, since that is highly intrusive, and if any system is equipped with a sound recording facility, then that functionality shall be disabled.
16. All vehicles with a CCTV system shall display prominent notices, visible both outside and inside the vehicle, to inform passengers that a CCTV system is in operation. The signage shall include where a subject access request may be made.
17. An Authorised Officer or Police Officer may, on reasonable notice, examine any camera installation or any footage from the CCTV.
18. The Council shall be permitted to access data where they have received a complaint involving the vehicle or its driver and the complaint cannot be fully investigated without access to the recording. Any material recorded on the CCTV equipment shall only be used as evidence in court proceedings or to aid the investigation of crime, to confirm or rebut complaints made against the driver or as evidence in motor insurance matters. The licence holder shall co-operate with any Police investigation where access to the CCTV footage may assist.

19. The driver of the vehicle and or Operator will not attempt to access, or tamper with the CCTV equipment or attempt to download or tamper with any of the equipment or data

20. The CCTV system must be capable of recording and storing images for a minimum of 28 days.

## **Vehicle Specification**

The Council's general specifications are:

Vehicles shall be fitted with a minimum of four side doors of a size to permit easy access.

Vehicle engines shall meet the following Euro standards. Diesel powered vehicles shall meet the Euro 6 standard for emissions and petrol vehicles the Euro 4 standard.

The vehicle shall be designed to permit the specified number of passengers to be carried in comfort and safety. The rear 3 seats will measure at least 48 inches wide and any additional seats will measure at least 16 inches wide.

The vehicles shall be provided with adequate luggage space for the number of passengers for which the vehicle is licensed.

Vehicles may be of the saloon, estate, hatchback or MPV type and all vehicles must be approved by the Council. Estate vehicles must be fitted with a grill or parcel shelf sufficient to prevent luggage coming into contact with passengers using rear seats.

Left hand drive vehicles will not normally be licensed, except with the agreement of an Authorised Officer.

A comprehensive vehicle specification list shall be available on the Council's website.

## **Written Off Vehicles**

There are several categories for vehicles that have been classed as being written off. These range from vehicles that cannot be repaired to vehicles which could potentially be repaired to a roadworthy condition. However, there are difficulties in establishing that any repairs have been completed to a professional standard. Therefore, the Authority will not license any vehicle that has been classed a 'write off' in any category.

## **Stretched Limousines and Other Specialist Vehicles**

Any stretched limousine capable of carrying eight passengers or less which is offered for hire will require a licence.

For the purposes of this Guidance a stretched limousine is a motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures that is capable to carrying up to but not exceeding 8 passengers.

The Individual Vehicles Approval Inspection regime introduced by the Vehicle and Operator Services Agency will apply to all limousine and speciality vehicles that do not meet the standard vehicle specification.

The Council recommends that anyone wishing to licence a limousine or specialist vehicle should contact the Council before purchasing a vehicle to ensure that advice is given about meeting the required standards.

### **Funeral and Wedding Vehicles**

There is no requirement for a vehicle to be licensed when it is being used in connection with a funeral or is being wholly or mainly used by a person carrying out the business of a Funeral Director for the purposes of funerals.

A vehicle does not need to be licensed whilst it is being used in connection with a wedding. For clarification, the exemption only applies to journeys directly relating to the wedding service itself for example transporting the bride/and or groom to the wedding service, from the service to the reception and from the service/reception to home. Transport to other locations such as the airport would be considered a licensable activity.

### **Wheelchair Accessible Vehicles**

Wheelchair Accessible Vehicles must always have the appropriate equipment available to carry wheelchair customers and in working condition otherwise the vehicle licence will be immediately suspended.

### **Ambulance and Other Patient Transport**

Ambulances defined by, 'vehicles conforming to original manufacturers specifications and equipped and used for the carriage of sick, injured or disabled people with permanent rear compartment and means of carrying passengers in a recumbent position together with an attendant seat for use by accompanying medical professionals, readily identifiable as a vehicle used for the carriage of such people by being marked ambulance on both sides', will be exempt from private hire vehicle licensing.

In addition, the Council will exempt from licensing those vehicles being used by volunteer drivers (unpaid) to take patients to and from hospital.

### **Courtesy Vehicles**

Courtesy vehicles used for example for transporting customers to and from garages, airports, hotels and night clubs without charge but with a clear business benefit should be licensed even though there may not be a separate charge for using the vehicle. For clarification, in addition the operator and the driver should also be licenced.

### **Executive Private Hire Vehicles**

The Council does not anticipate granting Livery Exemptions to vehicles that are used for what would be termed 'day to day private hire work' such as, but not limited to - school runs, home to railway stations, airports, places of interest, hospitality venues, shopping trips etc.

The Council does not consider this type of work to be compatible with the granting of a Livery Exemption.



If granted the vehicle must not be used for private hire purposes other than for chauffeur use (i.e. not for 'normal' airport journey's or daily private hire use).

In the interests of public safety, which is the main reason for the display of Livery, it does not consider a vehicle should combine exempt and non-exempt work.

There are several private hire operators within this and neighbouring Council Areas that provide exclusively 'Executive' vehicles to satisfy local demand.

For all new/existing livery exemption vehicles, annual checks will be made to ensure the criteria for exemption is being met.

The Livery exemption will be withdrawn if the vehicle is found to be undertaking any private hire day to day work as previously mentioned above.

## **Dual Plating**

The Council will not grant a vehicle licence for any vehicle already licensed by another licensing authority.

## **Part 4: Drivers**

### **Licences**

The Council issues the following types of drivers' licences:

- Dual Drivers – holding both a hackney and private hire drivers' licence
- **Restricted Private Hire**
- **Private Hire Driver licences**

All new and renewal driver licences will be granted for 36 months from the date of issue

The only exceptions to these principles are:

- a) In cases where the licence holder is working under visa conditions attached to their passport the licence will only cover up to the expiry date on the visa.
- b) Where the Council considers it appropriate in exceptional circumstances.
- c) The financial circumstances of the applicant will not be deemed as an exceptional circumstance

The statutory and practical criteria and qualifications for all drivers are broadly the same. Therefore, this section applies equally to hackney carriage, private hire, dual and restricted private hire drivers unless otherwise stated.

### **Age and Experience**

The Guidance does not set a minimum age limit for new drivers. However, a licence will not be granted to anyone who has not held a full DVLA or equivalent driving licence, for a period of at least twelve months immediately prior to the application.

An applicant who meets the licensing requirement by virtue of an acceptable non-UK driving licence must obtain a full UK driving licence within 12 months of the issuing of the driver licence. Where this requirement is not satisfied the driver's licence will be

automatically suspending pending compliance. This requirement is to ensure appropriate regulation of any penalty points issued by the courts in relation to road traffic offences and is an integral part of the 'fit and proper person' test.

There is no maximum age limit for drivers but once the licence holder reaches the age of 65, they will be required to provide to the Council annual medical checks.

## **Fit and Proper Test**

Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee.

The test used by this Authority when considering whether a licence holder is a 'Fit and Proper' Person is:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence. All decisions on the suitability of an applicant or licensee will be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and will take into consideration conduct that has not resulted in a criminal conviction.

## **Driver Tests**

Applicants will be required to meet the following tests as detailed below.

### **1. Knowledge Test**

The knowledge test **includes a series of questions. For dual driver license applications this includes** locations of places of interest, **routes**, policy and law, Highway Code, road signs, numeracy, **English-comprehension**, equalities, safeguarding, and disability awareness.

For private hire drivers this includes locations of places of interest, policy and law, Highway Code, road signs, numeracy, **English-comprehension**, equalities, safeguarding, and disability awareness.

Applicants are limited to three attempts at the test per application and the test must be passed within six months of receipt their application. If they fail the tests, their application will be rejected, and they must wait for at least six months before reapplying.

Any person found cheating will be disqualified from the test and will not be granted a licence for at least three years.

Applicants are required to provide photographic identification on the day of the test, for example a passport, and if they fail to provide photographic ID their test will be cancelled.

The cost of the first test is included in the application fee. Each subsequent test is paid for at the time of booking and the fee is non-refundable.

## **2. Driving Proficiency Test**

New applicants are required to undertake a driving proficiency test to an equivalent standard required by the Driver Standards Agency (DSA). Details of local companies who offer the test will be provided at the application stage.

## **3. Medical Examination**

In order to promote the Council's public safety objective, it is a requirement for an applicant to provide a Group 2 medical assessment from a registered medical practitioner confirming their fitness to drive.

This requirement to produce a medical assessment applies to any applicant unless the applicant is the holder of a current passenger services vehicle or heavy goods vehicle licence and can provide proof of medical examination undertaken in the three months prior to the application being made.

A current licence holder must advise the Council forthwith if there is any deterioration in their health that may affect their driving capabilities.

Licensed drivers are required to have a medical assessment at least every five years from the ages of 45 to 65 and after the age of 65 to provide an annual medical assessment. The Council may also require a driver to provide more frequent checks if in the opinion of a medical practitioner that is necessary.

The prescribed form is available from the Council. The medical examination will normally be carried out by the applicant's GP, but can be from any other medical practitioner, if an Authorised Officer agrees, who has accessed the applicant's medical records for at least the last two years. On completion the form must be submitted to the Council.

In addition, drivers between the ages of 60 to 65 years of age must pass an annual eyesight test.

The applicant/licence holder will be responsible for any fees incurred in obtaining a medical examination.

## **Disclosure & Barring Service (DBS) Disclosures**

A DBS check on a driver is an essential safety measure in assessing whether an applicant is suitable to hold a licence, therefore an Enhanced Disclosure provided by the DBS is required for all applicants whether in relation to new or renewal applications.

All new/existing drivers are required to undergo a 6 monthly DBS check.

The Rehabilitation of Offenders Act 1974 (as amended) does not apply to applicants for drivers licences therefore applicants are required to disclose all convictions etc including those that would normally be regarded as spent but only relevant 'spent' convictions will be considered by the Council. Further details are provided in Appendix 2 Guidelines on Relevance of Convictions etc.

All new applicants for a driver's licence will be the subject of a Disclosure Barring Service (DBS) Enhanced Disclosure check. The Council is an approved (DBS) body; Checks will be carried out by the Council via an approved company. Applicants will be charged the appropriate fee.

All new applicants that have lived outside of the UK for any period over six months, as an adult, must provide a Certificate of Good Conduct from each and every country where they resided for a period of more than three months. If a Certificate of Good Conduct cannot be provided, then written reasons as to why it cannot be provided must be supplied and those reasons will be considered by an Authorised Officer.

In the case of renewal applicants who have been out of the UK for a period of more than six months they will need to provide a Certificate of Good Conduct from overseas for each and every Country that they have resided in. If a Certificate of Good Conduct cannot be provided, then written reasons as to why it cannot be provided must be supplied and those reasons will be considered by an Authorised Officer.

All Certificates of Good Conduct must be translated into English by an accredited translator and accompanied by a declaration to that effect.

An Enhanced DBS check of Criminal Convictions for current drivers will be carried out by the Council every six months. This will be carried out by way of the DBS Update Service (see below for details) or the more traditional method of obtaining a paper record. Licensed Drivers must be aware that the Council considers it imperative that all drivers subscribe to the Update Service. The Council can also request another disclosure at any time if a further check is considered necessary.

The DBS Update Service allows the applicant to pay a subscription fee direct to the Disclosure and Barring Service, in return for ongoing monitoring of the official records for information relating to the applicant. Subscribers will be able to give employers and licensing authorities permission to carry out a status check, in order to verify whether an original DBS certificate remains valid, even if it is several years later. Therefore, we will allow taxi and private hire drivers to use the update service as an alternative to obtaining a new certificate every six months. In such cases, the original certificate that the Update Service relates to must initially be produced to the Licensing Department for verification that it is suitable.

The applicant must have subscribed within 30 days of the issue of the last certificate. If the subscription lapses, or if the driver doesn't subscribe and police records show new information since the certificate was issued, we will not be able to obtain a status check, and the applicant will need to apply for a new disclosure certificate at their own cost.

**Drivers shall sign up to the Disclosure and Barring Service (DBS) update service (annual fee payable). This will speed up the licence application and renewal process. Drivers must be able to provide evidence of continuous registration and nomination throughout the duration of their licence. <https://www.gov.uk/dbs-update-service>**

All licensed drivers will be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Should the check reveal that new information is available the DBS certificate will no longer be relied upon and a new DBS certificate will be requested.

All applicants are required to disclose if they have ever held a licence with any other Authority and additionally if they have ever had a licence refused, revoked or suspended by any other licencing authority. Where an applicant has made a false statement or a false declaration or omitted this information on their application for the grant or renewal of a licence, the licence will normally be refused. The Authority will check all new applicants against the National Revocation and Refusals Register.

The Authority is bound by the rules of confidentiality and will not disclose information obtained to any third party save as required by the law. The applicant for an Enhanced Disclosure will be sent a certificate to their home address and will need to provide the original to the Council.

### **Common Law Police Disclosure/Referrals to the Police/DBS**

In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS/Police. A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS. The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. The Licensing Authority will make a referral to the DBS/Police when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult and an individual has satisfied the 'harm test' or
- received a caution or conviction for a relevant offence, and
- the person they are referring is, has or might in future be working in regulated activity; If the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

### **What is the harm test?**

A person satisfies the harm test if they may harm a child or vulnerable adult or put them at risk of harm. It is something a person may do to cause harm or pose a risk of harm to a child or vulnerable adult.

### **National Register of Taxi Licence Refusals and Revocations.**

The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3). This allows licensing authorities to share details of individuals who have had a hackney carriage, private hire or dual driver's licence revoked, refused or suspended. Refusal of a new application or a renewal of the licences, already mentioned, will also be shared. All applications for a new licence or licence renewal will automatically be checked on NR3. Any information received as a result of an NR3 search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

All other Local Authorities have a duty to report to us any issues with our drivers/vehicles and we have a duty to reciprocate this with all other Local Authorities.

### **DVLA Licence Checking**

In order to ensure the Council, have a driver's complete driving history the Council will check with the DVLA for all new applications and upon renewal.

Any discrepancies between the DVLA record and the applicants driving licence will be brought to the attention of the DVLA and the Police, as appropriate.

All new applicants and current drivers applying for renewal of their licence will be subject of a DVLA check of the driving record. A licence will not be issued or renewed until this check is complete and the results considered. It complies with the Council's Guidance on convictions (See Appendix 6.)

Since the abolition of the Driving Licence paper counterpart the Licensing Department have been unable to easily check current driving endorsements that may have accrued.

Local Authorities are no longer able to request an extended mandate for an extract of an applicant's driving history. The DVLA provides a free service to check a driver's current endorsements. This service will be used by the Council for all new and current drivers so the Licensing Authority can ensure drivers remain 'fit and proper' persons.

All new applicants and existing licensed drivers will be expected, and conditioned, to provide a shared driving licence code in order that relevant checks can be made of the DVLA online service.

Checks may also be made by the Council, requiring the applicant or licensed driver to provide a shared DVLA driving licence code at other times. This will either be where the Council believes an applicant or licence holder has been convicted of an offence not previously declared, there has been a delay in the application process and the Council wish to ensure they have updated details before determining an application or, as part of periodic compliance checks of licensed drivers.

If an applicant is unable to use the free Shared Driving Licence Service, he/she will be required to give written consent to the Council to apply to the DVLA for their driver record. The applicant must pay the reasonable administrative fees of the Council as well as those of the DVLA. Utilising this service will result in delays in the Council processing an application.

### **His Majesty's Revenue and Customs**

The grant of a licence is subject to a check being made with the HMRC in respect of registration for paying income tax. The check is carried out at first application (by declaration) and upon renewal by supply of a tax check code, officers will not be privy to any financial information. Each applicant must supply a HMRC check code for officers to make appropriate checks via gov.uk. upon renewal. A licence will not be granted without this

### **Right to Work**

In addition, all applicants will be required, prior to the grant or renewal of the licence, to demonstrate their right to work in the UK and details are contained in Appendix 6.

### **English Language Proficiency Test ~~(Implementation date is 1 September 2022)~~**

## New Applicants

- a. All new applicants for a hackney and private hire dual drivers licence will be required to undergo a proficiency test to demonstrate their ability to communicate effectively in the English Language.
- b. The test will be conducted in a form approved by the Council.
- c. An outline of the test requirements can be found at Appendix 10
- d. Any person found cheating will be disqualified and will not be granted a licence for at least three years. (in line with Knowledge Test)
- e. In the event that a test is not passed retesting will be at the applicants expense.
- f. More details of the contents of test can be found [here](#).

## Current Drivers

- a) Current drivers appearing before the Licensing Sub Committee may be required to take the English language proficiency test should the Committee consider that the driver's spoken English is inadequate. Each case will be considered on its merits.
- b) Any current driver found cheating will be disqualified and will not be granted a licence for at least three years. (in line with Knowledge Test)

## **Disability Awareness and Safeguarding Training**

All new applicants and current licensed drivers are required to undertake recognised Disability Awareness and Safeguarding training as part of their professional development. The training must be provided by an agreed supplier to ensure that all drivers operate to a consistent standard and can provide a safe and suitable level of transport service to disabled and vulnerable passengers. Existing Eastbourne Borough Council licensed drivers that have not previously undergone recognised Disability Awareness/Safeguarding training must attend a session within 12 months from implementation of this revised Guidance. Failure to attend this training during the timescales outlined above will result in the licence being suspended until the training has been successfully attended.

## **Offences**

Existing holders of driver's licences are required to notify the licensing authority in writing within 48 hours of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the licensing authority within 48 hours of their arrest for any matter (whether subsequently charged or not). To fail to do so, will raise serious questions for the licensing authority as to the honesty of the licence holder and will be considered as part of any subsequent renewal applications or licence review.

## **Conditions**

The Council is permitted to apply conditions to private hire drivers' licences as it may consider reasonably necessary and those are contained in Appendix 3.

The Council is not permitted to apply condition to hackney carriage drivers but instead byelaws apply as contained in Appendix 2.

## **Duration**

The Council will licence drivers in accordance with the conditions outlined on page 10 above.

## **Part 5: Private Hire Operators**

Any person who operates a private hire service using one or more private hire vehicles must have a private hire operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle.

An operator must ensure that every private hire vehicle has a current private hire vehicle licence and is driven by a person who holds dual/restricted private hire drivers' licence. All three licences, operator, driver and vehicle must be issued by the same licensing authority.

## **Conditions**

The Council has the power to impose such conditions on an operator's licence as it considers reasonable, necessary and proportionate. These are found at Appendix 3.

## **DBS Disclosures**

Before an application for an operator's licence will be considered the applicant will be subject of a Basic Disclosure from DBS or a Certificate of Good Conduct. Applicants that hold a current driver's licence with the Council will be exempt from this requirement. A reference covering the applicant's financial records and/or business history may also be considered appropriate in some instances.

Private hire operators, who are not also licensed drivers, are required to provide a basic DBS Disclosure certificate every 12 months.

Drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff. There is a person taking bookings (be it by phone or in person), the vehicle dispatcher who decides which driver to send to a user. These are positions that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults and the Authority should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public.

Operators will be required as a condition of granting an operator licence, to keep a register of all staff that will take bookings or dispatch vehicles.

Operators will be required to evidence that they have had sight of an annual basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. Operators will have to provide their policy on employing ex-offenders in either of these roles.



## **Public Liability Insurance**

The Council may check that appropriate public liability insurance has been taken out for premises that are open to the public. Before an application for an operator's licence is made the applicant must either produce evidence that they have taken out appropriate public liability insurance for the premises to be licenced or signed a declaration that their premises are not open to the public.

## **Address from which the Operator may operate**

The Council will specify on the licence the address from which the operator may accept bookings and dispatch vehicles. The operator must notify the Council in writing of any proposed change of address during the period of the licence. The operator may not change the operating address until such time as the change has been approved by the Council.

The Council will not grant an operator's licence for an operating base that is outside the borough. This is to ensure that proper regulation and compliance measures may be taken by the Council and is in no way intended to be a restraint of trade.

## **Sub-contracting of Private Hire Bookings**

A licensed operator may subcontract a booking to another licensed operator, whether in the same borough or not. Both operators must be licensed within the area in which their operating base is located and should record details of the booking.

The initial booking must be taken within the area in which the operator is based, and the subcontracted booking must be taken within the area in which the subcontracted operator is based.

## **Right to Work**

All applicants will be required prior to the grant of the licence to demonstrate their right to work in the UK and details are contained in Appendix 5.

## **Licence Duration**

The Council will ordinarily issue a successful applicant an operator's licence with a five-year licence subject to the power to grant a licence for a year should this be appropriate in the circumstances or requested.

## **Complaints about Drivers**

All Operators are required to keep a record of all complaints received. These records must be made available for inspection by the Authorised Officer on request. Operators are required to advise the authority when any driver is subject to any complaints regarding safeguarding, dishonesty, abusing customers or more than one complaint which does not fall into these categories in any 12 months.

## **Part 6: Application and Renewal Process**

This section of the Guidance is intended to give an indication of the application process relating to all application types. The Council notes that there are no prescribed time scales

for dealing with applications, but it will endeavour to deal with all applications in a timely manner.

## **Vehicles**

An application for a vehicle licence will only be considered complete when all the following components have been received:

- Prescribed application form fully completed
- Appropriate fee
- V5 registration document
- Current valid insurance certificate of cover note
- VST

## **Drivers**

An application for a drivers' licence will only be considered complete when all the following components have been received:

- Prescribed application form fully completed
- Appropriate fee
- Current valid full driving licence
- Approved Driving Assessment
- Enhanced DBS disclosure and/or Certificate of Good Conduct (as appropriate)
- Knowledge test pass
- Medical certificate
- English Language Proficiency Test pass (*implementation date is 1-September-2022*)
- Proof of right to work in the UK (new applicants and existing drivers where applicable)
- A passport sized, clear and easily identifiable photograph of the applicant
- Proof of identity. Applicants must submit one form of proof of address such as a utility bill (the proofs of address should not be more than three months old)
- DVLA Check Code
- Proof of passing the training for Disability Awareness and Safeguarding.

- Taxcode

## **Operators**

An application for an operator's licence will only be considered complete when all the following components have been received

- Prescribed application form fully completed
- Appropriate fee
- Inspection of the operating premises by an Authorised Officer
- Proof of Public Liability Insurance (as appropriate)
- A professional financial or business reference
- Basic Disclosure/Certificate of Good Conduct unless already licensed as a driver with the Council.
- A register of all staff that will take bookings or dispatch vehicles.
- Evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff.

The application form, appropriate fees and all supporting documentation should be submitted at least fourteen days prior to the expiry of the previous licence. Incomplete applications may be returned to the applicant for resubmission when complete. An application will not be processed without all supporting documentation being received which satisfies the requirements of this Guidance.

If a licence has not been issued at the point when an existing licence expires the licence holder must cease operating until the new licence has been received.

## **Renewal of Licences**

### **Process**

- a. It is the responsibility of the licence holder as appropriate to ensure that applications are submitted to the Council for renewal in good time.
- b. The Council will send notification of an impending renewal to licence holders with 28 days' notice.
- c. All applications for renewal must be submitted to the Council with all relevant documentation and the correct fee at least 14 days before the expiry date.
- d. Late or incomplete applications may result in the licence holder being unable to work until it has been determined.

- e. A renewal application received after the expiry date is not deemed to be valid. Therefore, a refusal by the Council to renew the licence, in those circumstances, may only be legally challenged by way of judicial review.
- f. There may be 'exceptional' circumstances' that allow the Council to consider applications received after the expiry date. These exceptional circumstances apply if the renewal application is received no more than three days late and the licence holder provides a good reason for the delay. These will be considered on a case-by-case basis. The Council will be guided by relevant case law in this matter notably *R (on the application of Exeter City Council) v Sandle*.
- g. The Council will from time to time have to deal with situations where it may not be possible to determine renewal applications on time. These may include but are not limited to national emergencies and situations beyond the control of Local Government.
- h. The Local Government (Miscellaneous Provisions) Act 1976 does not allow expired licences to be extended. It is the responsibility of the owner/driver/proprietor as appropriate to ensure that applications are submitted to the Council for renewal in good time.

In such circumstances the following procedure will apply:

- i. If the Council is unable to determine applications in the required time, it will issue a short-term licence from the date of expiry until the date that a proper determination can be made.
- j. This is dependent upon the application being made before the expiry date of the current licence.
- k. In these cases, a 'short term licence' will be marked clearly as 'Issued without prejudice' thus recognising the Council has been unable to correctly assess all relevant documentation.

Sections i – k above does not include circumstances where an applicant has failed to submit the relevant application, fee or documentation on time.

### **Consideration of Applications**

Unsuccessful applicants will be informed of the Council's reasons for the refusal and their right of appeal against the decision to the Courts.

## **Part 7 – Disciplinary and Enforcement Measures**

### **Enforcement**

It is recognised that well directed enforcement activity by the Council benefits not only the public but also the responsible members of the hackney carriage and private hire vehicle trade. In order to balance the protection of public safety with the need to prevent unnecessary interference in a licence holder's business, the Council will ensure that its

enforcement is reasonable, proportionate, transparent and consistent. Enforcement action will not normally constitute a punitive response to minor technical contraventions, but repeated minor technical contraventions will be subject to appropriate action.

## **Complaints against licence holders**

All complaints will be fully investigated and will often involving the taking of statements from the complainant, driver and any witnesses. An Authorised Officer will consider all evidence and mitigating circumstances arising from the investigation before referring the matter to the Senior Specialist Advisor, if appropriate. The outcome of any complaint will be advised to the complainant in the form of a written response.

## **Referrals**

Whilst the day-to-day enforcement of licensing is a function carried out by Authorised Officers serious or repeated disciplinary matters will be referred to the Senior Specialist Advisor in the first instance and at his discretion to the Licensing Sub Committee or exceptionally to the full Licensing Committee. Therefore, any reference to Senior Specialist Advisor in this part also means Licensing *Sub-Committees*.

The Senior Specialist Advisor will consider the impact of transgressions on the fitness of an individual to hold a licence and take appropriate action.

## **Enforcement and Disciplinary Meetings/Hearings**

Where the Senior Specialist Advisor is considering disciplinary and/or enforcement action against a licence holder, the licence holder will be entitled to attend a meeting with them to answer allegations and/or provide any mitigating circumstances, if they wish to do so.

Prior to attending the meeting, an Authorised Officer will provide a written report containing all the information necessary to understand the allegation(s), the relevant sections of this Guidance, the options available and any other relevant information. The report will be provided to the licence holder at least five working days prior to the meeting.

Following such a meeting or when the licence holder does not require such a meeting the Senior Specialist Advisor may decide to take one or more of the following actions:

- No action
- Informal advice (verbal or written warnings)
- Issue Penalty points
- Require the production of driving licences or other specified documentation
- Use statutory notices (section 68 stop notices, etc.)
- Suspend a licence
- Revoke a licence
- Authorise a Fixed Penalty Notice (FPN) (after consultation with the Councils Legal Section)
- Authorise a Caution (after consultation with the Council's Legal Section)
- Authorise prosecution action (after consultation with the Council's Legal Section)
- Other appropriate action as deemed necessary, including any combination of the above. For example, where concerns are raised about a driver's standard of driving; the driver may be required to pass an appropriate driving standard assessment at

the discretion of the Council. Failure to achieve a pass within a specified period will result in the suspension of the driver until such time as a pass is achieved. Where necessary for public safety a driver may be suspended immediately until such time as a pass is achieved.

For clarification, if the Senior Specialist Advisor passes the matter on for consideration by the Licensing Sub Committee a hearing will always be held regardless of the presence of the driver, proprietor or operator.

### **Penalty Points Scheme**

The Council have introduced a Penalty Points Scheme for drivers and operators. The aim of the 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 driver's behaviour and conduct 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 points scheme is to improve the levels of compliance and help improve the standards, safety and protection of the travelling public.

The scheme is explained at Appendix 7

### **Suspension**

#### **Vehicles**

Vehicles must be kept in an efficient, safe, tidy and clean condition always. Compliance with the vehicle specification and conditions of this Guidance is essential and will be enforced by random vehicle inspections by the Council. Where it is found that any vehicle is not being properly maintained, a defect or defects notice will be served on the licence holder setting out the defect or defects and the required action.

Where there is a risk to public safety the further use of the vehicle will be suspended until the defect or defects have been remedied. The suspension will not then be lifted until the vehicle has undergone a further test at a DVSA approved garage in the Borough, at the licence holder's expense, and the vehicle meets the requirements of this Guidance.

#### **Drivers**

The Council may exercise its discretion to suspend the operation of a driver's licence for a specified period at the discretion of the Senior Specialist Advisor.

#### **Revocation**

The Senior Specialist Advisor may revoke the licence. Ordinarily, any revocation is stayed pending the period for appeal expiring or in the case of an appeal the appeal being determined. Where necessary for public safety, the Senior Specialist Advisor may determine that a revocation takes immediate effect and is not stayed pending any appeal.

#### **Refusal to Renew**

As an alternative to revocation, the Senior Specialist Advisor may decide that the appropriate action, in a situation where the licence is shortly to expire, is to order that the licence shall not be renewed. The Senior Specialist Advisor may suspend the existing licence for the remainder of its licence period depending on the individual merits of the case in conjunction with discussion with the councils' legal team where necessary.

### **Section 68 (Stop) Notices**

An Authorised Officer or a Police Officer may serve notice in writing for a vehicle, or the taximeter affixed to such a vehicle, to be examined at a DVSA approved garage in the Borough at a time specified in the notice. This notice may only be served if there are concerns as to the condition of the vehicle or the accuracy of the taximeter.

In addition, the vehicle licence may be suspended until such time as the Council's testing requirements have been complied with if it is deemed necessary for public safety. The suspension notice will remain in force until an Authorised Officer has issued written confirmation that the Council's testing requirements have been met.

If an Authorised Officer is not satisfied that appropriate action has been taken to allow the suspension notice to be withdrawn within a period of two months from the date of issue the vehicle licence will be deemed automatically revoked.

### **Cautions and Fixed Penalty Notices**

In the interests of natural justice before a Caution or FPN is administered there must be sufficient evidence of guilt to give a realistic prospect of a conviction, the offender must admit the offence and the offender must understand the significance of the Caution or the FPN and give informed consent.

Where a person declines the offer of a Caution or a FPN, it will be necessary for the Council to consider taking alternative enforcement action. Whilst this would ordinarily mean prosecution this is not inevitable.

### **Prosecution**

The decision to prosecute is significant as it may impact on the licence holder's future employability. Generally, the circumstances that may warrant a prosecution include, but are not limited to:

- Blatant or repeated disregard for legislation and/or this Guidance, particularly where the economic benefits for the breaches are substantial
- When there has been blatant and/or reckless disregard for the safety of passengers or other road users

### **Part 8. Equalities and Accessibility**

The Council is committed to social inclusion through ensuring a wide range of opportunities are available to disabled passengers.

The Council seeks to ensure disabled passengers are better informed about the accessibility of vehicles in the Borough, can be confident in receiving any assistance they require and are able to travel by taxi and private hire vehicles free from any discriminatory treatment.

The Council will actively encourage the licensing of sufficient accessible vehicles.

The Council requires all drivers and operators to be compliant with the relevant provisions of the Equality Act 2010 (as amended) and any subsequent legislation. The Council notes that on 28 June 2022 the Taxi and Private Hire Vehicles (Disabled Persons) Act 2022 came into effect and amended the Equality Act 2010 to introduce new, and amend existing, duties for local authorities and hackney carriage and private hire vehicle drivers and operators.

[Please see link below to guidance for reference  
Access to taxis and private hire vehicles for disabled users - GOV.UK](#)

A driver must accept the carriage of any disabled person and must not make, or propose to make, any additional charges. The driver must take such steps as are reasonably necessary to ensure that the disabled passenger is carried in safety and reasonable comfort. The driver shall carry any mobility aids and/or wheelchairs. Any non-exempt driver shall provide such mobility assistance as is reasonably required by any disabled passenger.

The requirement not to charge a disabled person extra means, for example, that a meter should not be activated, or left running whilst the driver performs duties required by the Equality Act 2010 (as amended).

A driver of a pre-booked vehicle shall assist any disabled person in identifying and finding the vehicle and must not make, or propose to make, additional charges for doing so. This is provided the driver is made aware the passenger requires such assistance before the start of the journey. This duty is intended to be helpful for visually impaired passengers or those with learning disabilities or cognitive impairments.

The Council recommends that drivers and operators ask every passenger whether they require assistance, and if so what form of assistance is required. For hired vehicles this should be at the booking stage and for taxis this should be when the vehicle is hailed, or the driver is approached.

The Council would strongly encourage operators, where applicable, to update their booking websites and smartphone applications to collect relevant information from their passengers about their requirements.

The Council notes it is an offence under the Equality Act 2010 (as amended) for operators to refuse or fail to provide a booking for a disabled person either because the person is disabled or to prevent a driver from being made subject to a duty which would otherwise be imposed on the driver, subject to a suitable vehicle being available.

### **Designated List of Wheelchair Accessible Vehicles**



The Council must maintain and publish a designated list of wheelchair accessible vehicles in the Borough. This list can be found on the Council's website. Hard copy and alternative accessible versions of the list may be requested.

A vehicle will be placed on the designated list if it is possible for the user of a "reference wheelchair" to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair. More details on "reference wheelchairs" can be found on the Council's website.

The Council recognises this means some types of wheelchair users may be unable to access some vehicles on its list. The Council will ensure that the list includes information about the size and weight of wheelchairs which can be accommodated including whether the vehicle can accommodate wheelchairs which are larger than the "reference wheelchair" standard.

The Council will notify the vehicle owner, before publishing, that their vehicle is to be placed upon the list.

The decision by the Council to place the vehicle on the designated list can be appealed to the Magistrates' Court within 28 days beginning with the date of inclusion.

A driver of a designated wheelchair accessible vehicle shall carry a wheelchair user without charging extra. The driver shall carry the passenger while in the wheelchair, or if the passenger chooses to sit in a passenger seat the driver shall carry the wheelchair and/or any mobility aids. The driver shall take such steps as are necessary to ensure the passenger is carried in safety with reasonable comfortable. Any non-exempt driver shall provide mobility assistance as is reasonably required.

### **Assistance Dogs**

Drivers shall carry an assistance dog and allow the dog to remain with their user without making, or proposing to make, an additional charge for doing so. Operators should not refuse or fail to accept a booking from or on behalf of an assistance dog user.

### **Driver exemptions**

The Council acknowledges how some drivers may have a physical condition or medical grounds which makes it impossible or unreasonably difficult for them to provide the mobility assistance duties required by the Equality Act 2010 and/or medical grounds relating to their duties to carry assistance dogs.

The Council may exempt drivers if it is satisfied it is appropriate to do so. Drivers who wish to be exempt must apply, in writing, to the Council setting out their supporting evidence.

The Council will accept evidence from the driver's own GP in support of an exemption period of no more than three months. Applications for exemptions beyond three months will only be considered when supported by evidence from the driver's consultant and that decision will be determined by a Senior Specialist Advisor. Applications for exemptions beyond six months will be determined by a Licensing Sub Committee.

If a medical exemption is granted the driver will be issued with an exemption certificate and notice of exemption. The notice must be displayed in the vehicle by fixing it on the nearside of the windscreen. If a vehicle is used by multiple drivers, the driver who holds the exemption shall remove the notice from the windscreen when they are not operating the vehicle.

If an application for an exemption is refused, the Council will notify the applicant with a clear explanation of the reasons for refusal and the associated right of appeal. Drivers may appeal against the decision not to issue an exemption certificate to the Magistrates' Court within 28 days of the date of the written refusal.

The Council notes that a failure to comply with the duties in the relevant parts of the Equality Act 2010 (as amended) may be criminal offences and/or may also lead to the Council considering that those who do not comply are not "fit and proper" to hold a licence.

Further information on the duties imposed can be found within the Equality Act 2010 (as amended) and in the Guidance found [here](#).

## **Part 9: Fares**

### **Hackney Carriages**

The Council will consider the fare scales following a formal proposal from the hackney trade evidencing that at least 51% of the trade are in support. Before setting the fares, the Council will follow the appropriate procedures detailed in the 1976 Act.

When determining the level of fares, consideration will be given to what it is reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a cost-effective service at the times it is needed.

Hackney carriage fares, set by the Council, are a maximum and can be negotiated downwards by the hirer.

The fare for any journey that starts and ends within the Borough cannot exceed the metered fare based on the Council's maximum fare tariff. The meter should only be started when the passenger(s) is/are in the vehicle and the journey commences. The fare for any journey that starts or ends outside of the Borough can be negotiated prior to the commencement of the journey without using the meter.

The maximum fares currently prescribed by the Council are set out on the Council's website. A table of authorised fares will be provided to each hackney carriage licence holder, which must then be displayed in each vehicle so that it is easily visible to all hirers.

A hackney carriage driver must, if required by the passenger, provide a written receipt for the fare paid.

Where payments for journeys by credit/debit card are accepted, it is not permissible to set a minimum card payment amount.

### **Private Hire Vehicles**

The fare for a journey in a private hire vehicle must be agreed with the private hire operator at the time of booking. The driver should charge no more than the fare agreed with the operator at the time of booking.

The agreement between the hirer and the operator can either be for a fixed monetary sum, or an agreement that the fare will be calculated using the meter within the vehicle.

A private hire driver must, if requested by the passenger, provide a written receipt for the fare paid.

Where payments for journeys by credit/debit card are accepted, it is not permissible to set a minimum card payment amount.

## **Part 10: Licence Fees**

### **Fee Structure**

The legislation and established case law provide that licence fees should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands, and administering the control and supervision of hackney carriages and private hire vehicles. In simple terms, the Council can only set fees on a reasonable cost recovery basis and cannot make a profit from licence fees when analysed over a typical three-year cycle.

The fees currently payable for the grant and renewal of hackney carriage and private hire licences are set out on the Council's website. The fee structure is reviewed annually as part of the Council's budgetary process.

### **Payment**

The Council is able to accept payment by debit or credit card, cheques, or BACS payments. Cheques must be payable to Eastbourne Borough Council.

The Council is unable to accept cash payments, save for exceptional circumstances.

### **Refunds and Duplicate Copies**

In the case of any licence where the licence holder voluntarily surrenders their licence prior to the expiry date, the Council may make a refund in respect of the whole month/s of the unexpired portion of the licence fee.

In the case of a licence that has been suspended, revoked or otherwise ends early due to disciplinary matters, no refund will be made by the Council.

Where the Council receives a request for a duplicate copy of any previously issued licence, an appropriate fee will be paid to cover the associated administrative costs.

## **Part 11: Appeals**

Appeals against the below decisions of an Authorised Officer or a Licensing Sub-Committee may be made to the Magistrates' Court:

1. Conditions imposed on a hackney carriage proprietor's licence

2. Refusal to grant a private hire vehicle licence or conditions imposed on such licence
3. Refusal to grant a private hire driver's licence or conditions imposed on such licence
4. Refusal to grant a private hire operators' licence or conditions imposed on such a licence
5. Refusal to grant a hackney carriage driver's licence
6. Suspension, revocation or refusal to renew a hackney carriage or private hire vehicle licence
7. Suspension, revocation or refusal to renew a hackney carriage or private hire driver's licence
8. Suspension, revocation or refusal to renew a private hire operators' licence

Any points issued via the Penalty Points Scheme can be appealed to the Licensing Sub-Committee within 21 days of issue.

All other Authorised Officer or Licensing Sub-Committee decisions cannot be appealed.

Any decision notifications, for the above, will include information on how to appeal and the applicable time limits.

**Contact Us:**

Eastbourne District Council  
Town Hall  
Grove Road  
Eastbourne  
BN21 4TW

The Council Web Site can be viewed at [www.lewes-eastbourne.gov.uk](http://www.lewes-eastbourne.gov.uk)

E mail: [customerfirst@lewes-eastbourne.gov.uk](mailto:customerfirst@lewes-eastbourne.gov.uk)

Telephone Main Switchboard – 01323 410000

## **Appendix 1: Conditions Private Hire Vehicles, Hackney Carriage and Specialist Vehicles**

These conditions apply to all vehicles unless expressly stated.

### **Maintenance of Vehicle**

1. The vehicle and all its fittings and equipment shall always when the vehicle is in use or available to hire be kept in a safe and clean condition.
2. All relevant statutory requirements including those contained in the Motor Vehicle (Construction and Use) Regulations shall be fully complied with.
3. All vehicles shall undergo an inspection by a DVSA approved garage within the District every six months.
4. All hackney carriage vehicles will be white in colour.
5. Private hire vehicles will any colour other than white.

### **Identification Plate**

6. The plate identifying the vehicle shall always be securely fixed to the outside on the rear of the vehicle in a conspicuous position in such a manner as to be easily removed by an Authorised Officer or Police Officer. Magnetised fittings are not permitted.
7. Door signs are provided by the Council. All vehicles are required to display an approved door sign on the middle portion of the front driver and passenger doors as supplied by the council. This sign must be permanently fixed to the door, magnetised signs are not permitted.
8. On written application the Council may exempt certain specialist or executive vehicles from the need to display external plates, and operator identification.
9. The private hire licence plate provided by the Council for display inside the vehicle must be fixed to the front windscreen of the vehicle in a position where it may be conveniently read by passengers travelling in the vehicle.

### **Signage and Advertising**

10. Hackney carriages must be fitted with a sign approved by the Council. The sign shall comprise a yellow base material with an attached blue front panel bearing the words EASTBOURNE TAXI in yellow. The rear panel of the sign shall bear the word TAXI or if the proprietor chooses the telephone number of the taxi business. The word TAXI or telephone number of the taxi business on the rear panel shall be red on a black background in Helvetic Bold font style. The letters of the word Eastbourne shall be 2.5 cm high and 2 cm wide. The letters of the word TAXI shall be 7 cm high and 8.5 cm wide. The digits of the telephone number on the rear of the sign shall be 8 cm high and 5 cm wide. The sign shall be illuminated and have a green light on top capable of being switched on to indicate the vehicle is for hire. The sign shall be

placed transversely on the roof of the vehicle and shall not exceed 46 cm in width and 17 cm in height.

11. Private hire vehicles must not carry a roof sign of any description or have any markings that give the impression that it is a hackney carriage. They must display Council approved signage on the vehicles stating that the vehicle is only able to undertake pre-booked journeys. Any signage or advertising on a private hire vehicle must not include the words 'taxi', 'cab', 'hackney carriage' or 'for hire' save for the word 'taxi' or 'cab' being part of the company name.
12. The proprietor shall cause to be affixed and maintained in the vehicle in a conspicuous position and in accordance with the directions of the Council any sign or notice which the Council may from time to time require.
13. No other signs will be permitted to be displayed anywhere on the vehicle without the written permission of an Authorised Officer.
14. Restricted first party advertising is allowed so long as the advertising material is limited to the metal surfaces on the rear doors, providing it does not cause an obstruction, the advertising material shall be non-reflective, and nothing shall be advertised which may reasonably cause offence to any section of the community. The proprietor of any vehicle displaying an advertisement that does not comply with this condition will be required to remove the offending advertisement and until it has been removed the vehicle's licence will be suspended.

## **Miscellaneous**

15. No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time the licence is in force.
16. A suitable First Aid kit shall be always provided and maintained in the vehicle when in use or available for hire.

Contents should include:

Disposable Gloves

First Aid Guidance Leaflet

Moist Wipes

Safety Pins

Sterile Dressings with Pads (Large)

Sterile Eye Pads with Bandages

Sterile Wash Proof Plasters (Assorted)

Triangular Bandages

### **Sterile Dressings with Pads (Medium)**

17. A suitable Fire Extinguisher which conforms to British and European standards shall be always provided and maintained in the vehicle when it is in use or available for hire. The fire extinguisher will be visible and readily available for immediate use in an emergency.
18. **A legal spare wheel (or appropriate alternative) must be carried in the boot of the vehicle and the necessary tools to fit the spare wheel**
19. The proprietor shall notify the Council in writing of any change of his address within seven days of such change taking place.
20. The proprietor shall within seven days disclose to the Council in writing details of any conviction, caution, FPN, civil injunction, or Acceptable Behaviour Contract imposed on him or if the proprietor is a company or partnership on any directors, company secretary or partners.
21. If the proprietor permits or employs any other person to drive the vehicle then before that person commences to drive the vehicle the proprietor shall cause that driver to deliver to him their private hire drivers or hackney carriage licence.
22. Any accident in a vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of person carried therein must be reported as soon as practicable and in any case within 72 hours of the occurrence.
23. Licensed vehicles may be fitted with Dark Tinted Windows (Manufacturers standard fit). All vehicles must comply with the Road Vehicles (Construction and Use) Regulations 1986 Regulations (10) and (11)
24. Where payments for journeys by credit/debit card are accepted, it is not permissible to set a minimum card payment amount.
25. Vehicles presented for first licensing shall not be more than nine years old and vehicles presented for re-licensing shall not be more than ten years old apart from in exceptional circumstances at the discretion of an Authorised Officer. Applications to re licence vehicles over ten years old must be made in writing to the Council citing what is an 'exceptional circumstance'. Financial matters nor the condition of the vehicle come into this exceptions category and will not be considered in the determination.
26. For new and relicensed vehicles defined by the Vehicle Certification Agency as Low Emission, Ultra Low Emission Vehicles and Zero Emission Vehicles or if the vehicle is a hybrid it shall not be more than 15 years old in age

### **CCTV (Implementation date 31 October 2023)**

27. The Council considers that the security of drivers and passengers is of paramount importance and CCTV can be a valuable deterrent.

28. CCTV systems are to be installed in all licensed hackney carriage and private hire vehicles (other than private hire vehicles issued with a plate exemption for executive and VIP work and are used solely for this purpose). The system must be approved by the Authority and be capable when required of audio recording. The Authority will become the Data Controller and will publish a Data Impact Statement and guidance to drivers.
29. The installation and operation of the CCTV systems shall comply with the requirements of the Information Commissioner's CCTV Code of Practice. Following the installation of any CCTV installed into the vehicle it is incumbent upon the operator, proprietor or driver to handle relevant data in an appropriate or secure manner.
30. The CCTV system shall comply with any legislative requirement as regards safety, technical acceptability and operational/data integrity.
31. The CCTV system will always remain the property of the proprietor of the vehicle who will be responsible for the maintenance of the system and will ensure that it is checked regularly and always maintained in working order. If at any time the CCTV system is not working, it must be reported to an Authorised Officer within 72 hours.
32. The CCTV system must be capable of date, time and vehicle identification. It must be capable of capturing images during daytime and darkness of sufficient quality to enable the identification of any person travelling in the vehicle and be of such quality that it can be used for prosecution purposes, where necessary.
33. The positioning of the CCTV camera and hardware should be such that the hard disc or data card is not accessible to any passenger travelling in the vehicle. The equipment must be securely fixed such that it cannot be tampered with or damaged by any person travelling in the vehicle.
34. The CCTV system shall not be used to record conversations between members of the public, since that is highly intrusive, and if any system is equipped with a sound recording facility, then that functionality shall be disabled.
35. All vehicles with a CCTV system shall display prominent notices, visible both outside and inside the vehicle, to inform passengers that a CCTV system is in operation.
36. An Authorised Officer or Police Officer may, on reasonable notice, examine any camera installation or any footage from the CCTV. The Council shall be permitted to access data where they have received a complaint involving the vehicle or its driver and the complaint cannot be fully investigated without access to the recording. The licence holder shall co-operate with any Police investigation where access to the CCTV footage may assist.
37. The CCTV system must be capable of recording and storing images for a minimum of 28 days.



## **Appendix 2: Hackney Carriage Byelaws**

### **Extracts from the Byelaws and Resolutions of the Council**

made with respect to hackney carriages (taxis) in the Borough of Eastbourne (i.e., paragraph numbers relate to the 1970 Byelaws as amended)

#### **Provisions regulating the way the number of each hackney carriage, corresponding with the number of its licence, shall be displayed.**

1. Every proprietor of a hackney carriage shall:
  - a. make sure the number of the licence granted to him in respect of the carriage to be displayed: -
    - (i) inside the carriage in such a position as to be clearly legible by the hirer throughout the hiring; and
    - (ii) outside the carriage by securely fixing at the rear of the carriage in a position above the rear bumper and to the off side of the centre line of the vehicle, the authorised hackney carriage plate issued to him by the Council.
  - b. not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire.
  - c. does not cause or permit the vehicle to ply for hire with any such plate so defaced that any figure or material is illegible.

#### **Provisions regulating how hackney carriages are to be furnished or provided.**

2. Every proprietor of a hackney carriage shall:
  - a. provide sufficient means by which any person in the carriage may communicate with the driver.
  - b. cause the roof or covering to be kept watertight.
  - c. provide any necessary windows and means of opening and closing not less than one window on each side.
  - d. cause the seats to be properly cushioned or covered.
  - e. cause the floor to be provided with a proper carpet, mat or other suitable covering.
  - f. cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service.
  - g. provide means for securing luggage if the carriage is so constructed as to carry luggage.

- h. provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use.
  - i. provide at least two doors for the use of persons conveyed in such a carriage and a separate means of ingress and egress for the driver.
3. Every proprietor of a hackney carriage shall cause the carriage to be provided with a taximeter. The taximeter shall be so constructed, attached, and maintained as to comply with the following requirements, that is to say: -
- a. the machinery of the taximeter shall be brought into action by moving a lever or other device.
  - b. until the machinery of the taximeter is brought into action no fare shall be recorded on the face of the taximeter.
  - c. when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf.
  - d. the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon.
  - e. the taximeter shall be so placed that all letters and figures on the face thereof may be seen by any person conveyed in the carriage and for that purpose suitable means of illumination shall be provided during any period of hiring.
  - f. the taximeter and all fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

**Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments and determining whether such drivers shall wear any and what badges.**

4. Every driver of a hackney carriage provided with a taximeter shall: -
- a. as soon as the carriage is hired by distance and before commencing the journey, bring the machinery of the taximeter into action by moving the lever or other device with which the taximeter is fitted.
  - b. cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined in Section 1 of the Road Transport Lighting Act 1927, and at any other time at the request of the hirer.

5. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
6. Every driver of a hackney carriage for which stands are fixed by any byelaws in that behalf shall, when plying for hire in any street and not actually hired:
  - a. proceed with reasonable speed to, and station the carriage on, one of such stands.
  - b. if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand.
  - c. on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and to face in the same direction.
  - d. from time to time when any other carriage immediately in front is driven off or moved forward, cause his carriage to be moved forward to fill the place previously occupied by the carriage driven off or moved forward.
7. Every proprietor or driver of a hackney carriage who shall have agreed or shall have been hired to be in attendance with the carriage at an appointed time and place, shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such time and place.
8. If a badge has been provided by the Council and delivered to the driver of a hackney carriage, either with the licence granted to him by the Council or afterwards, he shall, when standing, plying or driving for hire, wear that badge in such a position and manner as to be plainly and distinctly visible.
9. Every driver of a hackney carriage so constructed as to carry luggage shall when requested by any person hiring or seeking to hire the carriage: -
  - a. convey a reasonable quantity of luggage.
  - b. afford reasonable assistance in loading and unloading.
  - c. afford reasonable assistance in removing it to or from the entrance of any house, station, or place at which he may take up or set down such person.
10. Every proprietor or driver of a hackney carriage who shall knowingly convey in the carriage the dead body of a person shall, immediately thereafter, notify the fact to the Council.
11. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the current tariff. The rate of fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time. Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised, by which it may not be possible to record on the face of the taximeter.

12. (1) Every proprietor of a hackney carriage plying for hire for which any fares fixed by any byelaw in that behalf shall: -
  - a. cause a statement of such fares to be painted or marked on the side of the carriage, or on a plate affixed thereto, in clearly distinguishable letters and figures.
  - b. renew such letters and figures as often as is necessary to keep them clearly visible.
- (2) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

**Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing charges to be made in respect thereof.**

13. Every proprietor or driver of a hackney carriage shall, immediately after the termination of any hiring, carefully search the carriage for any property which may have been accidentally left therein.
14. Every proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him: -
  - (i) carry it within twenty-four hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it.
  - (ii) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to one shilling in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.
15. Every person who shall offend against any of these byelaws shall be liable, on summary conviction, to a fine not exceeding 100 pounds and, in the case of a continuing offence, to a further fine not exceeding five pounds for each day during which the offence continues after conviction.

Link to hackney carriage Byelaw is or it can be viewed on the Council web site at [www.lewes-eastbourne.gov.uk](http://www.lewes-eastbourne.gov.uk) and search for byelaws.

### Appendix 3: Private Hire Drivers Conditions of Licence

1. The driver shall behave in a civil and orderly manner and shall take reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the licensed vehicle.
2. The driver shall be always clean and tidy in appearance and dressed smartly with long or short sleeved shirt or blouse and long trousers, tailored shorts or skirts. Suitable footwear for driving must be worn.
3. The driver shall ensure that the vehicle is presented in a clean and tidy condition for each journey.
4. The driver must carry assistance dogs when required unless they have a Certificate of Exemption from the Council.
5. The drivers of a designated wheelchair accessible vehicle shall carry a passenger while in the wheelchair and not to make any additional charge for doing so. If the passenger chooses to sit in a passenger seat the driver shall carry the wheelchair and to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort. The driver will be responsible to assisting the passenger to get in and out of the vehicle and for loading the passenger's luggage and/or wheelchair into and out of the vehicle. The driver must ensure that any occupied wheelchair being transported in a wheelchair accessible vehicle must be safely secured using the restraint system carried in the vehicle, provided such system is compatible with the wheelchair being transported.
6. A driver who has agreed to attend a certain time at a specified place or whose operators has informed them must attend a certain time and place shall unless delayed or prevented by some sufficient cause must so attend.
7. A driver must carry in the vehicle any luggage to which the passenger requests if it can be properly secured with the luggage constraints.
8. A driver must provide reasonable assistance in loading and unloading such luggage.
9. A driver must provide reasonable assistance in removing any luggage to or from of an entrance of any building or place the passenger may be taken up or set down.
10. A driver must provide reasonable assistance to any passenger in alighting or entering the vehicle.
11. The driver of a vehicle equipped with a taxi meter shall set the meter into operation at the point at which the hirer commences his journey unless the hirer pre-agrees a fare.
12. The driver shall always when acting as a private hire driver wear the badge issued by the Council in such a manner to be distinctly visible. The driver shall not lend the badge to any other person or cause or permit any other person to wear it.
13. The driver must not allow a passenger into their vehicle unless they have first confirmed that there is a booking in place for that passenger.

14. Where any of the following occur, the driver must notify the Council in writing so that the notification is delivered to the Council within seven days.
- Any change to the driver personal details including home address, contact telephone number or email address
  - If they change from one private hire operator to another
15. Existing holders of driver's licences are required to notify the licensing authority in writing within 48 hours of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the licensing authority within 48 hours of their arrest for any matter (whether subsequently charged or not). To fail to do so, will raise serious questions for the licensing authority as to the honesty of the licence holder and will be considered as part of any subsequent renewal applications or licence review.
16. A driver shall not at any time permit the noise from any radio or sound system in the vehicle to be a source of annoyance or nuisance to any person, whether inside or outside the vehicle. The driver must turn off their radio/stereos if requested by a passenger.
17. The driver shall not between the hours of 23:30 and 07:00 sound his horn to notify the hire of his presence.
18. The driver shall not, without the consent of the hirer, convey any other person in the vehicle other than the hirer.
19. The driver shall not demand for any hirer a fare in excess of any previously agreed for that hirer between the hirer and the operator or if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare the fare shown on the face of the taximeter.
20. A driver shall, if requested by the hirer, provide him with a written receipt for the fare paid.
21. A driver must supply on request his badge number or plate number to any person on request.
22. A driver stopped by an Authorised Officer or a Police Officer must produce their licence on demand.
23. The driver shall not wilfully or negligently cause or permit the vehicle licence plate to be concealed or allow the plate to be so defaced as to make any figure or information illegible.
24. The driver when hired to drive to a particular destination shall proceed to that destination by the shortest available route unless otherwise instructed by the hirer.
25. The driver must not cause or permit the vehicle to stand on a public road to suggest that it is plying for hire.

26. The driver shall not smoke or 'vape' in the vehicle.
27. The driver must not use a mobile phone whilst driving unless it is designed for hands free operation.
28. The driver shall not convey or permit to be conveyed any greater number of persons than the number specified on the vehicles licence.
29. The driver must return forthwith all licence, badges and plate to the Council when the driver ceases to be licensed.
30. The driver must cease driving any private hire vehicle and contact the Council immediately if they know of any medical condition which may affect their driving ability or the health or safety of themselves or any passengers.
31. The driver shall ensure that he complies with the law and best practice in relation to seat belts in relation to children under the age of fourteen.

## Appendix 4: Private Hire Operator Conditions

### Records

1. The operator shall keep a record of every booking of a private hire vehicle invited and accepted by him whether direct from the hirer or by undertaking the bookings at the request of another operator. The records shall be made available for inspection by an Authorised Officer or Police Officer upon request. The records entries must be made before the commencement of the journey and shall include:
  - the name of the person making the booking
  - contact telephone number of the person making the booking
  - the time of the request.
  - the pick-up point.
  - the destination.
  - the name of the driver.
  - the driver's licence number.
  - the vehicle registration number of the vehicle dispatched.
  - the name of any individual that responded to the booking request.
  - the name of any individual that
2. All records shall be kept by the operator for a period of at least 12 months from the date of the journey.
3. The operators shall keep written records of the particulars of all vehicles operated by him which include the:
  - Type, make, model, colour and engine size of the vehicle
  - The date the vehicle was first licensed for private hire
  - Vehicle registration number
  - Number of seats for passengers
  - Owner of the vehicle
  - Valid certificate of insurance of the vehicle
  - Method of charging i.e., whether a meter is fitted
  - Vehicle plate number.
4. The operator will securely retain a copy of the licences of all drivers (whether private hire or hackney carriage) engaged to work for them and make them available for inspection by an Authorised Officer or Police Officer upon request.
5. The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking should not be permitted by private hire vehicle operator without the informed consent of the person making the booking.

### Display of Licence Plates

6. The operator shall ensure that the licence plates issued by the Council are affixed to such position as shall be approved by an Authorised Officer.



7. The operator shall ensure maintenance of such licence plates in clean and legible conditions and shall inform the Council immediately should it be lost or broken or become defaced.

### **Miscellaneous**

8. The operator shall ensure that any staff they always employ act in a civil and courteous manner.
9. The operator shall ensure that a private hire vehicle which has been hired shall attend the appointed time and place unless delayed or prevented by sufficient cause.
10. The operator must not accept a booking by any person to hire a private hire vehicle unless the passenger or someone on his behalf previously requested the hiring by any means, for example telephone, email, text or personal call or smart phone App, to the licence holder.
11. The operator must not accept a request for hire (a booking) which has been communicated to them directly by a driver a driver. For clarification, the operator must not accept a booking made by a driver on behalf of a potential customer where the person approached the driver in the street seeking to hire the vehicle.
12. The operator must ensure that none of his staff or agents tout for business on the street, touting in this context means approaching any person in the street and asking if they want to book a vehicle.
13. The operator is required to undertake reasonable checks as to fitness or suitability of their employees or agents who take bookings.
14. The operator shall ensure that every driver engaged has obtained a private hire drivers licence obtained by the same Licensing Authority which issued the operator's licence. If any documents expire the operator must ensure that driver does not work until the documents have been submitted to the operator.
15. The operator may only operate from an address within the Borough they are licensed. Upon the grant of a licence the Council will specify the address from which the operator may operate.
16. The licence must be kept in the possession of the operator and must be provided when requested by an Authorised Officer or any Police Officer. In the event of loss or damage to this licence the Council must be informed immediately so that a replacement licence can be issued. The licence must not be altered or defaced in any way.
17. The operator must not operate more vehicles than the maximum number specified on their licence. If the number of vehicles they operate increases during the period of their licence the operator shall apply to the Council for a variation and an amended licence fee (pro rata to reflect the increase) will apply for the remainder of their licence.

18. The operator shall keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access whether for the purpose of booking or waiting. Any waiting area provided by the operator shall have adequate seating facilities.
19. The operator must not refuse a booking because the person wishing to make the booking proposes that an assistance dog is to travel with them. The operator must not make an additional charge for the carriage of a passenger's assistance dog.
20. The operator may only trade under this licence using one of the following, his name, the company's name, the trading name or one of the names which the licence holder included on the application form or another trading name provided that the operator notified the Council at least fourteen days prior to the intended change of name.
21. The operator must notify the Council in writing within seven days of the event occurring.
  - Any change to the licence holders' personal details including home address or if a company the registered address, contact telephone number or email address.
22. The operator must notify the Council in writing within 21 days of the event occurring.
  - If the licence holder is charged with any criminal offence.
  - Any conviction, caution or FPN given to a person or in the case of a company any director or company secretary or any partner for any criminal offence.
23. The operator shall ensure that all drivers have a badge issued by the Council and that the driver wears the badge which is always distinctly visible whilst available for hire.
24. The operator shall notify the Council forthwith and in writing of any complaints, concerning a contract for hire which call into question the suitability of a driver to hold a licence. Such notification must include the action taken or proposed as a result of the complaint.
25. Before an application for an operator's licence will be considered the applicant will be subject of a Basic Disclosure from DBS or a Certificate of Good Conduct. Applicants that hold a current driver's licence with the Council will be exempt from this requirement. A reference covering the applicant's financial records and/or business history may also be considered appropriate in some instances.
26. Operators will be required as a condition of granting an operator licence, to keep a register of all staff that will take bookings or dispatch vehicles
27. Operators will be required to evidence that they have had sight of an annual basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. Operators will have to provide their policy on employing ex-offenders in either of these roles.

28. All Operators are required to keep a record of all complaints received. These records must be made available for inspection by the Authorised Officer on request. Operators are required to advise the authority when any driver is subject to any complaints regarding safeguarding, dishonesty, abusing customers or more than one complaint which does not fall into these categories in any 12 months

## **Appendix 5: Right to Work**

The Council is under a legal duty to ensure that driver and operator licences are only issued to applicants who have lawful immigration status and the right to work in the UK. By law, the Council cannot issue a licence to any applicant that does not satisfy this requirement.

All applicants will need to attend the Council Offices where an Authorised Officer will check their original valid documentation evidencing their right to work in the UK. The applicant must attend in person and bring evidence of their right to work in the UK. Only certain types of documentation are acceptable.

### **For applicants who are British Citizens**

Need to provide a British passport confirming they are a British Citizen. If they do not have a British passport, they can produce any of the other documents contained within List A.

### **For applicants who are not British Citizens but have no restrictions on their right to work in the UK**

Need to provide any of the other documents contained within List A.

### **For applicants who have restrictions on their right to work in the UK**

Need to produce any of the documents contained within List B. If the documentation proves a right to work expires prior to the normal licence expiry date the licence will only be granted for the period, the Council have proof of a right to work.

The Council will not accept a visa that confirms their right to reside in the UK, but which is attached to an expired passport. The applicant will need to apply to the Home Office to obtain acceptable proof, such as a biometric residence permit. Once a valid application to the Home Office has been confirmed, a six-month licence can be granted to allow time for the Home office to process the application.

An applicant must bring original documentation (not a photocopy) and it is the applicant's responsibility to make sure they can provide acceptable forms of documentation.

The Authorised Officer will check that the documentation is acceptable based on either List A or List B (depending on your circumstances), check that the document is an original and relates to the person providing it, and take a photocopy for Council's records.

If the documentation provided demonstrates that the applicant has a permanent right to work in the UK (from List A) they will not be required to produce documentation for future applications. In other cases, the applicant will be required to provide documentation when they next apply to renew their licence so their right to work can be verified again at that point in time.

## List A

- (i) A passport showing the holder, or a person named in the passport as the child of the holder, is a British Citizen or a citizen of the UK and Colonies having the right of abode in the UK.
- (ii) A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- (iii) A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- (iv) A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- (v) A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named can stay indefinitely in the UK or has no time limit on their stay in the UK.
- (vi) A current passport endorsed to show that the holder is exempt from immigration control, can stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- (vii) A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person can stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- (viii) A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- (ix) A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- (x) A certificate of registration or naturalisation as a British Citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

## List B

- (i) A current passport endorsed to show that the holder can stay in the UK and is currently allowed to do the type of work in question.
- (ii) A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and can do the work in question.
- (iii) A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
- (iv) A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK and can do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- (v) A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old together with Verification from the Home Office Evidence and Enquiry Unit.
- (vi) A Verification issued by the Home Office Evidence and Enquiry Unit to you, which indicates that the named person may stay in the UK because they have an in-time application, appeal or administrative review and which is outstanding.

## **Appendix 6: Guidance on the Relevance of Convictions**

### **Convictions Guidance**

#### **Introduction**

The purpose of this document is to provide guidance on the criteria considered by the Council when determining whether an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire driver or operator licence.

The overriding aim of the Council is to protect the safety of the public. The Council is concerned to ensure:

- That a person is a fit and proper person
- That the person does not pose a threat to the public
- That the public are safeguarded from dishonest person
- The safeguarding of children, young persons and vulnerable adults

This document provides guidance to any person with an interest in taxi and private hire licensing. But not exclusively:

- Applicants for drivers' licences
- Existing licensed drivers whose licences are being reviewed or renewed
- Authorised Officers
- Members of the licensing sub-committee ('sub-committee')
- Magistrates and Judges hearing appeals against the Council's decisions

Where authorised Officers have delegated powers to grant licences, they will utilise these guidelines when deciding to grant a licence. In all other cases applications for licences will be referred to the licensing sub-committee. Whilst authorised officers and the sub-committee will have regard to the guidelines contained in the Guidance each case will be considered on its individual merits and, where the circumstances demand, the sub-committee may depart from the guidelines.

For renewal applications and current licence holders the Guidance will not be applied retrospectively. However, the Guidance will be applied if any additional convictions are incurred or brought to the attention of the licensing authority that would call into question a person's suitability to hold a licence.

There is no judicially approved test of fitness and propriety and, accordingly, several local tests have developed.

The test used by this Authority when considering whether a licence holder is a 'Fit and Proper' Person is:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence. All decisions on the suitability of an applicant or licensee will be made

on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or authorised officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and will take into consideration conduct that has not resulted in a criminal conviction.

The Council will undertake whatever checks it considers necessary to ensure that licences are not issued to unsuitable people. In assessing the suitability of an applicant or licence holder, the licensing authority will take into consideration the following factors:

- Criminality
- Number of endorsed DVLA driving licence penalty points
- The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process).
- The previous licensing history of existing / former licence holders.

In addition, the Council will also consider further information from sources such as, but not limited to, the Police (including abduction notices), Children and Adult Safeguarding Boards, Multi Agency Safeguarding Hub, Immigration Service, Social Services other licensing authorities, other departments within the Council, and other statutory agencies.

As licensed drivers often carry unaccompanied and vulnerable passengers, the licensing authority will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. A licensed PHV or taxi driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. Taking drugs and driving poses an obvious risk to public safety, whilst applicants who have convictions for the supply of drugs should also be treated with considerable concern, the nature and quantity of the drugs, whether for personal use or supply are issues which will be considered carefully. As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public.

The Council reserves the right to overturn or annul a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered.

In this Guidance the word "applicant" refers to either new applicants, existing licence holders who are seeking renewal and existing licence holders that are the subject of periodic auditing or having their licence reviewed by the Council as part of the Guidance-implementation process. It also includes existing licence holders who are being considered by the Guidance by virtue of offending activity having recently come to light.

In this Guidance, the word "conviction" is to be defined as including convictions, cautions, warnings, reprimands and other relevant information.

## **General Guidance**

Whilst the Licensing Sub-Committee may consider that a person with a conviction for a serious offence need not be automatically barred from obtaining a licence, it would normally be expected that the applicant would be required to:



- Remain free of conviction for an appropriate period as detailed below; and
- Show adequate evidence that her or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence).

(Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence).

The standards and criteria set out below are those that would normally be applied to applications and licences. Each case will be considered on its own merits, and the Guidance may depart from these criteria, however it must only do so in exceptional circumstances. The otherwise good character and driving record of the applicant of licence holder will not ordinarily be considered as exceptional circumstances.

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.

Where an applicant has been convicted of a criminal offence, the Council cannot review the merits of the conviction (Nottingham City Council v. Mohammed Farooq (1998)).

## **Powers**

Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the Council to suspend, revoke or refuse to renew a licence if the applicant/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002 allows the Council to consider all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore, the Council will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared.

In this Guidance the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

## **Consideration of disclosed criminal history**

Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the Council is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle operator's licence is a 'fit and proper' person to hold such a licence. However,

if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will investigate:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of conviction
- Circumstances of the individual concerned
- Sentence imposed by the court
- The applicant's age at the time of conviction.
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g., personal references)
- Any other factors that might be relevant for example:
  - The previous conduct of an existing or former licence holder,
  - Whether the applicant has intentionally misled the council or lied as part of the application process
  - Information provided by other agencies/council departments

In this Guidance 'from date sentence has ended' is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For example, if a sentence is five years imprisonment, then the date that the sentence ends will be five years from the date of sentencing - regardless of the amount of time served by the applicant. If the sentence is amended by a court later, then this new sentence becomes relevant for the purposes of this Guidance. The term 'since completion of sentence' is to be construed in a similar way.

Existing holders of driver's licences are required to notify the Council in writing within 48 hours of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the Council within forty-eight hours of their arrest for any matter (whether subsequently charged or not). To fail to do so, will raise serious questions for the Council as to the honesty of the licence holder and will be considered as part of any subsequent renewal applications.

It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence (Section 57 Local Government (Miscellaneous Provisions) Act 1976). Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

Any offences or behaviour not expressly covered by this Guidance may still be considered.

The Guidance is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Guidance other licensing authorities, and information disclosed by the police.

Admission of guilt is required before a Police caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.

Applicants can discuss further what effect a caution/conviction may have on any application by contacting an Authorised Officer or advice.

### **Options when determining an application/licence**

When determining an application or reviewing an existing licence in relation to convictions or other relevant information the Council have the following options:

- grant the licence or take no further action
- grant the licence with additional conditions
- refuse, revoke, or suspend the licence
- issue a warning
- issue Penalty Points

If a current licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.

### **Serious offences involving violence**

Licensed drivers have close regular contact with the public. A firm line will be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.

Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will not normally be granted where the applicant has a conviction for an offence of similar offence(s) which replace the below offences and the conviction is less than 10 years prior to the date of application:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm
- Grievous bodily harm with intent
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Common assault
- Violent disorder
- Resisting arrest
- Any racially aggravated offence against a person or property

- Affray
- Any offence that may be categorised as domestic violence
- Any offence that may be categorised as stalking
- Harassment, alarm or distress, intentional harassment or fear of provocation of violence
- Or any similar offences (including attempted or conspiracy to commit) offences
- which replace the above

A licence will not normally be granted until at least 5 years have passed since the completion of any sentence and / or licence period following conviction for an offence shown below:

- Obstruction
- Criminal damage
- Any offences (including attempted or conspiracy to commit offences) that are like those above.

A licence will not normally be granted if an applicant has more than one conviction for an offence of a violent nature.

### **Offences involving a weapon**

If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.

Depending on the circumstances of the offence, an applicant should be free of conviction for 7 years (or at least 7 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

### **Sexual and indecency offences**

As licensed drivers often carry unaccompanied and vulnerable passengers, the Council will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences will be considered as serious. Applicants with convictions for sexual or indecency offences that involve a third party will normally be refused a licence.

An application will normally be refused where the applicant has a conviction for an offence such as:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Possession of indecent photographs, child pornography etc.
- Indecent exposure
- Soliciting (kerb crawling)

- Or any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

In addition to the above the Council will not grant a licence to any applicant who is currently on the Sex Offenders Register.

## **Dishonesty**

A licensed PHV or taxi driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. Taxi drivers are required to deposit such property with police within 24 hours. PHV drivers must pass lost property to the operator. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

In general, a minimum period of 7 years free of conviction or at least 7 years from completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- and any similar offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.

Applicants or existing licence holders that are found to have intentionally misled the licensing authority or lied as part of the application or renewal process, will not be issued with a licence.

## **Drugs**

A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.

A licence will not normally be granted where the applicant has an isolated conviction for an offence related to the supply of drugs and has not been free of conviction for 10 years.

A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.

An applicant who has an isolated conviction for an offence related to the possession of drugs (other than for supply) within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.

If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict, then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

A licence will not normally be granted if an applicant has more than one conviction for a drugs related offence.

## **Driving offences involving the loss of life**

A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life. Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- or any similar offences

## **Drink driving/driving under the influence of drugs/using a mobile phone whilst driving**

As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his DVLA driving licence, but he should be warned as to the significant risk to his licence status in the event of re-offending. Normally at least 5 years after the restoration of the driving licence following a drink/drug drive conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed. If an applicant has more than one conviction for driving or being in charge of a vehicle while under the influence of drink of drugs the application should normally be refused.

Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research (see [link](#)) which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they:

- are much less aware of what's happening on the road around them
- fail to see road signs
- fail to maintain proper lane position and steady speed
- are more likely to 'tailgate' the vehicle in front
- react more slowly, take longer to brake and longer to stop
- are more likely to enter unsafe gaps in traffic
- feel more stressed and frustrated.

There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. Considering this, an equally serious view should be taken of convictions for driving whilst using a mobile phone as for driving under the influence of drink or drugs.

A licence will not normally be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs or whilst using a mobile phone.

### **Other Motoring Offences**

There are many motoring offences which attract penalty points and fines. Some of these are not necessarily a bar from an applicant being granted a licence or an existing driver retaining a licence.

Traffic offences such as driving without due care and attention, reckless driving, more serious speeding offences (usually dealt with by a court), or offences of a similar nature will give rise to serious doubts about the applicant's suitability to be a driving professional. An applicant with any such convictions will be required to show a period of at least 1 year free of such convictions. For applicants with more than one offence this should normally be increased to 5 years.

In cases where the courts have imposed a disqualification in respect of the DVLA driving licence, the periods stated above should normally commence from the date of the restoration of the licence.

In this Guidance the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

In "totting up" cases where disqualification is considered by the Court, even if the court does not disqualify (e.g., because of exceptional circumstances) a driver, the Guidance is likely to refuse a hackney carriage or private hire driver's licence because different criteria apply. An applicant will normally be expected to show a period of 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

## **Licensing Offences**

Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of 5 years has passed since.

A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence.

## **Insurance offences**

A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years; however strict warning should be given as to future behaviour.

A licence will not normally be granted if an applicant has more than one conviction for an insurance related offence.

An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will normally have his operators' licence revoked immediately and be prevented from holding a licence for at least three years.

Where a specific offence is not mentioned, a suitable period will be determined by reference to offences described. The Council reserves the right to refuse a licence where there are aggravating circumstances, even where these guidelines would otherwise indicate that a licence might be granted.

## **Outstanding charges or summonses**

If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.

If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded, or the licence may be refused.

## **Non-conviction information**

If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration may be given to refusing the application or revoking an existing licence.

The Guidance will consider intelligence it receives which has not led to a conviction. This may include but not be limited to information regarding acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged, and complaints from the public. In considering



the most appropriate action to take following the receipt of information), the credibility of the witness / complainant and the licence holder will be considered.

In assessing the action to take, public safety will be the paramount concern. Decisions will be taken on balance of probability.

### **Once a licence has been granted**

If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.

A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If the matter is appealed to a Magistrates or Crown Court, it will take effect at the conclusion of those proceedings. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

A suspension or revocation of the licence of an Operator takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If the matter is appealed to a Magistrates or Crown Court, it will take effect at the conclusion of those proceedings

### **Licences issued by other licensing authorities**

Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

## Appendix 7 Penalty Points Scheme

### Eastbourne Borough Council Taxi and Private Hire Licensing, Penalty Points Scheme

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, Council's Byelaws and the Guidance set by the Licensing Committee.
2. The aim of the 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 driver's behaviour and conduct as to ascertain whether they are a fit and proper person.
3. It does not prejudice the Council's ability to take other actions.

#### How will it work?

4. If Operators, Drivers or Proprietors of Vehicles commit an offence or breach rules, regulations or conditions of a licence, the persons involved **may be** asked to attend the Council offices for an interview. Once investigations are completed, letters are sent out detailing the outcome and a permanent record kept on the persons' file. The outcome may result in no further action being taken, penalty points being awarded, a formal warning, referral to the Licensing Sub Committee and/or prosecution.
5. Penalty Points will remain current for 12 months from the date the penalty points are issued. The period is on a roll forward basis, so as to allow any older points to be considered as spent and, therefore, excluded from the running total recorded against any individual licensee.
6. Points issued to either the proprietor of a vehicle or a driver **and/or operator will** be confirmed in writing, normally within 10 working days from the discovery of the contravention.
7. Where a licensee accumulates 12 penalty points in any 12-month period, the matter will be referred to the Council's Licensing Sub Committee for it to consider whether the driver/**operator/proprietor** is a fit and proper **person**.
8. The Sub Committee may then suspend or revoke a licence, or issue a warning to the Licensee, **or choose to apply vary further penalty points** depending upon the circumstances. Periods of suspension by the Committee will be dependent on the nature of the breaches of the legislation/conditions and the compliance history of the individual.
- ~~9. Suspension periods will normally vary between 7 to 90 days or the maximum until the licence expiry date~~

10. Disputes regarding the issuing of penalty points by Officers will be referred to the Licensing Sub Committee. They will have discretion to ~~award a greater~~ vary the number of points than displayed on the tariff, if the complaint is upheld. Drivers must appeal any points issued by Officers to the Licensing Sub Committee within 21 days.
11. 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. If points are issued to a proprietor/driver/~~operator~~ for a matter which is also a criminal offence, e.g. bald tyres, no badge, those person(s) will not then be the subject of a prosecution by the Council.
- ~~12. Potential recipients of points for infringements 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.~~

### Penalty Points Scheme

	Details of the misconduct for a Driver	Points Applicable
1	Inappropriate behaviour at a taxi rank	1-12*
2	Unsatisfactory behaviour or conduct of a driver.	1-12*
3	Failure to observe rank discipline (HC) TFL?	3
4	Waiting or stopping on a double yellow area, bus stop, disabled bay or private land (without the owner's permission) unless requested by a paying customer present in the vehicle Obstruction of a highway without reasonable cause	3 4
5	Failure to use authorised roof light (HC only)	4
6	Failure to have the driver's badge clearly displayed	4
7	Unsatisfactory appearance of driver or/and Vehicle Need further info on what is 'Unsatisfactory'	4 1-6*
8	Leaving a taxi unattended at a rank	4
9	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares should be both as PH could prolong journey	6
10	Refusal to accept hiring without reasonable cause	6
11	Failure to provide proof of insurance cover when requested by an authorised officer	6

12	Carrying more passengers than stated on the vehicle licence	6 12?
13	Carrying two or more separate fares without the appropriate consent	9
14	Driving whilst using any handheld mobile device e.g mobile phone or PDA	9
15	Carrying an offensive weapon in the vehicle without lawful authority or reasonable cause	1-12*
NE W*	failure to accept payment by credit or debit card Any payments paid for via credit or debit cards must not have a minimum charge	1-12*
	<b>Details of the misconduct for Vehicle Owner or Operator</b>	
16	Misleading use of the words 'Taxi' or 'Cab' on advertising materials in line with the licensing guidance	3
17	Failure to maintain proper records of private hire vehicles and drivers for a minimum of 12 months	3
18	Failure to carry first aid kit And the required contents <del>should be on driver</del>	3
19	Failure to carry an in date fire extinguisher (Dry powder)	4 (3)
20	Displaying unsuitable or inappropriate sited signs or unauthorised advertisements in or on the vehicle- In line with the Licensing Guidance	3
21	Failure to produce Hackney Carriage or Private Hire vehicle for re-testing when required	4
22	Failure to notify a transfer of Private Hire or Hackney Carriage vehicle licence within 14 days of transfer	4
22	Failure to carry an in date fire extinguisher (Dry powder) should this be on driver	4 (3? In-line with pp18)
23	Failure to maintain records in a suitable form of the commence and cessation of work of each driver each day	4
	Failure to maintain records in a suitable form of the start and end of work of each driver's day	6
24	Failure to produce, on request, records of drivers' work activity	(old)-4 6
25	Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspensions of such licence	4 3
26	Failure to undergo the 6 monthly VCT VST on time	6

27	<del>Displaying/using a vehicle that displays any feature on private hire vehicle that may suggest that it is a Hackney Carriage</del>  Displaying/Using a vehicle in which its appearance/features may suggest that it is a Hackney Carriage when it is not licensed as one	6
28	<del>Using a vehicle, the appearance of which suggests that it is a Taxi similar to number 27</del> <del>Get rid/merge with 27?</del>	6
29	<del>Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced</del>	6
30	Private hire vehicle parking or waiting on an official taxi rank	9 *4-12
	<b>Details of the misconduct for a Driver or Vehicle Owner or Operator</b>	
31	Failure to behave in a civil and orderly manner or bringing the trade into disrepute. <del>should this be put in vehicle owner or operator section as something similar already in driver section (No.2)</del>	1-12*
32	Failure to provide reasonable assistance to a passenger <del>without reasonable cause</del>	1-12*
33	Receiving DVLA points for a Motoring Conviction-offence	3-12*
34	Appeal of points by way of Licensing Sub-Committee <del>You have the right to appeal penalty points in which the sub-committee have the right to issue more or less penalty points</del>	4-12* 1-12*
35	Failure to display an applicable fare card <b>AND</b> the Councils valid fare card together <del>(same as 36?)</del>	3
36	Failure to display a correct up to date fare card (HC)	3
37	Evidence of smoking in vehicle	3
38	Evidence of food or drink in Vehicle	3
39	Failure to notify, in writing, the Council of <b>any</b> change of <del>address personal details</del> within 7 calendar days	3
40	Failure to carry a legal spare wheel (or appropriate alternative) and the necessary tools to fit the spare wheel <i>Needs adding to guidance</i>	4
41	Failure to attend punctually at appointed time and place without sufficient cause	4

42	A licensed vehicle with a bald or dangerous or defective tyre	4 per tyre
43	Failure to produce relevant documents within timescales when requested by an Authorised Officer	4
44	Unsatisfactory condition of vehicle, interior or exterior	4
45	Failure to report, in writing, within 72 hours, accident or damage to licensed vehicle, which would cause the vehicle to breach licence conditions	4
46	Providing false or misleading information on licence application form / failing to provide relevant information or pay the relevant fee (including dishonoured cheques)	6
47	Failure to notify the Council in writing, of any motoring or criminal convictions within <del>21 days</del> 48 hours or conviction or cautions during period of current licence	6
48	Failure to submit licence renewal application including documents and attendance at a vehicle inspection	6
49	Failure to notify, in writing, a change in medical circumstances	6
50	Failure to issue receipt on request.	<del>6</del> 3
51	Failure to display external/internal licence plate in a fixed position or failure to display appropriate door signs	6
52	Using a non-approved or non-calibrated taximeter (HC)	6
53	Using a licensed vehicle in a dangerous condition	9
54	Plying for hire by Private hire drivers or <del>Hackney Carriage drivers plying for hire</del> outside the district	9
55	Using a vehicle subject to a Driver Licence suspension order issued by an Authorised Officer or a police officer	12
56	Using a vehicle for which the Vehicle licence has been suspended or revoked	12
57	Obstruction of an authorised officer or police officer wishing to examine a licensed vehicle	12
58	Using an unlicensed vehicle, or using a licensed vehicle without insurance or without a valid <del>VGT</del> VST	12
59	Failure to carry an assistance dog without requisite medical exemption certificate, or making an additional charge for taking an assistance dog	12
60	Failure to assist with a wheelchair or mobility aid without requisite medical exemption certificate, or making an additional charge for taking a wheelchair or mobility aid/ without reasonable defences as outlined by the government	12

61	Driver not holding a valid current DVLA licence	12
<del>34</del> 62	<del>Appeal of points by way of Licensing Sub-Committee</del> You have the right to appeal penalty points in which the sub-committee have the right to issue more or less penalty points	<del>4-12*</del> 1-12*
63	Sending/writing abusive posts about Council Officers and/or Elected Council Members on any social media platform	1-12

~~\*-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 Licensing Panel-~~

Officers may refer any mandatory award of points to Members where there are aggravating features to a case.

~~\*\*Potential recipients of points for infringements 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.~~

## **Customer & Driver Charter**

Both the customer and driver are expected to be treated with dignity and respect at all times and not to engage in any discriminatory behaviour and to comply with the law. Unsafe or inappropriate behaviour by the passenger/customer or the taxi driver is unacceptable. This conduct may put either of you at risk and could offend, harm or result in the matter being reported to the police or other actions being taken.

### **Eastbourne Borough Council Charter for Customers and Drivers**

The following is non exhaustive charter showing guidelines of what a fare paying passenger (customer) should expect when travelling in a Eastbourne Borough Council hackney carriage taxi or private hire vehicle and what a driver can expect from a customer travelling in the vehicle.

#### **Shared Responsibility:**

Both the customer and driver are expected to be treated with dignity and respect at all times and not to engage in any discriminatory behaviour and to comply with the law. Unsafe or inappropriate behaviour by the passenger/customer or the taxi driver is unacceptable. This conduct may put either of you at risk and could offend, harm or result in the matter being reported to the police or other actions being taken.

#### **The Customer should expect the driver:**

- To be clean and presentable.
- To present the vehicle in a clean and roadworthy state.
- To wear the council provided driver licence badge.
- To have good knowledge of the area.
- To take the most economical, practical route unless otherwise directed to the driver at the start of the journey.
- To charge no more than the fare shown on the meter, or the fare agreed before your journey commences and provide a receipt upon request.
- See Fares\*
- When requested, give all reasonable assistance in helping in and out of the vehicle, and with loading and unloading luggage.
- To convey reasonable luggage
- To be aware of disabilities and special needs and offer assistance when sought.
- When waiting at rank in a hackney carriage not to refuse a fare without reasonable cause such as alcohol or drug issues, ending outside the licensing authority areas, or any unreasonable hiring.
- Not to play music without the customers permission.
- To drive in a professional and courteous manner at all times.
- To carry guide, hearing and other assistance dogs unless expressly exempt
- To not smoke in the vehicle including vapes



### **The Driver should expect the customer:**

- To be clean and presentable and not cause damage or soiling to the vehicle where a charge may be levied as shown on the tariff sheet.
- To be in a fit state to travel.
- To have the means of payment before engaging the hiring and to provide proof of ability to pay before the start of the journey upon request.
- To present specific directions of a favoured route if desired.
- Not to request to exceed speed limits.
- Not to consume food or drink unless expressly permitted by the driver upon request.
- Not to seek to carry more than the permitted passengers.
- To not smoke in the vehicle including vapes
- Not to cause the driver to neither be distracted from safe driving nor interfere with any vehicle equipment or controls.

Drivers Rights A Driver may refuse to take passengers or terminate a hiring if they are violent, noisy, misbehaving, filthy, in a state of drunkenness or of a drug endused state or where acting in an offensive manner or expected to undertake an unreasonable hiring.

\*Fares In a hackney carriage taxi it is expected that the meter will be engaged to charge no more than the maximum permitted by the council in accordance with the Tariff Sheet within the licensing authority area. For journeys terminating outside the local licensing authority area the fare may be mutually agreed between the driver and the customer

## **Privacy Notice for – Hackney Carriage and Private Hire Licensing**

### **Why we are collecting your data**

Lewes District Council and Eastbourne Borough Council are data controllers and collect your personal data in order for the council to issue and manage Hackney Carriage and Private Hire licences we must collect and process personal information, including medical records, in order to determine whether a licence can be issued.

Successful applicants' details will be entered onto The Hackney Carriage and Private Hire Public Register which includes drivers name, licence number, type of licence and vehicle registration mark.

### **What is the legal basis for processing this data?**

The legal basis we rely on to process your personal data is:

The legal basis we rely on to process your personal data is article 6(1)(c) of the UK GDPR. The processing is necessary for compliance with a legal obligation we are subject to – see below:

- Licensing Act (2003)
- Local Government (Miscellaneous Provisions) Act (1976)
- Town Police Clauses Act (1847)
- Under the local Government (Miscellaneous Provisions) Act 1976 the council has powers to issue and manage taxi licences. We also have a duty under this act to ensure only fit and proper persons hold a licence.

Where we need to process 'special category' data, such as health and medical information, the lawful basis is provided by UK GDPR article 9(1)(g) – the processing is necessary for reasons of substantial public interest (with a basis in law); and by the Data Protection Act 2018, Schedule 1, Part 2, paragraph 6 – the processing is necessary for the exercise of a function conferred on a person by an enactment and is necessary for reasons of substantial public interest and Paragraph 18 safeguarding of children and of individuals at risk.

You will not be able to hold a licence without the personal data you provide us with.

### **What personal data will we be collecting?**

The personal data we may collect:

- Contact details, including name, address, email address, telephone number etc
- Date of birth
- Proof of identity

- National identifiers such as; LA numbers
- Location service
- Visual Images
- Licences or permits held
- Physical or mental health details
- Racial or ethnic origin
- Gender
- Offences (including signed offences)
- Criminal proceedings, outcomes and sentences

It may be necessary to process data for the purposes of carrying out investigations and undertaking enforcement action, which may result in licences being suspended or revoked

The licensing authority also provides training for drivers, in which case we will need to process data to ensure you are eligible as only licenced drivers can attend.

### **Who will your information be shared with?**

To ensure our record keeping is efficient and to be able to provide services quickly across Lewes and Eastbourne we hold your personal information in a centralised customer record.

We may check information provided by you, or information about you provided by a third party, with other information we hold. We may also get information from third parties or give information to them to check the accuracy of information, to prevent or detect crime, or to protect public funds, if the law allows it. These third parties include the Police and government departments such as Immigration.

Your information may also be shared externally with the council's independent medical advisor, Disclosure Barring Service, insurance providers, legal representatives, the courts, American Express Community Stadium and WiSE, for driver training. We may use the information we hold about you to assist in the detection and prevention of crime or fraud which may mean sharing with other public bodies, such as the Police, Revenues and Customs, UK Visa and Immigration and the Department of Work and Pensions. Your information may also be shared with the NR3 Register run by the National Anti-Fraud Network to ensure only fit and proper persons are licenced. Those who have been refused a licence or had a licence revoked will be entered on to the register. Should this person try to gain a licence from another authority they can check against the register and request further information from us regarding why the licence was refused or revoked. Likewise, we can also request information from other authorities.

We are also required to provide driver and vehicle information to the Department for Environment, Food and Rural Affairs so they can keep a record for air quality purposes. We also share information with the National Fraud Initiative run by central government.

We may also share information with other bodies that are responsible for auditing or administering public funds, including the Cabinet Office. The Cabinet Office requires councils to participate in data matching exercises to assist in the prevention

and detection of fraud. Councils are required to provide particular sets of data to the Cabinet Office for this purpose and cannot refuse to hand over this data.

We may use contact details for communication purposes to support licence holders. This may include updates in legislation and on road and traffic news.

We may also use it to communicate with you in relation to the prevention and detection of crime, for example we may ask to witness to events or email you missing person alerts.

Data may be collected and processed in order to respond appropriately to complaints or queries, including lost property. Information provided may be used in investigations and enforcement action, as well as for communication purposes in relation to the complaint or query.

At times we may collect and process data because you have given your consent for us to do so. In most instances you will be asked to give your consent at the point of collection.

Where we need to disclose sensitive information such as medical details to a third party, we will do so once we have obtained your explicit consent, or where we are legally required to. We may disclose information when necessary to prevent risk of harm to an individual.

### **We will not**

- Use your information for marketing or sales purposes without your prior explicit consent.
- Send or store your data abroad
- Make decisions about you based on automated processing.

### **How long will we hold your data for?**

The council we keep your data in line with the councils retention schedule which can be found here: [Data retention, storage and disposal](#)

### **Your rights**

You are entitled to request a copy of any information about you that we hold.

If the information we hold about you is inaccurate you have a right to have this corrected and you have the right to request completion of incomplete data.

You have the right to request that we stop, or restrict the processing of your personal data, in certain circumstances. Where possible we will seek to comply with your request, but we may be required to hold or process information to comply with a legal requirement.

If you are dissatisfied with how the councils have used your personal information you have a right to complain to the Information Commissioner's Office at [casework@ico.org.uk](mailto:casework@ico.org.uk)

**Identity of the Data Protection Officer**

Data Protection Officer – Oliver Dixon, Senior Lawyer

**Contact details**

Lewes and Eastbourne Councils, Town Hall, Grove Road, Eastbourne, BN21 4UG

Email: [accesstoinformation@lewes-eastbourne.gov.uk](mailto:accesstoinformation@lewes-eastbourne.gov.uk)

Tel: 01323 410000

## Appendix 10

### Taxi and Private Hire Vehicle (Safeguarding and Road Safety) Act 2022 Guidance

Please see link below

[Taxis and Private Hire Vehicles \(Safeguarding and Road Safety\) Act 2022 - GOV.UK](#)

# Hackney Carriage and Private Hire Licensing Guidance Consultation - Summer 2023

Consultation report | November 2023

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## Background

Eastbourne Borough Council is proposing to make some changes to its Hackney Carriage and Private Hire Licensing Guidance following feedback from residents and the trade.

From Monday 31 July date to Sunday 10 September 2023, we carried out a public consultation over our draft updated guidance.

We invited feedback from drivers, operators, partner organisations and residents on proposed changes to our taxi licensing guidance.

## How we consulted

We published a page on the Eastbourne Borough Council website, providing the background information and an online survey which set out each of the key changes. The web page included a link to download the full draft guidance.

We made the consultation information available in other languages and formats, including hard copy on request.

We promoted the consultation through a press release to the local media, the news section of the council website, an email to our 20,000 news and consultation email alert subscribers. We sent the email to everyone who responded to one of our previous taxi and private hire licensing consultations. We also promoted the consultation repeatedly through the council's social media channels and emailed key stakeholders directly with an invitation to respond to the consultation.

The consultation information was sent to all members of the Eastbourne Taxi and Private Hire Drivers Forum. The proposed changes were discussed at the Taxi and Private Hire Driver's Forum on Monday 2 October



A focus group was conducted with a number of residents who responded to the consultation and expressed an interest in taking part in such an exercise. This took place on Monday 16 October 2023 at Eastbourne Town Hall.

We received a written response from the Eastbourne Access Group and Eastbourne Blind Society, which is available in Appendix A.

## Who responded

The consultation survey received 342 responses in total, comprised of:

- 251 residents responded.
- 80 drivers and operators responded.
- 5 partner organisations and community groups responded.

A written responses was received from the Eastbourne Access Group.




A written response was received from operator Eastbourne & Country Ltd, submitted with 163 signatories with badge numbers from people working in the trade. This is available in full in Appendix B.



The Taxi Drivers Forum was attended by five members of the trade – the notes of this meeting are in Appendix C.

The resident focus group was held on Monday 16 October 2023 and was attended by six individuals, some of whom have a long-term health condition or disability. The notes of this meeting are included in Appendix D.

## Summary of responses

In the case of questions where there was not clear support for or against a proposal, responses have been given in total and separately for drivers and operators.






1. In what capacity you are responding to this consultation				
Answer Choices			Response Percent	Response Total
1	A resident or someone who works in or visits Eastbourne		73.39%	251
2	A driver licensed by Eastbourne Borough Council		21.93%	75
3	An operator licensed by		1.46%	5

	Eastbourne Borough Council			
4	A partner organisation or community group		1.46%	5
5	Other Local Authority		0.00%	0
6	Other (please specify):		1.75%	6
			answered	342
			skipped	0
Other (please specify): (6)				
<ul style="list-style-type: none"> <li>• Landlord (Eastbourne property)</li> <li>• Passenger assistance</li> <li>• Eastbourne Property owner and frequent visitor</li> <li>• Customer</li> <li>• DSL at Eastbourne College</li> <li>• Sussex Police</li> </ul>				

## 2. Private Hire-only licence for new applicants

Current guidance: All new drivers can only apply to hold a Dual Hackney Carriage or a Restricted Private Hire driver licence. A dual licence allows drivers to drive a Hackney Carriage vehicle and/or a Private Hire vehicle. A restricted Private Hire drivers licence only allows a driver to undertake school transportation work in a private hire vehicle.






Proposal: We would introduce a Private Hire-only licence for new applicants. As a Private Hire driver, the applicant would not be required to complete the 'Routes' section of the knowledge test but would still need to complete all other aspects of the knowledge test and application. How much do you agree or disagree with this proposal?

Answer Choices			Response Percent	Response Total
1	Strongly agree		13.24%	45
2	Agree		28.53%	97
3	Disagree		19.12%	65
4	Strongly disagree		27.06%	92
5	Don't know		12.06%	41
			answered	340






Comments: (81). Themes below:

- Disagree with the proposal – 55 comments
- Drivers should have a good understanding of local routes - 28
- Drivers shouldn't rely on sat navigation systems - 11
- Agree with the proposal – 9
- New drivers to the trade shouldn't need to learn all routes - 4
- This would be unfair for existing drivers - 3
- Suggestion of lowering licensing fees - 3

### Private Hire-only licence for new applicants: Driver and operator responses

Answer Choices			Response Percent	Response Total
1	Strongly agree		11.25%	9
2	Agree		17.50%	14
3	Disagree		20.00%	16
4	Strongly disagree		43.75%	35
5	Don't know		7.50%	6
			answered	80
			skipped	0

### Private Hire-only licence for new applicants: Residents and visitors






Answer Choices			Response Percent	Response Total
1	Strongly agree		11.25%	9
2	Agree		17.50%	14
3	Disagree		20.00%	16
4	Strongly disagree		43.75%	35
5	Don't know		7.50%	6
			answered	249
			skipped	2

### 3. Requirement for new Hackney Carriage vehicles to be Wheelchair Accessible Vehicles (WAVs)

Current guidance: New Hackney Carriage vehicles are required to be WAVs to obtain a licence. These may be side-loading or rear-loading via a ramp. This

does not apply to existing Hackney Carriage licence holders who apply to change their vehicles.


Proposed change: New Hackney Carriage vehicles would no longer be required to be WAVs. This is following feedback from the trade about the difficulties and costs involved for new drivers acquiring WAVs. How much do you agree or disagree with this proposal?

Answer Choices			Response Percent	Response Total
1	Strongly agree		22.94%	78
2	Agree		32.35%	110
3	Disagree		15.88%	54
4	Strongly disagree		21.18%	72
5	Don't know		7.65%	26
			answered	340
			skipped	2





Comments: (68). Themes below:

- Disagree with the proposal due to it reducing the number of accessible vehicles available – 15 comments
- Support the proposal - 13
- Disagree with proposal as everybody deserves equal access to taxis - 8
- Cost is a barrier - 7
- Comment rank space availability - 5
- Suggest a minimum number of wavs per phv / taxi - 4
- Disagree with proposal due to limited rank space - 4
- Disagree with the proposal - 3
- Disagree with the proposal due to it not complying with the equality act 2010 - 3
- Comment On This Making It Difficult For Disabled Passengers - 2
- All Vehicles Should Be Wheelchair Accessible -2
- All Vehicles Should Cater For All Disabilities - 2
- Comment On The Town Needing More WAVs - 2
- Disagree With Proposal, Makes It More Challenging For Disabled Passengers To Use Taxis - 2






### Wheelchair Accessible Vehicles (WAVs): Resident and visitor responses

Answer Choices			Response Percent	Response Total
1	Strongly agree		21.69%	54






### Wheelchair Accessible Vehicles (WAVs): Resident and visitor responses

2	Agree		32.93%	82
3	Disagree		18.07%	45
4	Strongly disagree		20.48%	51
5	Don't know		6.83%	17
			answered	249
			skipped	2
Comments: (49)				

### Wheelchair Accessible Vehicles (WAVs): Driver and operator responses

Answer Choices			Response Percent	Response Total
1	Strongly agree		28.75%	23
2	Agree		26.25%	21
3	Disagree		11.25%	9
4	Strongly disagree		22.50%	18
5	Don't know		11.25%	9
			answered	80
			skipped	0
Comments: (16)				

### Wheelchair Accessible Vehicles (WAVs): Respondents with a disability






Answer Choices			Response Percent	Response Total
1	Strongly agree		13.33%	6
2	Agree		22.22%	10
3	Disagree		17.78%	8
4	Strongly disagree		40.00%	18
5	Don't know		6.67%	3
			answered	45
			skipped	0
Comments: (20)				

#### 4. Penalty Point Scheme

The purpose of a penalty point scheme is to take a stepped approach for enforcement against a licence holder, for certain matters.

Proposed change: We would reword the scheme to make it easier for licence holders to understand. This would also help to streamline investigations. The number of penalty points for certain matters has also been changed to better reflect the severity of some matters.

How much do you agree or disagree with this proposal?

Answer Choices			Response Percent	Response Total
1	Strongly agree		19.71%	67
2	Agree		52.06%	177
3	Disagree		5.88%	20
4	Strongly disagree		5.88%	20
5	Don't know		16.47%	56
			answered	340
			skipped	2

Comments: (40). Themes:






- Unsure – 8 comments
- Simplification of the points is better - 6
- Agree with the proposal – 6
- Comment on disliking enforcement - 3

#### 5. Customer and Driver Charter

This charter sets out what passengers (customers) should expect when travelling in a Hackney Carriage or Private Hire vehicle in Eastbourne and what a driver can expect from a customer travelling in the vehicle. We do not currently have a charter, however other nearby authorities do.

Customer and Driver Charter How much do you agree or disagree with this proposal?

Answer Choices	Response Percent	Response Total
----------------	------------------	----------------

1	Strongly agree		29.88%	101
2	Agree		44.08%	149
3	Disagree		6.21%	21
4	Strongly disagree		6.80%	23
5	Don't know		13.02%	44
			answered	338
			skipped	4







Comments: (34). Themes:

- Disagree with the proposal on the basis that it doesn't add value – 13 comments
- Agree with the proposal because it lets everyone know how to behave 12
- The charter needs re-wording - 5

## 6. Mandatory in-vehicle CCTV in all Private Hire and Hackney Carriage vehicles

Mandatory in-vehicle CCTV in all Private Hire and Hackney Carriage vehicles (other than private hire vehicles issued with a plate exemption for executive and VIP work, those vehicles solely used for this purpose) will become a requirement from 31 October 2023.

Following feedback from the taxi trade, we are considering the possibility of allowing audio recording via the CCTV of licensed vehicles. Current guidance: The CCTV system shall not be used to record conversations between members of the public, since that is highly intrusive, and if any system is equipped with a sound recording facility then that functionality shall be disabled. Proposed change: Audio recording should be permitted. Do you agree or disagree with this proposal?

Answer Choices			Response Percent	Response Total
1	Strongly agree		23.30%	79
2	Agree		27.43%	93
3	Disagree		15.04%	51
4	Strongly disagree		20.94%	71
5	Don't know		4.13%	14
6	Other (please specify):		9.14%	31
			answered	339
			skipped	3

Other (please specify): (31). Themes:

- Comment on not wanting CCTV – 11 comments
- Comment on wanting a 'trigger switch' – 5

### Mandatory in-vehicle CCTV: Resident and visitor responses

Answer Choices			Response Percent	Response Total
1	Strongly agree		18.95%	47
2	Agree		31.05%	77
3	Disagree		18.95%	47
4	Strongly disagree		18.15%	45
5	Don't know		4.84%	12
6	Other (please specify):		8.06%	20
			answered	248
			skipped	3

Other (please specify): (20)

### Mandatory in-vehicle CCTV: Driver and operator responses

Answer Choices			Response Percent	Response Total
1	Strongly agree		37.50%	30
2	Agree		15.00%	12
3	Disagree		5.00%	4
4	Strongly disagree		26.25%	21
5	Don't know		2.50%	2
6	Other (please specify):		13.75%	11
			answered	80
			skipped	0

Other (please specify): (11)



## 7. In which circumstances should audio recordings be permitted?

Answer Choices	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	Response Total
At all times or in limited circumstances	32.26% 70	38.71% 84	9.68% 21	11.98% 26	7.37% 16	217
That audio be recorded via CCTV if the customer or driver wishes it as activated by a trigger switch	25.70% 55	46.73% 100	11.21% 24	14.02% 30	2.34% 5	214
That audio be recorded via CCTV in vehicles driven by restricted private hire licence holders i.e. school runs	30.14% 66	38.81% 85	11.87% 26	9.59% 21	9.59% 21	219
					answered	227
					skipped	115

If you feel audio recording should be allowed in other circumstances, please state what these are: (41). Themes:

- Audio should be on at all times – 5 comments in favour so by default we can assume that a majority of people do not want it on all the time
- Concerns over the cost of CCTV - 5
- CCTV / audio protects drivers - 5
- CCTV / audio protects passengers - 3

## Audio recording: Resident and visitor responses

Answer Choices	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	Response Total
At all times or in limited circumstances	28.95% 44	40.13% 61	10.53% 16	11.18% 17	9.21% 14	152
That audio be recorded via	25.85% 38	51.02% 75	8.16% 12	12.24% 18	2.72% 4	147






CCTV if the customer or driver wishes it as activated by a trigger switch						
That audio be recorded via CCTV in vehicles driven by restricted private hire licence holders i.e. school runs	30.72% 47	40.52% 62	10.46% 16	10.46% 16	7.84% 12	153
					answered	159
					skipped	92

Audio recording: Driver and operator responses						
Answer Choices	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	Response Total
At all times or in limited circumstances	41.38% 24	32.76% 19	6.90% 4	15.52% 9	3.45% 2	58
That audio be recorded via CCTV if the customer or driver wishes it as activated by a trigger switch	25.00% 15	38.33% 23	15.00% 9	20.00% 12	1.67% 1	60
That audio be recorded via CCTV in vehicles driven by restricted private hire licence holders i.e. school runs	27.12% 16	33.90% 20	15.25% 9	8.47% 5	15.25% 9	59
					answered	61
					skipped	19

## 8. Spare wheel or appropriate alternative

Current guidance: Currently there is no requirement to carry a legal spare wheel or appropriate alternative such as a tyre repair kit made up of a compressor which inflates the tyre.


Proposed change: We are considering introducing the condition for all licensed vehicles to carry a spare wheel or an appropriate alternative in the boot of the vehicle and the necessary tools to fit the spare wheel. How much do you agree or disagree with this proposal?

Answer Choices			Response Percent	Response Total
1	Strongly agree		25.96%	88
2	Agree		36.58%	124
3	Disagree		13.27%	45
4	Strongly disagree		14.75%	50
5	Don't know		9.44%	32
			answered	339
			skipped	3

Comments: (59). Themes:

- Agree with the proposal e.g. many thought it was a requirement already 14 - comments
- Disagree with the proposal e.g. it doesn't seem necessary 14
- Modern cars do not carry spare wheels - 13
- Concerns over spare wheels taking up too much space - 9
- Passengers do not want to wait for a wheel to be changed - 5
- Comments on requiring drivers have professional rescue services in place - 3
- Comments on drivers not knowing how to change a tyre - 3
- Run-flat tyres should be acceptable alternatives - 3

## Spare wheel or appropriate alternative: Resident and visitor responses

Answer Choices			Response Percent	Response Total
1	Strongly agree		29.84%	74

Spare wheel or appropriate alternative: Resident and visitor responses

2	Agree		39.52%	98
3	Disagree		10.89%	27
4	Strongly disagree		9.27%	23
5	Don't know		10.48%	26
			answered	248
			skipped	3
Comments: (35)				






Spare wheel or appropriate alternative: Driver and operator responses

Answer Choices			Response Percent	Response Total
1	Strongly agree		15.00%	12
2	Agree		27.50%	22
3	Disagree		20.00%	16
4	Strongly disagree		31.25%	25
5	Don't know		6.25%	5
			answered	80
			skipped	0
Comments: (23)				

9. We would not license any vehicle that has been classed a written-off in any category

Current guidance: If a vehicle has an MOT, VST and valid insurance it can be licensed by Eastbourne Borough Council as Hackney Carriage or Private Hire. We do not take into consideration vehicles being classed as 'written-off'.

Proposal: There are several categories for vehicles to be classed as written-off. These range from those which cannot be repaired and those which could potentially be repaired to a roadworthy condition. We would not license any vehicle that has been classed a written-off in any category. Do you feel that you agree with this proposal?






Answer Choices			Response Percent	Response Total
1	Strongly agree		29.34%	98
2	Agree		35.33%	118
3	Disagree		9.58%	32
4	Strongly disagree		11.38%	38
5	Don't know		14.37%	48
			answered	334
			skipped	8

Comments: (50). Themes:

- Agree with the proposal e.g. on grounds of safety - 12 comments
- Not sure of the wording of the question – 12
- Disagree with the proposal e.g. MOT and VST should suffice - 9
- Some insurance write offs could still be licensed - 7
- Vehicles should show proof of undergoing an mot - 6

## 10. Disclosure and Barring Service

Proposed change: Drivers shall sign up to the Disclosure and Barring Service. It is considered that this will speed up the licence application and renewal process. A DBS check is a way to find out whether someone has a criminal record. Do you feel that you agree with this proposal?






Answer Choices			Response Percent	Response Total
1	Strongly agree		50.15%	170
2	Agree		40.41%	137
3	Disagree		2.65%	9
4	Strongly disagree		2.95%	10
5	Don't know		3.83%	13
			answered	339
			skipped	3

Comments: (36)

- Agree with proposal with many surprised this wasn't already the case - 20 comments
- Disagree with the proposal - 3
- Concerns over DBS process - 3

## 11. Tax code check

Proposed change: A grant of a licence will be subject to a tax code check being made with the HMRC. This is to ensure all drivers are registered correctly for tax purposes. Do you feel that you agree with this proposal?






Answer Choices			Response Percent	Response Total
1	Strongly agree		45.27%	153
2	Agree		35.21%	119
3	Disagree		6.51%	22
4	Strongly disagree		6.21%	21
5	Don't know		6.80%	23
			answered	338
			skipped	4

Comments: (26)

- Agree with the proposal e.g. good to prevent fraud - 15 comments
- Disagree with the proposal e.g. customers not feeling this is relevant to them - 5

## 12. English language proficiency

Proposed change: All new applicants are required to undergo a proficiency test to demonstrate their ability to communicate effectively in the English language. Any person found cheating on the test will be disqualified and will not be granted a licence for at least three years. Do you feel that you agree with this proposal?

Answer Choices			Response Percent	Response Total
1	Strongly agree		59.47%	201
2	Agree		31.07%	105
3	Disagree		3.85%	13
4	Strongly disagree		2.66%	9
5	Don't know		2.96%	10
			answered	338
			skipped	4






Comments: (35)

- All drivers should be fluent in English – 11 comments
- Drivers should be able to converse with passengers - 9
- Agree with proposal - 3
- Comments on too many drivers having poor English - 3

### 13. Privacy Notice

Proposed change: We are proposing to introduce a Privacy Notice. As data controllers, Eastbourne Borough Council must hold and process licence holders' personal data in order to issue and manage Hackney Carriage and Private Hire licences. This includes personal information such as including medical records, in order to determine whether a licence can be issued.

Licensing Do you feel that you agree with this proposal?

Answer Choices			Response Percent	Response Total
1	Strongly agree		33.04%	111
2	Agree		41.37%	139
3	Disagree		4.17%	14
4	Strongly disagree		2.98%	10
5	Don't know		18.45%	62
			answered	336
			skipped	6

Comments: (19)

- Agree with proposal - 5
- The privacy notice needs more detail - 4

### 14. Do you think that there are other changes that should be made to the Guidance?

If yes please outline those changes with your reasons in the box below.



Answer Choices			Response Percent	Response Total
1	Open-Ended Question		100.00%	88

- No further changes requested - 13
- Not wanting CCTV - 8
- Costs are too high - 6









- Drivers should be more courteous - 5
- Uber should be allowed to operate in Eastbourne - 3
- 3 more ways are needed in the trade - 3
- CCTV should be optional - 3

answered	88
skipped	254

### 17. Questions about you




Answer Choices		Response Percent	Response Total
1	Answer the questions 	49.10%	164
2	Skip the questions 	50.90%	170
		answered	334
		skipped	8

### 18. What is your age?











Answer Choices		Response Percent	Response Total
1	Under 18	0.00%	0
2	18 - 24 	1.20%	2
3	25 - 34 	2.99%	5
4	35 - 44 	9.58%	16
5	45 - 54 	19.76%	33
6	55 - 64 	29.34%	49
7	65 - 74 	22.16%	37
8	75 + 	12.57%	21
9	Prefer not to say 	2.40%	4
		answered	167
		skipped	175



## 19. What is your sex?

Answer Choices		Response Percent	Response Total
1	Male		60.12% 101
2	Female		38.10% 64
3	Other		1.79% 3
		answered	168
		skipped	174

## 20. What is your ethnic group? Ethnic groups are defined by the 2011 census

Answer Choices		Response Percent	Response Total
<b>White</b>			
1	English/Welsh/Scottish/Northern Irish/British		87.50% 147
2	Irish		0.60% 1
3	Gypsy or Irish Traveller		0.00% 0
4	Any Other White background		5.36% 9
<b>Mixed/Multiple Ethnic Groups</b>			
5	White and Black Caribbean		1.19% 2
6	White and Black African		0.00% 0
7	White and Asian		0.60% 1
8	Any Other Mixed background		0.60% 1
<b>Asian or Asian British</b>			
9	Asian/Asian British		0.60% 1
10	Indian		0.60% 1
11	Pakistani		0.00% 0
12	Bangladeshi		0.00% 0
13	Chinese		0.00% 0
14	Any Other Asian background		0.60% 1
<b>Black/African/Caribbean/British Black</b>			
15	African		0.60% 1
16	Caribbean		0.00% 0

20. What is your ethnic group? Ethnic groups are defined by the 2011 census				
17	Any Other Black/African/Caribbean background		0.00%	0
<b>Other ethnic group</b>				
18	Arab		0.00%	0
19	Any Other Ethnic Group (please specify):		1.79%	3
			answered	168
			skipped	174
Any Other Ethnic Group (please specify): (3)				

21. Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?				
Answer Choices			Response Percent	Response Total
1	Yes, limited a lot		8.93%	15
2	Yes, limited a little		20.24%	34
3	No		70.83%	119
			answered	168
			skipped	174

**Appendix A: Written response from the Eastbourne Access Group and Eastbourne Blind Society**

**INTRODUCTION**

A. We remain opposed to any proposal to reduce the service standard offered by Licensed Hackneys or Private Hire Vehicles. We are strongly opposed to the current EBC proposal to **remove** the requirement for all new licensed Hackneys to be wheelchair accessible. There are very few WAVS available in Eastbourne and the designated EBC list has not been updated since August 2020. EBC are subject to a duty under the Equality Act 2010 (section 20) in relation to any policy, criterion or practice where disabled people are placed at a substantial disadvantage and to take steps to avoid the disadvantage. The **Taxi and Private Hire Vehicles (Disabled Persons Act) 2022** can only be fully complied with if WAVS (both hackneys and PHVS) are increased in both supply and availability.

- B. We are also opposed to any changes to remove the 'routes' section of the knowledge test for taxi licensing, as this will have a detrimental impact particularly upon customers with visual or cognitive impairments (who need the taxi driver to know where they are going once instructed as to the postcode/address of the destination) without assistance from the passenger as to further details of the route to be taken.
- C. For the proposal to permit audio recording as well as CCTV in taxis, it must be made clear to visually impaired customers and those with cognitive impairments as to when and how any recording is taking place.
- D. We support the introduction of a Customer and Driver charter.
- E. We strongly support the proposal for drivers and applicants to sign up to the Disclosure and Barring (DBS) service as this protects vulnerable adults and young people.

### **Comments on the draft EBC licensing guidance**

1. **Under Driver tests section-Disability Awareness and safeguarding training-** who is providing the disability awareness training as key disability organizations who provide disability awareness training locally are not aware of it?
2. **Part 8- Equalities and Accessibility-** under Assistance Dogs, para 1 must be changed to: **'Operators must not refuse or fail to accept a booking from or on behalf of an assistance dog user'**. It is unlawful to refuse to take a booking or to fail to provide a licensed Hackney or PHV for an assistance dog user. Any medical exemption notice applies to an individual driver and **NOT** the operator or other drivers. **The medical exemption notice for the driver must be displayed on the vehicle by law (and removed when the vehicle is used by other drivers not covered by the individual exemption). Only substantiated medical grounds (e.g. diagnosed allergy) can be used to apply for an exemption, not just due to a preference or an assumed 'phobia' to dogs. (NB: The access group has received a number of reports of assistance dog users being refused bookings by operators (PHVs) in Eastbourne and on the rank(s) in Eastbourne in the period 2021-2023).**
3. **Part 8 Equalities and Accessibility-** under Driver Exemptions-para 3 insert 'medical' before 'consultant'.
4. In paragraph 4 under Driver Exemptions the word 'be' is missing- if a medical exemption is granted the driver 'will **be**' issued with an exemption certificate.

***NB: could the exemption notice on the vehicle also be available as a printed copy for a visually impaired person to see it and hold it so they can read it with their own magnifying aid?***

5. **Part 9- Fares- Hackney Carriages-** para 4 should be changed to the meter '**must** only' be started, not 'should'. It is unlawful under the 2022 Act to charge for loading and unloading wheelchairs/mobility aids whilst the meter is running before the journey starts and the meter must be stopped before the wheelchair/mobility aids are unloaded at the end of the journey.
6. **Part 9-Fares, Hackney carriages-** Para 4, last sentence should be changed to '**the fare for any journey that starts or ends outside the Borough must**

**be negotiated prior to the commencement of the journey'**. S.66 of the 1976 Act states that unless a fare is agreed then the metered fare has to be charged and no more (unless agreed before the journey starts). Drivers should ask the passenger if they wish to agree a fare or pay what is displayed on the meter.

- 7. Part 11- Appeals-** the Exemption grounds for appeal to the Magistrates court **must** include the appeals process to appeal a decision not to grant an exemption notice for the non carrying of assistance dogs or the mobility requirements exemption. These grounds are subject to appeal to a magistrate's court in law under the Equality Act 2010 (and regulations) and the Taxi and Private Hire Vehicles (Disabled Persons Act) 2022. The appeal must be made within 28 days of the written refusal not to award an exemption notice. **These appeals grounds are missing entirely from the draft licensing guidance.**

#### **Appendix 7- Penalty Points scheme**

- 8. Penalty Point 15-** when could it be reasonable to carry an offensive weapon? Surely there is never a 'lawful authority or reasonable cause' as has been stated in point 15? To permit this at all is a serious risk to the public.
- 9. Penalty Point 19- first aid kit,** is there a requirement that drivers have attended first aid training before using a kit?
- 10. Penalty Point 55-** failure to assist with a wheelchair- what are 'reasonable defences' as outlined by the government? **There is NO legal defence for not assisting with a folding manual wheelchair or charging extra.** The only excuse (not defence) is a medical exemption certificate issued by the licensing authority in respect of the loading/unloading of mobility aids/wheelchairs for an individual driver.
- 11. Penalty point 56-** driver not holding a valid current DVLA licence- a taxi driver would not be granted a Taxi licence in the first place if they do not hold a valid DVLA licence? However, it is understood that it is possible in practice that a driver might continue to drive a taxi or PHV whilst they are disqualified by the DVLA. It is also a legal requirement that a driver applicant for a PHV or licensed Hackney has held a DVLA licence for 12 months (S.51(1)(b) of the 1976 Act).

#### **Appendix 9**

- 12. (Para 3)** should set out the examples given under the **Taxi and Private Hire Vehicles (Disabled Persons Act) 2022** which include the accessible communication methods for the disabled customer, such as giving audio directions for a visually impaired customer, giving visual directions to a hearing impaired customer and repeating information for a customer with a cognitive or learning impairment.
- 13. Appendix 9, paras 4 and 5** should set out the procedure for applying for an exemption, as well as the appeals process to a magistrate's court as outlined in the **Taxi and Private Hire Vehicles (Disabled Persons Act) 2022**. It is recommended in the Statutory Code of Practice for the 2022 Act that Local authorities have specific forms in place for exemptions to be applied for. It is recommended that medical reports are only received from an independent medical practitioner, not the driver's own GP. The parallel example is given in the Code of Practice of the approach taken by local authorities for the granting of a blue badge whereby an independent medical assessment is undertaken.
- 14. Appendix 9, paras 6/9** it should be stated that is unlawful to charge a disabled person extra for providing assistance, loading and unloading of mobility equipment or assistance dogs. It should also be stated that is **unlawful** under the Equality Act 2010 to run the meter until the customer and any mobility aids/wheelchairs and/or

assistance dogs are in the vehicle and the meter should be stopped **before** the customer and mobility aids/wheelchairs are unloaded at the end of the journey.

**15. Appendix 9, paragraph 9** reference wheelchair should be the specification outlined in the **Statutory Code of Practice for the Taxi and Private Hire Vehicles (Disabled Persons Act) 2022** which is 700 mm width, 1200 mm length and 1350 mm Height (see page 97 of the *DFT 2022 Reference Wheelchair Standard and Transport Design Research Report*). **NB: It is very concerning that in Eastbourne our licensed Hackneys still refuse to take standard adult powered wheelchairs, even though in other local authority areas powered wheelchairs are routinely taken on the rank in Hackneys or in pre booked journeys with Hackneys. The side loading Hackney (London cab style) does not preclude the safe passage of powered wheelchair users and London Hackney cabs do NOT refuse powered wheelchairs on the ranks. In July 2023 an access group member travelled to Shewsbury where the licensing authority had only licensed WAVS on the station rank, ALL capable of taking standard adult powered wheelchairs. In Chichester West Sussex, WAVS are also available on the station rank and willing to take powered wheelchairs.**

#### **Comments on Draft Customer and Driver Charter**

**16. First sentence suggest changing to:** 'is able to expect' rather than 'should be'.

**17. Under the Customer should expect the driver (Bullet point 9)** 'to be aware of disabilities and special needs and offer assistance where sought'. How will this awareness be defined and monitored?

How will the disability awareness training mentioned in the policy be delivered and evaluated? The training is confirmed in the policy as being mandatory. How will this be enforced in practice?

**18. Bullet point 10-**'when waiting at rank in a hackney carriage not to refuse a fare without reasonable cause such as alcohol or drug issues' the term reasonable is subjective? What might appear reasonable to one driver might not be reasonable to another? It might appear that a person with cerebral palsy for example is drunk or a person with speech impairment may be perceived as being under the influence. Driver discretion and judgment can be tricky. Also how about pre booked hackneys and phoning from home? How are bookings declined if they appear to be from people appearing to be drunk or under drugs influence?

**19. Point 11-** Not to play music without customer's permission- could this include talk shows on the radio for example, i.e. not just music?

**20. Point 13-** 'to carry guide, hearing and other assistance dogs unless expressly exempt' should read instead: '**unless an exemption certificate has been granted on medical grounds from the Licensing authority**'.

**21. Final bullet point-**' for journeys terminating outside the local licensing authority the fare 'may be mutually agreed' should be changed to '**must be mutually agreed**'. S.66 of the 1976 Act states that unless a fare is agreed then the metered fare has to be charged and no more (unless agreed before the journey starts).

Prepared by Mark Simmons, CEO, Eastbourne Blind Society and member of Eastbourne access group  
Liz Trethewey, Eastbourne access group

## Appendix B: Written response and petition submitted by operator Eastbourne & Country Ltd

The following response was submitted with 163 signatories.

A joint statement is hoped to send a message of how disenfranchised the entire trade feels. The basics of good governance should be one of mutual respect and shared goals, with policies borne out of proven necessity and shared interests. A workable relationship should be one where all parties are consulted, not dictated to. Whereby forums are used as sounding boards to improve the trade and policy drawn from. Not used as a box ticked for a committee report and called after reports are written and committee meetings held.

The consultation asked of the public and other vested interests should not be when the trade gets “lumped” in with the Butchers and Candle Tick Makers. The trade has no representation at the drafting stage of any policy. We are treated as an annoyance that must be nodded to as part of the “democratic” process.

There is no ambiguity, and it would be a complete falsehood to suggest that it was based on local evidence when CCTV was passed in 2021. Thus, this policy is in total contradiction with all ICO guidance. The policy was created around a falsehood that the DfT Statutory Guidance somehow gave Officer Carte blanche to recommend its introduction and a myriad of overzealous policies. All of these were drafted and presented to the committee before a word of input or, indeed, a single view expressed from the trade.

This theme has continued to this day; when the last committee meeting was held in June, a “Trade” forum was called AFTER this meeting, and the trade is once again advised that their input is lumped in with the Butchers and Candlestick makers. It is not only insulting but beggars’ belief how this could be remotely considered Open Policymaking in line with Government Best practices or the Regulators’ Code.

*Open policy making helps civil servants create and deliver policy that meets the demands of a fast-paced and increasingly digital world. It means that policy is more informed and better designed for both the government and users by:*

*Open policy making is about developing and delivering policy in a fast-paced and increasingly networked and digital world through:*

- using collaborative approaches in the policy making process, so that policy is informed by a broad range of input and expertise and meets user needs*
- applying new analytical techniques, insights and digital tools so that policy is data driven and evidence based*
- testing and iteratively improving policy to meet complex, changing user needs and making sure it can be successfully implemented*

*Be open to new ideas and new ways of working*

*Listening to new ideas and engaging people will give you new insights and help you see problems from a different point of view. Design thinking and agile working are*

*examples of new approaches that can help seeing a problem from a user perspective.*

*Be humble*

*Gathering evidence, information and a broad range of views is vital. It is important to be humble about what you know, and what you don't know. Open policy is about recognising that you are not the only expert and that you do not have monopoly on good ideas and policy development. Where good ideas exist, it is your job to find them.*

*Be prepared to be told something is not working and open to new suggestions, data and evidence. This will help you to understand different points of view and make iterative improvements.*

*Understand the real needs of users*

*Understanding user needs will help you develop policy that works for the people it impacts. Begin by understanding how users currently experience a policy and go from there.*

*Questions like:*

*How do users want to experience a policy once implemented?*

*What are their needs from the policy?*

*What is going to make a user experience positive or negative?*

*help you to understand who your audience are and how they work.*

*1.3 Regulators should ensure that their officers have the necessary knowledge and skills to support those they regulate, including having an understanding of those they regulate that enables them to choose proportionate and effective approaches.*

*1.4 Regulators should ensure that their officers understand the statutory principles of good regulation<sup>3</sup> and of this Code, and how the regulator delivers its activities in accordance with them. 2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views*

*2.1 Regulators should have mechanisms in place to engage those they regulate, citizens and others to offer views and contribute to the development of their policies and service standards. Before changing policies, practices or service standards, regulators should consider the impact on business and engage with business representatives.*

Had the above approach been taken, there is little doubt that common ground would have been met, and two years on from the passing of the policy, we would not be in the complete mess we currently are.

Lessons should be learned from this debacle, and a more inclusive, progressive and democratic approach to governance should be undertaken. Committee reports should be extensive and evidence-based. Taxis/PHV Licensing is not planning; an officer should have solid recommendations. Councillors have been witnessed asking the simplest of questions, which have gone unanswered as the "data" is not available. Reports do not represent the trade's views, and little to no evidence-based data is produced.

The entire decision process on CCTV was a perfect example of misinformation provided to councillors. The consideration of CCTV is not based on an opinion of whether CCTV is good or bad. One would have hoped that the idea of policy being drafted or a decision made on such binary questions (cue Brexit) would have been learned from.

The ICO is categorical that any decision should be made on local compelling evidence and all other avenues explored BEFORE a decision is made to implement CCTV. The decision in 2021 is now known to have been a mistake. But rather than take ownership of this error and re-engage with the trade, there are moves afoot to collate data and engage with the Police to substantiate a policy that should only have been passed once this evidence had been established.

To quote the above guidance:

*Be humble*

*Gathering evidence, information and a broad range of views is vital. It is important to be humble about what you know, and what you don't know. Open policy is about recognising that you are not the only expert and that you do not have monopoly on good ideas and policy development. Where good ideas exist, it is your job to find them.*

A humble approach and one that better meets the Regulators' Code would be to have a meaningful re-engage with the trade and start the entire process again, with all avenues explored. Acknowledging that the trade is putting lives at risk due to its lack of numbers and that recent policy changes and a complete lack of engagement have only worsened this situation by people choosing to leave the trade or license in other authorities (Chichester) and drive for Uber in Brighton!!

1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow

1.1 Regulators should avoid imposing unnecessary regulatory burdens through their regulatory activities 1 and should assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Regulators should choose proportionate approaches to those they regulate, based on relevant factors including, for example, business size and capacity.

1.2 When designing and reviewing policies, operational procedures and practices, regulators should consider how they might support or enable economic growth for compliant businesses and other regulated entities<sup>2</sup>, for example, by considering how they can best:

- understand and minimise negative economic impacts of their regulatory activities;
- minimising the costs of compliance for those they regulate;
- improve confidence in compliance for those they regulate, by providing greater certainty; and
- encourage and promote compliance.

Finally, as an example of the complete mess of current policymaking.



A new proposal below is up to a maximum of 12 points for not accepting a credit/debit card payment.

NE W*	failure to accept payment by credit or debit card Any payments paid for via credit or debit cards must not have a minimum charge	1-12*
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Yet clearly, it is not a license condition to accept card payments.

Where payments for journeys by credit/debit card are accepted, it is not permissible to set a minimum card payment amount.

There are other errors in this document, but again, as it was written and presented to the committee before we even set eyes on it, these errors remain.

## Appendix C: Notes from the Eastbourne Taxi & Private Hire Drivers Forum - 2 October 2023

Please note only relevant notes have been included and the attendees of the meeting have been anonymised.

Eastbourne Taxi & Private Hire Drivers Forum  
Court room, Eastbourne Town Hall  
12:30pm  
2 October 2023

Attending.  
Officers x 7  
Councillors x 2  
Drivers / operators x 5

### 1. Introductions and apologies

### 2. Terms of reference for the meeting.

### 3. Update from EBC licensing

#### b) CCTV

Deadline for Eastbourne is 31<sup>st</sup> October 2023. All approved suppliers will be issued with compliance certificates by the council as well as stickers for vehicles, to inform passengers of CCTV recording occurring. All compliance certificates must be emailed to Licensing Team by the drivers once installation has taken place. Enforcement action could be taken following this date.

Questions were raised re the number of cameras, and if the deadline was still the same due to the consultation taking place, which may amend the requirements.

It was also questioned as to whether there were enough suppliers to fit in time. New suppliers have been added.

It was suggested that the implementation of CCTV be put on hold. This is a matter for the Licensing committee, and at the moment remains the 31<sup>st</sup> October.

Also, the subject of Audio was raised, as if audio is to be added there will be a financial impact on the drivers, this was part of the consultation and will be taken to the next licensing committee.

Radio Relay are saying two cameras are required. This will be taken up with them.

Attached to these minutes is a copy of the most recent information on CCTV and list of current approved installers (this list is changing as more suppliers are being approved.)

### **c) Consultation**

The Consultation for EBC closed on 11/09/2023 Thank you to everybody that took part in the process. We are currently analysing the results, and these will be included in the committee report the date of this will be shared with the trade in advance. We can confirm 75 number of Licensed drivers and 5 number of Operators engaged in the process there were also several joint responses. Approximately 250 members of the public contributed.

A list of those consulted was requested.

### **d) Communication**

### **e) Questions raised from the drivers in advance of the meeting**

## **4. Any other Business**

Next Forum will be Tuesday 9 January 24 12:00 to 14:00 in the Court Room Eastbourne Town Hall- this is already scheduled in but can be changed if required.

## **Appendix D: Notes from the resident focus group: 16 October 2023**

Please note only relevant notes have been included and the attendees of the meeting have been anonymised.

Eastbourne resident focus group  
Meeting Room 1, Eastbourne Town Hall  
16 October 2023

Attending:

Officers 3

Residents 5 (some of whom were people with a physical disability).

## **2. Introductions**

### **2. Private-Hire only licenses for new applicants**

There was consensus that the knowledge test should not be dropped and should still form part of the licencing process.

It was felt discarding the test would dilute the standards of Private-Hire drivers. There were concerns that new drivers may not know routes and visually impaired people, people with cognitive or mental impairments may be unable to direct drivers.

### **3. Requirement for new Hackney Carriage vehicles to be Wheelchair Accessible Vehicles (WAVs)**

Officers explained the background with the trade feeling the cost of WAV vehicles is prohibitive and has a detrimental impact on numbers of new drivers coming into the trade.

Comments included that this change might not be in-line with the Equality Act 2020. The group expected the change to decrease the number of WAV vehicles in operation and it would therefore not provide an adequate future service for wheelchair users. It is already difficult to pre-book WAVs due to lack of availability.

Instead of removing the WAV requirement, it was suggested EBC should be more accommodating and loosen the criteria of WAV vehicles so that taxi drivers have greater choice of WAV vehicles would make them more cost effective.

The list of WAVs should be updated every three months and it was last updated 3 years ago. [Action: Officers to update the list of WAVs held on the website.](#)

People without access needs may not want to ride long distances in WAV vehicles.

### **4. Penalty point scheme**

As long as it is enforced, there was general consensus that adding to the penalty point scheme maintains the standards of the taxi service.

### **5. CCTV and ability to record audio**

There were mixed feelings with this. Some thought audio recordings should be recording at all times. Others felt this was an infringement of privacy and there should be buttons for both the driver and passenger to switch audio recording on.

The point was raised that if audio recording was adopted, not only should there be signs but also an announcement so that visually impaired people are aware of the recording.

### **6. Spare wheels**

Some agreed strongly that a spare wheel should be mandatory. Others felt it was unnecessary as many modern cars don't carry spare wheels. There was also concern that spare wheels would be carried in precious boot space that could be used for equipment for disabled people.

### **7. Written-off vehicles**

All in attendance stressed that the safety of the vehicle was the main priority. Some thought there should be categories of write-off so that some cars that had previously been written off for purely cosmetic reasons could still be licenced.

## **8. English proficiency test**

Improvements to the English proficiency test were welcomed.

## **9. Customer and Driver Charter**

A charter was felt to be a good idea. [Action: officer to circulate the Charter.](#)

## **10. Any further comments**

Officers explained the next steps of the process and how today's discussion would feed back to decision makers.

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[Department  
for Transport](#)

Guidance

# Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England

Updated 17 November 2023



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# 1. Introduction

## 1.1 Background

The Department for Transport has issued guidance on taxi and private hire vehicle licensing since 2006 to assist local authorities that have responsibility for the regulation of the taxi and private hire vehicle trades. This is updated periodically, considering stakeholder views and changes in the way the sector operates. This best practice guidance is one of [a number of documents intended to assist the operation and regulation of the sector \(https://www.gov.uk/government/collections/licensing-of-taxis-and-phvs-for-local-authorities-in-england\)](https://www.gov.uk/government/collections/licensing-of-taxis-and-phvs-for-local-authorities-in-england). The objective of the government is to work with licensing authorities to promote the regulation of the sector in a way that enables the provision of safe, accessible, available, and affordable services that meet the wide range of passenger needs by a thriving trade.

In 2020 the government issued, for the first time, [Statutory Taxi and Private Hire Vehicle Standards \(https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards\)](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards) to safeguard the most vulnerable in society. The [Policing and Crime Act 2017 \(https://www.legislation.gov.uk/ukpga/2017/3/section/177/enacted\)](https://www.legislation.gov.uk/ukpga/2017/3/section/177/enacted) enabled the Secretary of State to issue these to licensing authorities; though the focus was on the use of their powers to protect children and vulnerable adults over 18 from harm, the measures will increase the safety of all passengers. Licensing authorities must give due regard to the Statutory Standards when setting their taxi and private hire vehicle licensing policies and procedures. This non-statutory best practice guidance complements the statutory standards, covering a range of issues outside the remit of the statutory standards.

Individual licensing authorities are still responsible for deciding their own policies and making decisions on individual licensing matters applying the relevant law and any other relevant considerations. This guidance is primarily intended to assist licensing

authorities, but it is only guidance and does not intend to give a definitive statement of the law; any decisions made by an authority remain a matter for that authority.

The [Local Government Association's Councillors' Handbook on taxi and private hire vehicle licensing \(https://www.local.gov.uk/publications/councillor-handbook-taxi-and-phv-licensing-2021\)](https://www.local.gov.uk/publications/councillor-handbook-taxi-and-phv-licensing-2021) advises that those responsible for licensing should communicate regularly with their counterparts in neighbouring authorities to ensure critical information is shared and decision-making is consistent and robust. By working together, local government can make sure that this vital service is safe, respected, and that it meets the needs of all those in their local communities.

This guidance links to relevant documents that licensing authorities may find useful to share with local partners (for example, taxi or private hire vehicle providers).

This version of the best practice guidance replaces all previous versions and will be subject to revision when necessary.

## 1.2 Terminology

Vehicles licensed under section 37 of the Town Polices Clauses Act 1847 and section 6 of the Metropolitan Carriage Act 1869 are referred to in that legislation as 'hackney carriages'. This term is also used in older regulations. In more recent legislation the term 'taxi' is used.

In this document 'taxi' means vehicles licensed under the aforementioned sections of the above acts only. It does not include private hire vehicles (PHVs).

Vehicles licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976, section 7 of the Private Hire Vehicles (London) Act 1998 and section 5 of the Plymouth City Act 1975 are often referred to as 'minicabs', 'cabs'



and even 'taxis'. The term 'private hire vehicle' is used in aforementioned sections of the above acts and so is used throughout this guidance to refer to all such vehicles.

Private hire vehicles include executive cars, chauffeur services, limousines and some school and day centre transport services. One of the overarching objectives of this guidance is to provide greater distinction for the public between taxis and PHVs so that the public is increasingly aware of this. Licensing authorities should adopt this approach in its communications.

### 1.3 Scope of the best practice guidance

This guidance does not seek to cover the whole range of possible licensing requirements. Instead, it seeks to concentrate on those issues that have caused difficulty in the past or that seem of particular significance. This document will be reviewed and updated when necessary and other specific issues may be added should the need arise. The law on taxi and private hire vehicle licensing contains many complexities which are beyond the scope of this guidance.

The guidance does not purport to give a definitive statement of the law and any decision made by a licensing authority remains a matter for that authority. Licensing authorities will need to seek their own legal advice on issues that are particularly relevant to them. The department is not responsible for interpreting the law – that is a matter for the courts.

The personal safety of passengers is critical. The government has clearly set out measures that licensing authorities should take to safeguard passengers in the [Statutory Taxi and Private Hire Vehicle Standards](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards) (<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>). This guidance seeks to reinforce that message by highlighting other measures that

should be considered to assist the sector to deliver the range of services the public demand.

Licensing authorities have to consider a range of vehicles and services in the context of private hire vehicle licensing. The department has produced [guidance to assist licensing authorities in deciding which vehicles and services require licensing under the private hire vehicle regime and which fall outside the private hire vehicle definition \(https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance/private-hire-vehicle-licensing-guidance-note\)](https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance/private-hire-vehicle-licensing-guidance-note). The guidance sets out the key principles and characteristics which the department considers define a private hire service.

The guidance on whether services might require a private hire vehicle licence stresses that it remains for licensing authorities to make decisions in the first instance and that, ultimately, the courts are responsible for interpreting the law.

## 2. The role of taxis and private hire vehicles

Taxis and private hire vehicles play a vital part in local transport, connecting residents to the local economy and in enabling businesses and residents to reach wider transport networks. All social groups use taxis and private hire vehicles. Groups that use them the most are low-income young women, amongst whom car ownership is low, and those with mobility difficulties.

The taxi and private hire vehicle sector is entirely demand-led. Though these services are most often associated with journeys for leisure, social and business purposes, they are an important part of the transport network. As discussed in [section 14 of this guidance](#), they should be considered as part of local transport planning.

Taxis and private hire vehicle services reduce the need for private car ownership, enable key workers to commute when other modes are unavailable, provide door-to-door transport for those that are not able to travel via other modes and assist on meeting the needs for home-to-school transport provision. Taxis and private hire vehicles have a particularly important role in the night-time economy getting people home safely late at night.

### 3. The role of licensing authorities

As stated in the [Statutory Taxi and Private Hire Vehicle Standards](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards) (<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>) issued by the department to licensing authorities, the primary and overriding objective of licensing must be to protect the public. Licensing authorities should also be aware that, as well as ensuring taxi and private hire vehicle services are safe, the public have a reasonable expectation that the services available will be accessible and affordable.

It is for licensing authorities to ensure that their licensing policy and requirements are proportionate, so that passengers can choose from a wide range of safe services. As indicated above, the primary function of the licensing regime is public safety; however, an unduly stringent regime on other issues may restrict the supply of taxi and private hire vehicle services by putting up the cost of operation, or otherwise restricting entry to the trade. Licensing authorities should recognise that too restrictive an approach can be counter-productive, restricting the licensed trade to such an extent that the public resort to the use of unlicensed, unvetted and uninsured drivers and vehicles.

[Section 17 of the Crime and Disorder Act 1998](https://www.legislation.gov.uk/ukpga/1998/37/section/17) (<https://www.legislation.gov.uk/ukpga/1998/37/section/17>) requires local authorities to consider the crime and disorder implications of all their activities and functions and do all that they reasonably can to reduce crime. Licensing authorities routinely do this by

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setting licensing requirements that protect passengers, but this duty also extends to considering ways that licensing requirements and policies can reduce crime against drivers. It is the case that drivers are subjected to robbery, verbal and physical assault, this can be racially motivated or aggravated. Licensing authorities must consider ways to protect those working in the trade as well as those that use its services.

Licensing authorities are required under the [Public Sector Equality Duty](https://www.gov.uk/government/publications/public-sector-equality-duty) (<https://www.gov.uk/government/publications/public-sector-equality-duty>) to pay regard to the need to eliminate conduct prohibited by the Equality Act 2010, to promote equality of opportunity and to foster understanding between people who share a protected characteristic and those who do not. It is beyond the scope of this document to identify actions which would demonstrate compliance with this duty, and ultimately only a court can do so definitively. We would however suggest that authorities:

- maintain a body of evidence on the impact of services on people with different protected characteristics and use it to make policy decisions consistent with the duty
- consider how they can actively promote equality, such as by consulting regularly with users, planning strategically to provide services which meet their needs, and by prioritising actions which seek to eliminate discrimination or barriers to equal access
- consider how to demonstrate the consideration given in a manner which promotes public awareness of the authority's inclusive approach to service support and provision

Disability is a protected characteristic under the Equality Act 2010, and disabled people may face particular barriers accessing taxi and private hire vehicle services if authorities fail to regulate services inclusively and to uphold the rights of affected passengers. In our view, an inclusive service accessible to disabled people is one where:

- there are sufficient vehicles meeting disabled people's access needs, to allow them to travel as easily, between the same locations and at the same times, as non-disabled people
- policy decisions are informed by an accurate and up-to-date understanding of the experience and needs of disabled people with a range of visible and less visible impairments
- action is taken proactively to improve the accessibility of the services supported
- disabled people have confidence that services will meet their needs and that, if things go wrong, their concerns will be understood and investigated thoroughly
- if operators and drivers fail in their responsibilities, that appropriate enforcement action is taken to prevent its recurrence and protect other disabled passengers

### 3.1 The regulators' role

Licensing authorities are required under [section 22\(2\) of the Legislative and Regulatory Reform Act 2006](https://www.legislation.gov.uk/ukpga/2006/51/section/22) (<https://www.legislation.gov.uk/ukpga/2006/51/section/22>), to have regard to the [Regulators' Code](https://www.gov.uk/government/publications/regulators-code) (<https://www.gov.uk/government/publications/regulators-code>).

The code states that:

“ Regulators should avoid imposing unnecessary regulatory burdens through their regulatory activities and should assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Regulators should choose proportionate approaches to those they regulate, based on relevant factors including, for example, business size and capacity.”

As with other regulators, licensing authorities' interventions should be focussed on mitigating safety risks for passengers and drivers, and enabling fair competition within

the trade by ensuring consistency of regulation and enforcement. Licensing authorities should actively promote inclusivity, equality and independence for disabled people and ensure that they only issue licences to those that are fit and proper to hold one.

A need to intervene might be established through analysing complaints received or consulting with passengers and/or the trade. Licensing authorities should consider the wider impact of interventions and how they affect the delivery of safe, available, affordable and accessible services.

### **3.2 The objective of regulation and consideration of policies**

When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. Ensuring high safeguarding requirements and processes, as set out in the [Statutory Taxi and Private Hire Vehicle Standards](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards) (<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>), is only one way in which licensing authorities can help ensure the personal safety of passengers.

Ensuring local residents understand the distinction between the taxi and private hire vehicle trades and how each service can be legally engaged is very important.

The key message needs to be that, unless you are hailing a locally licensed taxi in the street or at a stand, you should not get in any other vehicle unless you have pre-booked it and have received information from the operator to identify it. This messaging can be supported by a policy that makes taxis look distinct from private hire vehicles; this is discussed further in section 8.

In addition to the safety of passengers, regulation should protect equality and enable fair competition. Once a need to intervene is established, licensing authorities should

consider whether any policy changes would have unintended negative consequences that might outweigh the benefits of that policy.

For example, if a licensing authority established that the drivers they license have frequent collisions, it may set an objective to reduce these. The authority might try to address this concern by requiring all drivers to have ten years' driving experience on the basis that 'experienced drivers are safer'.

Such a requirement would however prevent an individual under the age of 27 entering the trade. This would be regardless of whether they held an advanced driving qualification. It is probable that such an individual is a safer driver than someone over 27, who passed their driving test 10 years ago but has rarely driven since. While experience is generally useful, individuals should be able to evidence that they meet the objective of the policy rather than an arbitrary criterion.

Licensing authorities should ensure that their various licensing requirements are proportionate to the risk they aim to address or the policy objective they are seeking to achieve. The cost of a requirement, in terms of its effect on the availability of transport to the public, should be at least matched by its benefit. A detailed, quantitative, cost-benefit assessment is not needed in each case, but licensing authorities are urged to look carefully at the costs, financial or otherwise, imposed by each of their licensing policies and of the equality impacts as required by law.

The Competition and Markets Authority provided [guidance to licensing authorities \(https://www.gov.uk/government/publications/private-hire-and-hackney-carriage-licensing-open-letter-to-local-authorities/regulation-of-taxis-and-private-hire-vehicles-understanding-the-impact-on-competition\)](https://www.gov.uk/government/publications/private-hire-and-hackney-carriage-licensing-open-letter-to-local-authorities/regulation-of-taxis-and-private-hire-vehicles-understanding-the-impact-on-competition) to consider when designing policy or regulations to assess their impact on competition and the interests of consumers. Their [competition impact assessment \(https://www.gov.uk/government/publications/competition-impact-assessment-guidelines-for-policy-makers\)](https://www.gov.uk/government/publications/competition-impact-assessment-guidelines-for-policy-makers) guidelines are a useful tool in this process.

The guidelines contain 4 tests which help policy makers assess whether their proposals will limit competition:

- Will the measure directly or indirectly limit the number or range of suppliers?
- Will the measure limit the ability of suppliers to compete?
- Will the measure limit suppliers' incentives to compete?
- Will the measure limit the choices and information available to consumers?

Consideration of these questions will help ensure licensing authorities are aware of the restrictions they may be introducing on competition and may encourage them to consider alternative courses of action where possible.

As well as setting licensing requirements and imposing conditions, licensing authorities may introduce byelaws to assist them in the regulation of the taxi sector. The department has provided:

- [a set of model byelaws \(https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance\)](https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance)
- [guidance on the process of making or amending byelaws \(https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance/taxi-byelaws-guidance-and-the-byelaw-making-process\)](https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance/taxi-byelaws-guidance-and-the-byelaw-making-process)

### 3.3 Delivering licensing services

Taxi and private hire vehicle licensing is a statutory function of licensing authorities and it is important they consider how best to deliver this service in a timely and efficient manner.

Enabling those that wish to enter the trade to evidence that they meet the necessary requirements in a timely way will benefit the trade and passengers through greater choice and availability.



As an example, the statutory standards state that licensing authorities “should require taxi and private hire vehicle drivers to undertake safeguarding training”; licensing authorities should consider how this training is provided to avoid unnecessary delays to gaining a licence. This might mean providing training material (hardcopy or online) and requiring the driver to attend an assessment. There should be sufficient availability of assessment slots to enable an applicant to evidence this knowledge in a reasonable time.

During the COVID-19 pandemic, several licensing authorities did not accept new licence applications for a substantial period. Refusing to accept an application makes the licensing authority vulnerable to judicial review and reputational damage. New ways of working were implemented by many licensing authorities, including training via virtual meeting platforms, temporary measures / relaxation of licensing requirements, temporary licences, and self-declarations.

Licensing authorities should learn from the challenges presented by COVID-19 and review their contingency plans to improve the way they administer the system and make sure the statutory licensing function can continue if circumstances make ‘normal’ procedures and processes impossible.

### **3.4 Licensing fees**

It is essential to a well-functioning taxi and private hire vehicle sector that those administering and enforcing the regime are well-resourced. The licensing model is intended to be self-funding through licensing fees and it is expected that licensing authorities seek to provide a well-resourced system at the lowest cost to licensees. Licensing authorities should regularly review their fees to reflect changes to costs, both increases and reductions.

## 3.5 Licensing policy

The department recommends that all licensing authorities make publicly available a cohesive policy document or single online page which complies with current accessibility guidance, including [WCAG 2.1 accessibility standard \(https://www.gov.uk/guidance/accessibility-requirements-for-public-sector-websites-and-apps\)](https://www.gov.uk/guidance/accessibility-requirements-for-public-sector-websites-and-apps) to Level AA as a minimum and the [Public Sector Bodies \(Websites and Mobile Applications\) \(No. 2\) Accessibility Regulations 2018 \(https://www.gov.uk/guidance/accessibility-requirements-for-public-sector-websites-and-apps\)](https://www.gov.uk/guidance/accessibility-requirements-for-public-sector-websites-and-apps) for digital content, that brings together its key information on taxi and private hire vehicle licensing. This should include, but not be limited to:

- details on how the public can provide feedback on taxis and PHV licensees
- a ‘fit and proper’ person test
- licence conditions
- vehicle standards
- taxi tariffs
- licensing fees

Licensing authorities should also refer to the [Statutory Taxi and Private Hire Vehicle Standards \(https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards\)](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards) when compiling this document.

## 3.6 Consultation at the local level

Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only all taxi and private hire vehicle licensees but also groups likely to be the trades’ customers.

Examples are groups representing disabled people, chambers of commerce, organisations with a wider transport interest (for example, local transport user groups and other transport providers), women's groups, local traders, and local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy's activities.

Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas. Licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change. Many areas convene regional officer consultation groups or, more formal, councillor liaison meetings; this approach should be adopted by all authorities.

### **3.7 Changing licensing policy and requirements**

Any changes in licensing requirements should be followed by a review of the licences already issued. If a need to change licensing requirements has been identified, this same need is likely to apply to those already in possession of a licence. That is not, however, to suggest that licences should be automatically revoked overnight. For example, if a vehicle specification is changed, then it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle.

The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.

Licensing authorities must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, then they should consider doing so. Licensing authorities should record the reasons for any deviation from the policies that are in place.

## 4. Accessibility

There are around 13.9 million disabled people in the UK, representing 20% of the population, a proportion that is expected to rise as the average age of the population increases. National Statistics published in the current Family Resources Survey showed that the proportion of people in England who reported a disability was 21%. As people age, the incidence of disability increases, with 40% of over 60s and 75% of over 80s being disabled, meaning that disability will become a fact of life for an increasing number of people, which may not always appear obvious.

Disabled people are particularly reliant on taxi and private hire vehicle services, either because they may not have access to a private car, are unable to use public transport, or because the built environment is insufficiently accessible to meet their needs. This can mean that the availability of an accessible, affordable taxi or private hire vehicle service can make the difference that allows them to live their life the way they want to, and ultimately, to fulfil their potential.

The government wants disabled people to be able to travel easily, confidently and without additional cost, and it is important that all transport services play their part in making this a reality.

The way in which people are disabled and the specific barriers they face may not always be obvious. Licensing authorities and providers of taxi and private hire vehicle services must therefore anticipate the needs of people whose access needs may be more apparent, such as wheelchair users and assistance dog owners, as well as

those with less visible impairments, including autistic people or those with mental illness.

Every taxi and private hire vehicle passenger is an individual, each with their own unique wishes and requirements, none more than a disabled passenger using services. It is, however, important to recognise that there are certain access barriers which will be familiar to people with similar impairments, which authorities should take time to understand.

## 4.1 Accessibility barriers

Many disabled people face physical barriers when accessing transport services. This may be because the built environment includes features which are difficult for them to use, such as steps, or it may be because vehicle designs cannot accommodate a particular size of wheelchair. Some barriers to the provision of taxi and private hire vehicle services include:

- ranks provided with inadequate space to deploy a ramp
- waiting areas lacking seating for people unable to stand for prolonged periods
- inadequate supply of wheelchair accessible vehicles to ensure that every passenger can travel when and where they want to
- vehicle designs which do not accommodate larger or heavier wheelchairs
- private hire vehicles needed to pick up passengers in large or complex car parks, such as at airports or railway stations
- street design which prevents taxis and private hire vehicles from stopping close to destinations

To mitigate these physical barriers authorities must ensure that due regard is given to the Public Sector Equality Duty (PSED) (see [section 149 of the Equality Act 2010](#))

(<https://www.legislation.gov.uk/ukpga/2010/15/contents>) when taking decisions concerning the provision of taxi and private hire vehicle services and supporting infrastructure, and that reasonable adjustments are made to remove barriers preventing disabled people from accessing taxi and private hire vehicle services.

Licensing authorities should also do the following:

- consult with disabled passengers regularly on their experience of using taxi and private hire vehicle services, in addition to consulting trade unions and associations representing those providing services, and ensure that their feedback informs service development
- incentivise the uptake of wheelchair accessible vehicles where mandating them would be inappropriate.
- consider specifying that wheelchair accessible vehicles should be capable of carrying wheelchairs larger than the reference size
- work with airports, station operators and other locations where large numbers of passengers use taxi and private hire vehicle services to ensure disabled passengers can always access and exit vehicles safely and easily
- exercise discretion on application of other vehicle requirements if they would prevent suitable wheelchair accessible vehicles from being brought into service where there is unmet demand

## 4.2 Communication barriers

Disabled people may experience communication barriers when booking taxis or private hire vehicles or completing journeys. These may be related to a sensory impairment, such as blindness or deafness, or due to a cognitive impairment or autism. Taking time to understand the communication needs of individual passengers

can make them feel more confident when using services. Communication barriers might include:

- inability to book a taxi or private hire vehicle where using a telephone is the only option
- inability to book a taxi or private hire vehicle where the use of an app, inaccessible to visually impaired people, and those with limited or no access to technology, is the only option
- difficulty identifying the vehicle and seeking assistance from its driver
- difficulty communicating with drivers, particularly when conducted through a screen separating the driver and passenger compartments
- inability of some passengers to understand the driver and to provide information necessary for completing the journey
- inability for some passengers to read a meter (if fitted)

To mitigate these communication related barriers, authorities should take the relevant actions provided in the other sections of this guidance and ensure that:

- a range of booking methods are provided, so that people with limited access to certain forms of technology or communication can request a PHV
- operators should identify a passenger's accessibility needs prior to taking a booking, to ensure an appropriate vehicle is provided.
- information provided in hard copy in vehicles and in public places (such as libraries or private hire vehicle offices) is also readily available in alternative accessible formats, including large print, Braille, and Easy Read
- authority websites, including any pages relating to the taxi and private hire vehicle services and procedures for providing feedback and making complaints, comply with current [accessibility guidance \(https://www.gov.uk/government/publications/planning-and-access-for-disabled-people-a-good-practice-guide\)](https://www.gov.uk/government/publications/planning-and-access-for-disabled-people-a-good-practice-guide) and legislation, including [WCAG 2.1 accessibility standard \(https://www.gov.uk/service-manual/helping-people-to-use-your-service/understanding-wcag\)](https://www.gov.uk/service-manual/helping-people-to-use-your-service/understanding-wcag) to Level AA as a minimum and the [Public Sector Bodies](#)

[\(\[Websites and Mobile Applications\]\(https://www.gov.uk/guidance/accessibility-requirements-for-public-sector-websites-and-apps\)\) \(No. 2\) Accessibility Regulations 2018](https://www.gov.uk/guidance/accessibility-requirements-for-public-sector-websites-and-apps)  
(<https://www.gov.uk/guidance/accessibility-requirements-for-public-sector-websites-and-apps>) for digital content

- operator websites and digital booking apps comply with the WCAG 2.1 accessibility standard to Level AA and with the principles of the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 as a minimum for digital content

### 4.3 Barriers relating to the carriage of assistance dogs

There are around 6,000 assistance dog partnerships in the UK, supporting disabled people to navigate the built environment, respond to sounds they cannot hear, react to health emergencies, and interact with objects and obstacles. They are often vital for their owners' ability to live independently, confidently and safely, yet 76% of assistance dog owners surveyed for the [2022 Inclusive Transport Strategy Evaluation report](https://www.gov.uk/government/publications/inclusive-transport-strategy-evaluation-baseline-and-technical-reports) (<https://www.gov.uk/government/publications/inclusive-transport-strategy-evaluation-baseline-and-technical-reports>) had experienced a refusal or near-refusal during the preceding year. The main barriers faced by assistance dog owners when using these services include:

- the outright refusal of carriage
- an initial refusal of carriage followed by a protracted argument over an assistance dog owner's right to travel
- the provision of a sub-standard service because of a wish not to carry an assistance dog
- longer waits for booked vehicles due to operators allocating only drivers willing to convey passengers accompanied by assistance dogs
- the charging of higher fares or additional fees
- requiring the assistance dog to travel in a separate compartment to its owner



- the failure of local authorities to prosecute drivers even where sufficient evidence exists, preventing affected passengers from having their legal rights upheld

## 4.4 Confidence barriers

Many disabled people lack confidence to use public transport services including taxis and private hire vehicles. They may have had negative experiences in the past or read about accessibility issues that others have experienced. Social media now makes it simple for disabled people, and others, to share accounts of being refused carriage or of licensing authorities failing to take decisive action against drivers who discriminate, and this can exacerbate perceptions that such services are not accessible.

Confidence related barriers might include:

- the expectation that services will not be accessible, leading disabled people not to travel, or to use other less convenient or safe means
- the fear of confrontations which can ensue when attempting to travel with mobility equipment or an assistance dog
- the fear of being charged too much or taken on a circuitous route
- anxiety linked to mental health or other conditions, exacerbated by previous negative experiences or a fear of not being provided with appropriate assistance
- a lack of confidence in accessibility issues being investigated effectively and drivers facing sanctions where appropriate

To mitigate these confidence-related barriers authorities should take the relevant actions provided in the other sections of this guidance and:

- provide information publicly on the accessibility of taxi and private hire vehicle services, and the action that will be taken if they fall short of reasonable expectations

- always ensure that passengers are kept informed about the progress of investigations into complaints they have made, and that they understand the rationale for any resulting decision on action to be taken
- include in operator and driver facing communications testimonials of passengers who face confidence-related barriers when using taxis and private hire vehicles
- provide handouts explaining how confidence can be undermined by poor service
- support local travel training initiatives to support disabled people to access taxi and private hire vehicle services independently
- invite positive feedback on the accessibility of services, and champion inclusive behaviour, perhaps through communications, awards or other incentives

To assist passengers who would like to raise a complaint, licensing authorities should require operators to provide a driver's private hire licence number and any information relating to a booking upon the relevant licensing authority's request.

## 4.5 Supporting an inclusive service

Licensing authorities are uniquely placed to ensure that taxi and private hire vehicle services within their jurisdiction actively promote equality and independence for disabled people. By ensuring drivers and operators understand how to provide every customer with the assistance they need, authorities can ensure disabled people can travel with confidence that their needs will be met.

By taking action to ensure there are sufficient wheelchair accessible vehicles to satisfy passenger demand, authorities can ensure that wheelchair users need no longer structure their lives around the times and locations when vehicles accessible to them are likely to be available. And, by taking prompt and robust action to investigate and prosecute licensees in response to cases of discrimination, authorities can ensure that every operator and driver treats seriously their role in providing an inclusive service.

Authorities should ensure those that are found liable for discriminatory treatment towards a disabled person are subject to a fine or the loss and/or suspension of their license as a consequence.

Supporting an accessible service is an integral aspect of licensing authorities' role, therefore, it is important that authorities make the provision of an inclusive service a core strategic aim, and that they consider the factors which can influence the extent to which such services meet the needs of all passengers.

## 4.6 Inclusive service plan

All licensing authorities should develop and maintain an inclusive service plan (ISP), either as a standalone document or as an integral element of a wider strategy. The ISP should describe:

- the demand for accessible services in their area, from wheelchair users and non-wheelchair users, and from people with both visible and less-visible impairments, and an assessment of the extent to which that need is currently being met
- the authority's strategy for making transport more inclusive generally, and specifically in relation to taxi and private hire vehicle provision
- the steps that the authority will take to improve the inclusivity of the taxi and private hire vehicle services it supports, including timescales for their completion
- the courses or assessments authorities require applicants to undertake - these should be suitable for a range of participants e.g. including older drivers

ISPs should be developed collaboratively with organisations representing the interests of disabled people and people with other protected characteristics. This should be based on accurate and up-to-date evidence of need and usage. To support the production and updating of an ISP, authorities should survey existing and potential disabled passengers at least every 5 years, building an understanding of the extent to

which the vehicles and services provided by taxi and private hire vehicle fleets adequately support the needs of all passengers and whether driver training needs are being met.

ISPs should be policy documents first and foremost, intended to demonstrate publicly authorities' commitment to improving accessibility continually. They may, however, also serve to demonstrate to passengers the steps being taken to improve services. Authorities should consider how the content can be made more accessible to the public. They should in any case always be made available on authority websites and in alternative accessible hard copy formats, consistent with authorities' legal equalities duties.

ISPs should be updated at least every 5 years, to ensure decisions are based on an up-to-date understanding of passenger needs. ISP reviews should align with other periodic aspects of licensing practice and, where possible, the production of the local transport plan.

ISPs should be developed with an awareness of the context facing disabled passengers. Unfortunately, too many disabled people still report receiving inadequate service from taxi and private hire vehicle operators and drivers, or a lack of support from licensing authorities when they report alleged discrimination. In the three years after rules on the carriage of wheelchair users were introduced, over 30% of authorities had not implemented them, denying disabled passengers the right to be treated like anybody else.

Two decades have passed since the law made it illegal for taxis and private hire vehicles to refuse an assistance dog and yet today too many owners report that they continue to be refused carriage. Additionally, disabled people continue to face barriers when using taxis and private hire vehicles, for example from unhelpful drivers, vehicles with too high a step or a lack of handholds or being refused carriage and left waiting at the kerbside.

To ensure decisions taken on the regulation of services are informed by the lived experiences of disabled people, authorities should take steps to ensure that policy makers and staff dealing with the public understand the barriers that disabled people can face when using transport services. Therefore, relevant authority staff should complete disability awareness training.

ISPs should also take into account any authority rules on the specification of licensed vehicles, including the ease with which they can be converted to convey passengers seated in a wheelchair. We understand that there is a particular challenge with some electric vehicles, and authorities should ensure they have considered fully the impact of any decision to require the use of such vehicles before changing licensing requirements.

## **4.7 Assistance for all passengers**

Drivers and operators have specific duties not to discriminate against disabled passengers generally, and passengers in wheelchairs or who are accompanied by assistance dogs specifically. However, they also have general duties not to discriminate against anybody on account of their protected characteristics and proactively to provide reasonable adjustments that permit disabled passengers specifically to access their services. Although such general duties are enforced by disabled people through the Civil Courts, authorities have a role to play in creating an expectation that every potential passenger should be valued, regardless of any protected characteristic, and that any passenger requiring reasonable assistance is provided with it.

As a matter of course, drivers should help passengers to stow mobility aids, pushchairs and luggage, to ensure that older, younger or disabled passengers leave the vehicle safely away from traffic, and support customers to use card readers or count their change. Authorities can reinforce this through communications and training

but could also include relevant requirements in licensing conditions or byelaws, which can be enforced by the authority.

All licensing authorities must comply with the Public Sector Equality Duty (PSED) (see [Section 149 of the Equality Act 2010](#) (<https://www.legislation.gov.uk/ukpga/2010/15/section/149>)) when taking decisions concerning the provision of taxi and private hire vehicle services and supporting infrastructure. Licensing authorities must also ensure that reasonable adjustments are made to remove physical barriers preventing disabled people from accessing taxi and private hire vehicle services.

Licensing authorities should provide a straightforward, accessible means of reporting alleged instances of discriminatory behaviour, including a dedicated email address and a telephone number. They should also take proactive steps to investigate allegations, interview passengers, and seek relevant evidence from operators and partner agencies.

Cases should be prosecuted where there is sufficient evidence to identify the driver and substantiate the claims made. The guidance on the assessment of convictions provided with the [Statutory Taxi and Private Hire Vehicle Standards](#) (<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>) states that where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. Licensees convicted of such offences should be subject to the same standards.

Where a complaint about discrimination is received that will not result in a conviction, licensing authorities should consider a range of outcomes and take appropriate action based on the balance of probabilities. Licensing sanctions should be considered, such as suspension or revocation. The licensing authority must give full consideration to the available evidence before any decision is made and the licensee should be given the opportunity to state their case. Possible outcomes would include no action being taken and the complaint being recorded, a suspension until disability and equality

awareness training/assessment is completed, or revocation of a licence and a refusal to issue another for an appropriate period.

## 4.8 Assistance dogs

To mitigate barriers relating to the carriage of an assistance dog, authorities must comply with the Public Sector Equality Duty (PSED) (see [Section 149 of the Equality Act 2010 \(https://www.legislation.gov.uk/ukpga/2010/15/section/149\)](https://www.legislation.gov.uk/ukpga/2010/15/section/149)) when taking decisions concerning the provision of taxi and private hire vehicle services. This includes adoption of any policies affecting the carriage of assistance dogs in taxis and private hire vehicles or the investigation and, where appropriate, prosecution of drivers alleged to have discriminated against their owners.

Licensing authorities should:

- remind operators and drivers regularly of their duties under sections 168 to 171 of the [Equality Act 2010 \(https://www.legislation.gov.uk/ukpga/2010/15/contents\)](https://www.legislation.gov.uk/ukpga/2010/15/contents) and of the authority's intention to prosecute those that refuse to comply
- make it simple for passengers to report alleged instances of illegal discrimination relating to the carriage of assistance dogs
- investigate all such alleged instances, and prosecute drivers where sufficient evidence is identified
- where drivers are legally exempt from carrying assistance dogs, provide them with a card confirming this in large print and Braille, in addition to the statutory exemption notice
- invite operators and drivers to meet with assistance dog owners and learn about the role they play
- work with organisations, such as the Guide Dogs for the Blind Association, to produce hand out material which can be provided to operators and drivers

- encourage drivers to accept the carriage of trainee assistance dogs, which can benefit service accessibility by familiarising operators and drivers with the role of respective dogs and by helping the dogs to learn to behave appropriately when travelling by taxi or private hire vehicle
- build relationships with private hire vehicle operators to encourage proactive reporting of drivers alleged to have discriminated against passengers with assistance dogs, and provision of relevant evidence to support the authority's investigation.
- consider implementing policies at a local level which provide for categories of assistance dogs other than those prescribed at s173 of the Equality Act 2010 to travel in vehicles, where this is deemed appropriate

## 5. Enforcing the licensing regime

This section reiterates the importance of this function as outlined in the [Statutory Taxi and Private Hire Vehicle Standards \(https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards\)](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards).

Implementing an effective framework for licensing authorities, to ensure that a full range of information is made available to suitably-trained decision makers who are supported by well-resourced officials, is essential to a well-functioning taxi and private hire vehicle sector. Whilst this helps prevent the licensing of those that are not deemed 'fit and proper', it does not ensure that those already licensed continue to display the behaviours and standards expected.

### 5.1 Setting expectations and monitoring



Licensing authorities should ensure that licensees are aware of the policies to which they must adhere, are properly informed of what is expected of them, and the repercussions for failing to do so.

The provision of a clear, simple and well-publicised process for the public to make comments and complaints about drivers, vehicles and operators will enable authorities to recognise and promote excellence and target compliance and enforcement activity. This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required.

It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety or due to discriminatory behaviour, or to prosecute drivers in the Magistrates' Court for evidenced breaches of sections 165, 168 or 170 of [the Equality Act 2010](https://www.legislation.gov.uk/ukpga/2010/15/contents) (<https://www.legislation.gov.uk/ukpga/2010/15/contents>).

Authorities should note that it can be particularly difficult for disabled passengers, including those who are visually impaired, to provide evidence of incidents. They may not, for instance, always be able to identify a driver visually. Authorities should still investigate such reports thoroughly, including taking statements from passengers, drivers and witnesses, accepting video or audio recordings as evidence where appropriate, and seeking evidence from partner agencies and from private hire vehicle operators (where relevant).

Where operators or drivers are prosecuted for Equality Act 2010 offences enabling those affected to give evidence in court may help to strengthen the authority's case, crystallise the harm caused to individuals, and increase complainants' confidence in the enforcement process. It is our view that prosecuting drivers and operators for offences under the Equality Act 2010, rather than relying solely on licensing sanctions, is proportionate to the harm caused by such discrimination and is vital to increasing the confidence of disabled passengers to use services.

We therefore recommend that cases are prosecuted where sufficient evidence exists and doing so would be in the interest of the inhabitants of the area. Blanket policies on not prosecuting offences may be incompatible with authorities' wider equalities duties.

Well-directed compliance and enforcement activity by the licensing authority benefits not only the public but also the responsible people in the taxi and private hire vehicle trades. Indeed, it could be argued that public safety depends upon licensing authorities having effective compliance and enforcement mechanisms in place. This includes actively seeking out those that operate outside the licensing system, not just those who come forward seeking the appropriate licences.

The resources devoted by licensing authorities to enforcement will vary according to local circumstances, including, for example, any difficulties with touting by unlicensed drivers and vehicles (a problem in some urban areas). Licensing authorities will also wish to liaise closely with the police. Multi-agency enforcement exercises (involving, for example, the Department for Work and Pensions) have proved beneficial in some areas.

Licensing authorities often use enforcement staff to check a range of licensed activities (such as premises selling alcohol, market traders etc.) as well as the taxi and private hire vehicle trades, to make the best use of staff time. But it is desirable to ensure that taxi and private hire vehicle enforcement effort is at least partly directed to areas where there is an evening or late-night economy, when problems such as touting and illegal standing or plying for hire tend most often to arise. In formulating policies to address these issues, licensing authorities should be aware of the [Sentencing Council's guidelines](#)

[\(https://www.sentencingcouncil.org.uk/offences/magistrates-court/item/taxi-toutingsoliciting-for-hire-revised-2017/\)](https://www.sentencingcouncil.org.uk/offences/magistrates-court/item/taxi-toutingsoliciting-for-hire-revised-2017/) that specifically consider taxi touting/soliciting for hire and ensure those considering cases are aware of these and further guidelines on [offences committed for 'commercial' purposes](#) (<https://www.sentencingcouncil.org.uk/explanatory-material/magistrates-court/item/fines-and-financial-orders/approach-to-the-assessment-of-fines-2/6-offence-committed-for-commercial-purposes/>).

## 5.2 Test purchasing

Test purchasing can be a powerful tool in identifying drivers and operators that are not complying with the requirements and standards an authority expects of its licensees; and those that are unlicensed, uninsured and unvetted who are seeking to illegally carry passengers.

This tool can be particularly useful in identifying those who discriminate against disabled passengers, particularly as evidencing ad hoc incidents can be difficult for the passengers concerned. Authorities have used disabled staff volunteers to run such exercises, targeting locations or particular operators linked to complaints about discrimination, with enforcement officers on hand to take evidence to support potential future prosecutions. Publicising the use of such approaches may act as a deterrent to licensees considering refusing carriage to a disabled person.

Licensing authorities should consider seeking legal advice before undertaking any covert test purchasing activity that will or is likely to take place inside a vehicle. This is so that an assessment can be made as to whether the proposed activity is considered to be covert surveillance (either directed surveillance or intrusive surveillance) under the [Regulation of Investigatory Powers Act 2000](https://www.legislation.gov.uk/ukpga/2000/23/contents) (<https://www.legislation.gov.uk/ukpga/2000/23/contents>) (RIPA). More information on directed and intrusive surveillance can be found in the [Covert Surveillance and Property Interference Code of Practice](https://www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice) (<https://www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice>).

Test purchase activity does not in general require a covert human intelligence sources (CHIS) authorisation under RIPA as vendor-purchaser activity does not normally constitute a relationship as the contact is likely to be so limited. However, if repeat contact is made with the same driver or operator to encourage familiarity, a relationship may be established for a covert purpose and a CHIS authorisation should be considered.

## 5.3 Joint authorisation of enforcement officers

Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of compliance and enforcement powers regardless of which authority within the agreement employs the officer and which issued the licence. This will mitigate the opportunities for licensees to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook \(https://www.local.gov.uk/publications/councillor-handbook-taxi-and-phv-licensing-2021\)](https://www.local.gov.uk/publications/councillor-handbook-taxi-and-phv-licensing-2021).

## 5.4 The Community Safety Accreditation Scheme

The [Community Safety Accreditation Scheme \(CSAS\) \(https://www.gov.uk/government/publications/community-safety-accreditation-scheme-powers\)](https://www.gov.uk/government/publications/community-safety-accreditation-scheme-powers) is a voluntary scheme under which chief constables can choose to accredit employed people already working in roles that contribute to maintaining and improving community safety with limited but targeted powers. These roles include neighbourhood wardens, hospital security guards, park wardens, shopping mall guards and train guards and local authority enforcement officers.

The scheme creates a framework for public and private bodies to work in partnership with the police, providing additional uniformed presence in communities and capitalising on the skills and information captured by those already engaged with the community.

All schemes are managed, monitored and assessed at a local level by the responsible police force. Main benefits of the scheme include:

- increasing uniformed presence on the streets (CSAS accredited persons wear the uniform of their employing organisation, with an identification badge endorsed by the local police force)
- saving valuable police time in community safety
- promoting partnership working and the two-way exchange of information and intelligence between agencies

For more information about CSAS in your area, please [contact your local police force \(http://www.police.uk/\)](http://www.police.uk/).

## 5.5 Points-based enforcement systems

To increase compliance with licensing requirements some licensing authorities operate a points-based system, which allows minor breaches of the rules to be recorded and considered in context, while referring those with persistent or serious breaches to the licensing committee (or other bodies charged with reviewing). Such systems can provide greater consistency in enforcement and make better use of the licensing committee's time. Authorities that operate a points-based enforcement system should make clear to licensees that these are separate to the 'penalty points' (endorsements) that the courts can put on a motorist's licence. As set out at 5.1, licensing authorities that use a points-based system should ensure that licensees are aware of the policies to which they must adhere, are properly informed of what is expected of them, and the repercussions for failing to do so - the points for specific breaches should be clearly set out.

Where a points-based enforcement system is in operation points incurred should remain on the record for a fixed period. The usual duration of a driver and private hire

vehicle operator licence is 3 and 5 years respectively. To ensure that all past behaviour is taken into account when considering whether to grant a new licence, the department recommends that points should remain on the record from the date of the incident for a minimum of 3 years for drivers and a minimum of 5 years for private hire vehicle operators.

It should be noted that reaching a points limit must not result in an automatic action but should be used to trigger a review of the conduct of the licensee and whether further action is necessary to address any concerns. Such action might be undertaking additional training not just a suspension or revocation. Licensing authorities should however consider whether a review is undertaken in situations where points are incurred within a short period but have not reached a review point; for example, a rapid accumulation of points may indicate deteriorating standards or increasingly unsatisfactory conduct.

## 5.6 Suspension and revocation of driver's licences

[Section 61 of the Local Government \(Miscellaneous Provisions\) Act 1976](https://www.legislation.gov.uk/ukpga/1976/57/section/61) (<https://www.legislation.gov.uk/ukpga/1976/57/section/61>), [section 16 of the Private Hire Vehicles \(London\) Act 1998](https://www.legislation.gov.uk/ukpga/1998/34/section/17) (<https://www.legislation.gov.uk/ukpga/1998/34/section/17>) and section 19 of the Plymouth City Council Act 1975 provide licensing authorities with the ability to suspend or revoke a driver's licence.

Following the High Court's decision in *Singh-v-Cardiff City Council* 2012 EWHC 1852 Admin, the interim suspension (pending investigation or trial) of a licence is no longer practicable. A decision to suspend a licence is a final decision and should not be made before a reasoned determination has been made that one of the above grounds (detailed in the relevant aforementioned act) has been met.

Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state their case. As with the initial decision to license a driver, this determination should be reached based on probability, not on the burden of beyond reasonable doubt. If a period of suspension is imposed, it cannot be extended or changed to revocation later.

A decision to revoke a licence does not prevent the reissuing of a licence if further information is received that would alter the balance of probability, nor does a suspension prevent a subsequent decision to revoke. The decision to suspend or revoke is based on the evidence available at the time it made the determination. New evidence may, of course, become available later.

New evidence may be produced at an appeal, leading the appeal court to a different decision to that reached by the licensing authority. Alternatively, an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, become the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted and if the licence was revoked, an expedited re-licensing process used.

A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training or following a review of the individual circumstances where the limit of a points-based system is met. In this instance, the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority decides that, based on the information available at that time and on the balance of probability, the driver presents a risk to public safety.

[Section 61\(2B\) Local Government \(Miscellaneous Provisions\) Act 1976](https://www.legislation.gov.uk/ukpga/1976/57/section/61) (<https://www.legislation.gov.uk/ukpga/1976/57/section/61>) and [section 17\(2\) of the Private Hire Vehicles \(London\) Act 1998](https://www.legislation.gov.uk/ukpga/1998/34/section/17) (<https://www.legislation.gov.uk/ukpga/1998/34/section/17>) enable licensing authorities to suspend or revoke a taxi or private hire vehicle driver's licence with immediate effect on the grounds that it is in the interest of public safety

and provided that the appropriate form of notice is given. In other cases, the suspension or revocation will take effect 21 days after the appropriate notice is given. The department is not proposing to issue any specific guidance on this issue of when immediate suspension or revocation of a licence is appropriate, preferring to leave it to the discretion of licensing authorities as to when the power should be used.

## 5.7 Suspension and revocation of vehicle licences

[Section 60 of the Local Government \(Miscellaneous Provisions\) Act 1976](https://www.legislation.gov.uk/ukpga/1976/57/section/60) (<https://www.legislation.gov.uk/ukpga/1976/57/section/60>), [section 16 of the Private Hire Vehicles \(London\) Act 1998](https://www.legislation.gov.uk/ukpga/1998/34/section/16) (<https://www.legislation.gov.uk/ukpga/1998/34/section/16>) and [section 18 of the Plymouth City Council Act 1975](https://www.legislation.gov.uk/ukla/1975/20/enacted) (<https://www.legislation.gov.uk/ukla/1975/20/enacted>) provide licensing authorities with powers to suspend or revoke vehicle licences.

In addition, licensing authorities have powers to inspect and test taxis and private hire vehicles. If the licensing authority is not satisfied as to the fitness of the vehicle, or as to the accuracy of the taximeter in the case of taxis, they can suspend the vehicle licence and require the vehicle or the taximeter to be made available for further inspection. If the authority is not satisfied as to the fitness of the vehicle or accuracy of the taximeter after 2 months, this can lead to revocation of the vehicle licence - see [section 68 of the Local Government \(Miscellaneous Provisions\) Act 1976](https://www.legislation.gov.uk/ukpga/1976/57/section/68) (<https://www.legislation.gov.uk/ukpga/1976/57/section/68>), [section 9 of the Private Hire Vehicles \(London\) Act 1998](https://www.legislation.gov.uk/ukpga/1998/34/section/9) (<https://www.legislation.gov.uk/ukpga/1998/34/section/9>) and [section 26 of the Plymouth City Council Act 1975](https://www.legislation.gov.uk/ukla/1975/20/enacted) (<https://www.legislation.gov.uk/ukla/1975/20/enacted>) for further details.



## 5.8 Suspension and revocation of private hire vehicle operator licences

[Section 62 of the Local Government \(Miscellaneous Provisions\) Act 1976](https://www.legislation.gov.uk/ukpga/1976/57/section/62) (<https://www.legislation.gov.uk/ukpga/1976/57/section/62>) provides authorities with wide powers to suspend an operator's licence, section 20 provides a similar power under the [Plymouth City Council Act 1975](https://www.legislation.gov.uk/ukla/1975/20/enacted) (<https://www.legislation.gov.uk/ukla/1975/20/enacted>). Transport for London may, under [section 16\(2\) of the Private Hire Vehicles \(London\) Act 1998](https://www.legislation.gov.uk/ukpga/1998/34/section/16) (<https://www.legislation.gov.uk/ukpga/1998/34/section/16>), suspend or revoke an operator's licence. Additionally, if in the interests of public safety, the suspension or revocation may take effect immediately under [section 17\(2\) of the 1998 act](https://www.legislation.gov.uk/ukpga/1998/34/section/17) (<https://www.legislation.gov.uk/ukpga/1998/34/section/17>). Otherwise, the suspension or revocation takes effect 21 days after the appropriate notice is served.

## 6. Driver licensing

### 6.1 Duration of driver licences

The [Local Government \(Miscellaneous Provisions\) Act 1976](https://www.legislation.gov.uk/ukpga/1976/57) (<https://www.legislation.gov.uk/ukpga/1976/57>) (as amended), the [Private Hire Vehicles \(London\) Act 1998](https://www.legislation.gov.uk/ukpga/1998/34/contents) (<https://www.legislation.gov.uk/ukpga/1998/34/contents>) and the [Plymouth City Council Act 1975](https://www.plymouth.gov.uk/sites/default/files/PCCA%201975_1.pdf) ([https://www.plymouth.gov.uk/sites/default/files/PCCA%201975\\_1.pdf](https://www.plymouth.gov.uk/sites/default/files/PCCA%201975_1.pdf)) set a standard length of 3 years for taxi and private hire vehicle driver licences. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case. For example, where the licence holder's leave to

remain in the UK is time-limited, the licensee has requested a shorter duration or the licence is only required to meet a short-term demand. Taxi and private hire vehicle licences should not be issued on a 'probationary' basis.

## 6.2 Fit and proper test

The [Statutory Taxi and Private Hire Vehicle Standards](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards) (<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>) sets out the approach licensing authorities should take in respect to the fit and proper test. However, in addition to those checks provided in the statutory standards, as a minimum, the department would expect all applicants to undergo an assessment of their medical fitness. Before making a decision on a person's application for, or for the renewal of, a driver's licence a licensing authority must search the database provided by the National Anti-Fraud Network, the National Register for Revocations, Refusals and Suspensions (NR3S), for entries relating to the applicant.

This requirement to search the database arises under the [Taxis and Private Hire Vehicle \(Safeguarding and Road Safety\) Act 2022](https://www.legislation.gov.uk/ukpga/2022/14/enacted) (<https://www.legislation.gov.uk/ukpga/2022/14/enacted>). The responsibilities of licensing authorities to share safeguarding and road safety concerns about taxi and private hire vehicle drivers with each other under this act are outlined in [statutory guidance](https://www.gov.uk/government/publications/taxis-and-private-hire-vehicles-safeguarding-and-road-safety-act-2022) (<https://www.gov.uk/government/publications/taxis-and-private-hire-vehicles-safeguarding-and-road-safety-act-2022>).

## 6.3 Disability awareness

Drivers should be trained in disability awareness and/or have their knowledge and skills assessed. Drivers should also be encouraged, through targeted and general communications, to uphold the highest standards of customer service. The training or assessment should include but not be limited to:

- the features of an inclusive, high quality service
- appropriate attitudes, behaviours and skills
- assistance that can be provided to all passengers
- the protected characteristics, and related Equality Act 2010 duties
- understanding the different barriers that disabled people face when using taxis and private hire vehicles, and how they might be identified
- the role of taxis and private hire vehicles in enabling disabled people to be independent and the role of drivers and operators in facilitating this
- how to communicate with people with different communication needs
- how to assist people with a range of visible and less visible impairments
- supporting wheelchair users to board, alight and travel in safety and comfort whilst seated in their wheelchair
- the identification and role of assistance dogs
- legal obligations towards disabled passengers and the consequences of not complying with them
- an assessment of the trainee's knowledge and skills

#### [The REAL disability equality training programme](https://www.gov.uk/government/publications/real-training-introduction-and-all-transport-modes-modules)

<https://www.gov.uk/government/publications/real-training-introduction-and-all-transport-modes-modules> created on behalf of the Department for Transport, which includes common content for all modes as well as content developed for taxi and private hire vehicle drivers may provide a foundation for the development of courses meeting these requirements and should be considered when assessing disability awareness training needs.

Licensing authorities should encourage drivers to learn British Sign Language, including contributing to related costs.

## 6.4 Driver proficiency

The [Road Safety Statement \(https://www.gov.uk/government/publications/road-safety-statement-2019-a-lifetime-of-road-safety\)](https://www.gov.uk/government/publications/road-safety-statement-2019-a-lifetime-of-road-safety) published in 2019 stated that:

“ The need to improve road safety does not end with the driving test; nor does it exclude those who drive or ride professionally or as part of their job.”

Licensing authorities should require taxi and private hire vehicle drivers, as professional drivers, to display a higher degree of driving aptitude and diligence than a private motorist. This is considered appropriate and proportionate and is consistent with other elements of taxi and private hire vehicle driver licensing, for example, medical and vision assessments.

The ability to drive a car is tested when obtaining a driving licence. Nevertheless, evidence shows that driving behaviours are a significant contributor to road collisions. Factors such as fatigue, distractions and excess speed contribute significantly to collisions; excess speed alone accounted for 12 percent of all road traffic collisions in 2021 and 25 percent of those that resulted in a fatality. As professional drivers, for whom time is money, an appreciation of the effect of additional distractions and pressures which can negatively influence their driving behaviours is particularly relevant.

Licensing authorities should require taxi and private hire vehicle drivers to undertake training and/or assessment focussed on attitudes and behaviours, such as those provided by IAM Roadsmart and the Royal Society for the Prevention of Accidents (RoSPA), at first application and renewal (typically every 3 years). Where an authority

has specific concerns about the driving ability of a driver, for example through passenger complaints, it would be appropriate for the authority to consider whether the driver in question should undertake a practical driving ability training course or assessment to address those concerns.

## 6.5 Acceptance of non-UK driving licences

Individuals can drive legally in the UK with non-UK car and motorcycle licences for up to 12 months. Some individuals will then be required to (or may wish to) exchange a licence issued by another country. A [tool is available to provide more information on which licences must be exchanged \(https://www.gov.uk/driving-nongb-licence\)](https://www.gov.uk/driving-nongb-licence) as well as the requirements and processes involved.

## 6.6 Medical and vision assessment

There is general recognition that it is appropriate for taxi and private hire vehicle drivers to have more stringent medical standards than those applicable to normal car drivers because:

- they carry members of the general public who have expectations of a safe journey
- they are on the road for longer hours than most car drivers
- they may have to assist disabled passengers and handle luggage

Licensing authorities should apply the [Group 2 medical required for an entitlement to drive lorries \(category C\) and for buses \(category D\) \(https://www.gov.uk/guidance/general-information-assessing-fitness-to-drive\)](https://www.gov.uk/guidance/general-information-assessing-fitness-to-drive). For category C and D licences, the Group 2 licensing entitlements must be renewed every 5 years or

at age 45, whichever is the earlier, until the age of 65 when they are renewed annually without an upper age limit. Shorter category C and D licences may be issued for medical reasons.

All initial category C and D licence applications require a medical assessment by a registered medical practitioner (recorded on the D4 form, this does not need to be the applicant's GP). The same assessment is required again at 45 years of age and on any subsequent reapplication. Though it is not a requirement, the DVLA recommends that drivers who submit a medical report with an application or renewal for a Group 2 licence should obtain this from a doctor with access to their full medical records. When conducting medical investigations, the DVLA will write to the driver's GP or consultant if further medical information is required; licensing authorities should do the same.

It is the responsibility of licensing authorities to assess the medical information they receive and decide whether a taxi or private hire vehicle licence should be issued. It is not the responsibility of the medical professional that provides the information to do this. Licensing authorities should seek the same information to inform their decision as required by the DVLA for category C and D licences. It is therefore suggested that [DVLA's medical examination report \(D4\) \(https://www.gov.uk/government/publications/d4-medical-examiner-report-for-a-lorry-or-bus-driving-licence\)](https://www.gov.uk/government/publications/d4-medical-examiner-report-for-a-lorry-or-bus-driving-licence) is used as a template for licensing authorities to gather relevant information.

Detailed guidance on assessing medical fitness to drive is available in DVLA's [Assessing fitness to drive – a guide for medical professionals \(https://www.gov.uk/government/publications/assessing-fitness-to-drive-a-guide-for-medical-professionals\)](https://www.gov.uk/government/publications/assessing-fitness-to-drive-a-guide-for-medical-professionals).

## 6.7 Immigration checks

The [Immigration Act 2016](https://www.legislation.gov.uk/ukpga/2016/19/contents/enacted) (section 37 and Schedule 5) amended existing licensing regimes in the UK to prevent illegal working in the taxi and private hire vehicle sector, as drivers and operators. Licensing authorities are prohibited from issuing a licence to anyone who is disqualified by reason of their immigration status, and they discharge their duty by conducting immigration checks. The Home Office have provided [guidance for licensing authorities](https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks) on this matter.

Being disqualified from holding a licence by reason of their immigration status means that the person is in the UK illegally, is not permitted to work, or is permitted to work, but is subject to a condition that prohibits them from holding a licence in this sector.

The requirement to check the immigration status of licence applicants is in addition to and does not amend or replace the existing 'fit and proper' test.

## 6.8 Age limits

It is not appropriate to set a maximum age limit for drivers. Medical fitness to drive should be regularly assessed. Minimum age limits, beyond the statutory periods for holding a full driving licence, also seem inappropriate. Applicants should be assessed on their merits, and to do otherwise may in any case be contrary to the [Equality Act 2010](https://www.legislation.gov.uk/ukpga/2010/15/contents), unless such restrictions can be justified in the public interest.

## 6.9 Language proficiency

## The [Statutory Taxi and Private Hire Vehicle Standards](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards)

<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>) recommend that a licensing authority's test of a driver's proficiency should cover both oral and written English language skills. Written proficiency is relevant because this could affect a driver's ability to understand written documents, such as policies and guidance relating to the protection of children and vulnerable adults, and applying this to identify and act on signs of exploitation. Oral proficiency will be relevant in identifying potential exploitation through communicating with passengers and their interaction with others.

Language proficiency will bring wider passenger benefits to those set out in the [Statutory Taxi and Private Hire Vehicle Standards](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards) <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>) in terms of the driver's ability to demonstrate an understanding of the desired destination, an estimation of the time taken to get there and other common passenger requests and for the driver to provide a legibly written receipt upon request.

## 6.10 Vocational training and assessment

### The [Statutory Taxi and Private Hire Vehicle Standards](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards)

<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>) are clear that all drivers should be required to undertake safeguarding training to understand policies and guidance relating to the protection of children and vulnerable adults to identify and act on signs of exploitation.

Whilst the minimum recommended requirements for safeguarding and disability awareness training could be met by requiring drivers to undertake vocational qualifications, it does not have to be delivered through this route. As set out in [section 3 of this document](#), licensing authorities should be able to demonstrate that any



licensing conditions or requirements over and above that recommended by government are justified and proportionate.

Vocational qualifications provide a 'snapshot' of learning as they are awarded based on the curriculum of the course at the time it is taken. The training required of drivers will naturally evolve over time and so a vocational qualification may need to be supplemented with further training and assessment. An example of this is the inclusion of '[county lines \(https://www.gov.uk/government/publications/county-lines-protecting-vulnerable-people-from-exploitation\)](https://www.gov.uk/government/publications/county-lines-protecting-vulnerable-people-from-exploitation)' awareness as part of safeguarding training.

Given the need for driver knowledge and awareness to evolve and the potential need for periodic assessment, licensing authorities should not require applicants for a licence to have obtained a vocational qualification. If drivers and private hire vehicle operators wish to go beyond what is required to obtain a licence as part of their development or business model they can obviously do so, but it should not be a licensing requirement.

## 6.11 Topographical knowledge

Taxi drivers need a good working knowledge of the area for which they are licensed because taxis can be hired immediately, directly with the driver, at ranks or on the street and so drivers are not able to prepare a route. Licensing authorities should therefore require prospective taxi drivers to pass a test of local topographical knowledge as a pre-requisite to the first grant of a licence. The department's view is that the stringency of the test should reflect the complexity or otherwise of the local geography, in accordance with the principle of ensuring that barriers to entry are not unnecessarily high.

Private hire vehicles are not legally available for immediate hiring. To hire a private hire vehicle the prospective passenger must go through an operator; the operator should gather sufficient information from the passenger to identify the collection and drop-off points, this will enable the driver to check the details of a route before starting a journey and plan or enter it in a navigation system. Given the availability, reliability and ease of use of sat nav systems, licensing authorities should not require any topographical knowledge or navigational tests for private hire vehicle drivers.

## **6.12 Intended use policies in respect of taxi drivers**

Holders of taxi licences are permitted to carry pre-booked fares anywhere in England and Wales, reflecting that taxi drivers may carry passengers beyond the boundary of their licensing authority, the ‘compellable area’, and seek a return fare to avoid additional miles without a fare. We are aware that a number of licensing authorities have introduced a taxi ‘intended use’ policy when considering licence applications aimed at reducing the number of taxis working predominantly to carry prebooked fares in other areas rather than plying for hire in their licensed area.

Licensing authorities should require an applicant for a taxi driver licence to declare that they intend to work predominately within the licensing authority’s area. The residential address provided by the application should be considered in assessing the likelihood of this declaration being adhered to when assessing an application for a taxi driver licence.

## **6.13 Vehicle condition check**

The driver of a vehicle is always legally responsible for its condition while in use. Licensing authorities should require drivers to conduct a walkaround check as part of a driver's core role. Drivers can be fined up to £2,500, be banned from driving and get three penalty points for driving a vehicle in a dangerous condition. [Annex 6 of the Highway Code \(https://www.gov.uk/guidance/the-highway-code/annex-6-vehicle-maintenance-safety-and-security\)](https://www.gov.uk/guidance/the-highway-code/annex-6-vehicle-maintenance-safety-and-security) provides information and rules about vehicle maintenance.

A driver should undertake a walkaround check before a vehicle is used. Where more than one driver will use the vehicle during the day's running, the driver taking charge of a vehicle should make sure it is roadworthy and safe to drive by carrying out their own walkaround check.

Drivers should be required to retain the vehicle checklist as proof that they have undertaken the required vehicle check. Drivers should be made aware that they may be subject to sanctions if they are unable to produce this or it is clear that while the form has been completed, the check has not. Further sanctions may result against them, as well as vehicle proprietors, if they are found using a defective vehicle, especially if the condition of the vehicle is such that it is obvious no routine checks have occurred over several days.

A [model vehicle checklist is available on GOV.UK landing page for this guidance \(https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance\)](https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance).

## 7. Private hire vehicle operator licensing

The objective in licensing private hire vehicle operators is, again, the safety of the public, who will be using operators' premises and the vehicles and drivers arranged through them. The [Statutory Taxi and Private Hire Vehicle Standards \(https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards\)](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards)

sets out relevant safeguarding checks for operators, including criminality checks. In addition, the Department consider it appropriate to ensure that private hire vehicle operators administer their business correctly to be considered 'fit and proper'. Licensing authorities should consider the following as part of their assessment.

## 7.1 Sources of information

Checking open-source information, cross checking information with bodies such as Companies House and the Office of the Traffic Commissioner can help licensing authorities assure themselves that the company is suitable to be licensed.

## 7.2 Disability awareness

The licensee and all staff in customer facing roles and people managing service delivery should be trained in disability awareness, or have their knowledge and skills assessed, and be encouraged through targeted and general communications to uphold the highest standards of customer service. Training or assessment should include but not be limited to:

- the features of an inclusive, high quality service
- appropriate attitudes, behaviours and skills
- assistance that can be provided to all passengers
- the protected characteristics, and related Equality Act 2010 duties
- understanding the different barriers that disabled people face when using private hire vehicles, and how they might be identified

- the role of private hire vehicles in enabling disabled people to be independent and the role of operators in facilitating this
- how to communicate with people with different communication needs
- how to assist people with a range of visible and less visible impairments
- the identification and role of assistance dogs
- legal obligations towards disabled passengers and the consequences of not complying with them
- an assessment of the trainee's knowledge and skills

The [REAL disability equality training programme](https://www.gov.uk/government/publications/real-training-introduction-and-all-transport-modes-modules) (<https://www.gov.uk/government/publications/real-training-introduction-and-all-transport-modes-modules>) created on behalf of the Department for Transport, which includes common content for all modes, as well as [content developed for taxis and private hire vehicles](https://www.gov.uk/government/publications/real-training-taxi-and-phv-modules) (<https://www.gov.uk/government/publications/real-training-taxi-and-phv-modules>) may provide a foundation for the development of courses meeting these requirements, and should be considered when assessing disability awareness training needs.

Licensing authorities should require operators to ensure that any digital booking platforms comply with the [WCAG 2.1 accessibility standard](https://www.gov.uk/guidance/accessibility-requirements-for-public-sector-websites-and-apps) (<https://www.gov.uk/guidance/accessibility-requirements-for-public-sector-websites-and-apps>) to Level AA and with the principles of the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 as a minimum.

Cases should be prosecuted where there is sufficient evidence to substantiate offences under section 167A or section 170 of the [Equality Act 2010](https://www.legislation.gov.uk/ukpga/2010/15/contents) (<https://www.legislation.gov.uk/ukpga/2010/15/contents>), or where an operator has unlawfully discriminated against a passenger or failed to make reasonable adjustments under the same Act.

## 7.3 Private hire vehicle operators – duration of licences

The [Local Government \(Miscellaneous Provisions\) Act 1976](https://www.legislation.gov.uk/ukpga/1976/57) (<https://www.legislation.gov.uk/ukpga/1976/57>) (as amended) and the [Private Hire Vehicles \(London\) Act 1998](https://www.legislation.gov.uk/ukpga/1998/34/contents) (<https://www.legislation.gov.uk/ukpga/1998/34/contents>) set a standard length of licence of 5 years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case. For example, the licence holder's leave to remain in the UK is time-limited, the licensee has requested a shorter duration, or the licence is only required to meet a short-term demand. Private hire vehicle operator licences should not be issued on a 'probationary' basis.

## 7.4 Insurance

It is appropriate for a licensing authority to check that appropriate public liability insurance has been obtained.

## 7.5 Health and Safety responsibilities

Health and safety law creates duties on businesses where requirements apply to workers in the same way as they do for employees. Guidance from the Health and Safety Executive (HSE) ([Health and safety for gig economy, agency and temporary workers - HSE](https://urldefense.com/v3/https://www.hse.gov.uk/vulnerable-workers/gig-agency-temporary-workers/index.htm) (<https://urldefense.com/v3/https://www.hse.gov.uk/vulnerable-workers/gig-agency-temporary-workers/index.htm> ;!!HEBAkwG3r5RD!qyHlgFBDggAjXZaivgVkZPGVEKuKVGfmzgXU-uAJQRInY\_io3BvjIMn2MvH-yL2eGIEpTA\$)) outlines the different type of workers and what is expected of businesses who use their services.

In practice, this means establishing effective management arrangements and carrying out an assessment of the risks to workers while they are at work, and to other people who may be affected by their work activities. Any assessment should identify the significant risks affecting workers and others, and, importantly, identify measures to reduce those risks. For example, this includes how to ensure work-related road safety (see [Driving for work \(https://www.hse.gov.uk/workplacetransport/drivingforwork.htm\)](https://www.hse.gov.uk/workplacetransport/drivingforwork.htm) for further guidance), training requirements and the provision and use of any protective equipment. The HSE also provide [guidance for both employers and workers on protecting lone workers \(https://www.hse.gov.uk/pubns/indg73.htm\)](https://www.hse.gov.uk/pubns/indg73.htm). This guidance applies to anyone contracted to work for an operator, including self-employed people.

[Secured by Design \(https://www.securedbydesign.com/\)](https://www.securedbydesign.com/) (SBD) is the official police security initiative that works to improve security to provide safe places, including those in which to work. SBD's product based accreditation scheme – the [Police Preferred Specification \(https://www.securedbydesign.com/member-companies/police-preferred-specification-explained\)](https://www.securedbydesign.com/member-companies/police-preferred-specification-explained) - provides a recognised standard for all security products that can deter and reduce crime and includes those for lone workers.

[Devices and apps are available \(https://www.suzylamplugh.org/lone-worker-devices\)](https://www.suzylamplugh.org/lone-worker-devices) to help employers protect lone workers, however they are not likely to be sufficient on their own. Operators must still manage the risks of working alone, including training, supervising and monitoring lone workers as well as keeping in touch with them and responding to any incidents.

In the department's view, although it may not be the role of licensing authorities to enforce Health and Safety legislation, it is reasonable for any breaches of this legislation to be considered as part of the 'fit and proper' test. As stated in this guidance, the primary and overriding objective must be to protect the public.

## 7.6 Compliance with employment law

It is not within the scope of this guidance to offer an opinion on the employment status of private hire vehicle drivers, nor is it for licensing authorities to decide on these matters: only the courts can make rulings on employment status. The Department for Business and Trade has published [guidance to make it easier for individuals and businesses to understand which employment rights apply to them](https://www.gov.uk/government/publications/employment-status-and-employment-rights) (<https://www.gov.uk/government/publications/employment-status-and-employment-rights>).

In the department's view, where an employment tribunal or a court of law has ruled on the employment status of a driver or drivers working for an operator, whether the operator is complying with that decision in respect of the driver(s) referred to in the ruling, should reasonably be considered by a licensing authority as part of the 'fit and proper' test for a private hire vehicle operator.

## 8. Vehicle licensing

The legislation gives licensing authorities a wide range of discretion over the types of vehicle that they can license as taxis or private hire vehicles. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.

### 8.1 Specification of vehicle types that may be licensed

Normally, the best practice is for licensing authorities to adopt the principle of enabling as many different types of vehicles as possible to be licensed. Indeed, licensing authorities should set down a range of general criteria, leaving it open to the taxi and private hire vehicle trades to put forward vehicles of their own choice which can be



shown to meet those criteria. In that way, there can be flexibility for new vehicle types to be readily considered.

Licensing authorities should give very careful consideration to a policy that automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the department believes authorities should be particularly cautious about specifying that only purpose-built taxis can be licensed, given the strict constraint on supply that that implies. Nevertheless, purpose-built vehicles are amongst those that a licensing authority could be expected to license. It may also be too restrictive to automatically rule out considering multi-purpose vehicles, provided that the capacity of the vehicle is not more than 8 passengers.

The owners and drivers of vehicles may want to make appropriate adaptations to their vehicles to help improve the personal security of the drivers. Licensing authorities should look favourably on such adaptations, but, as mentioned in the [section of this guidance on partitions in vehicles](#), they may wish to ensure that modifications are present when the vehicle is tested and not made after the testing stage.

## 8.2 Motorcycles

It is recognised that some licensing authorities may wish to license motorcycles as private hire vehicles. To assist those authorities the department has published [guidance which outlines the standards and conditions which the department considers to represent best practice when licensing motorcycles as private hire vehicles](http://www.gov.uk/government/publications/licensing-motorcycles-as-private-hire-vehicles) (<http://www.gov.uk/government/publications/licensing-motorcycles-as-private-hire-vehicles>).

## 8.3 Pedicabs

Pedicabs or rickshaws are pedal-powered vehicles in combination with a trailer designed to carry passengers. They include electrically assisted pedal cycles. Pedicabs offer short-distance, zero emission journeys. Outside London, pedicabs can be regulated as taxis. Where there is local interest in providing pedicab services, licensing authorities should make appropriate adjustments to their licensing requirements for drivers and vehicles to accommodate these requests. Under London legislation, pedicabs cannot be licensed as taxis.

## 8.4 Vehicle age limits

The frequency of testing required (see [frequency of vehicle tests](#)) to ensure the ongoing safety of vehicles is a separate issue to the setting of maximum age limits at first licensing, or maximum age limits beyond which an authority will not licence a vehicle.

The setting of an arbitrary age limit may be inappropriate, counterproductive and result in higher costs to the trade and ultimately passengers. For example, a maximum age for first licensing may have adverse unintended consequences. A 5-year-old used electric vehicle will produce less emissions than a new Euro 6 diesel or petrol car – enabling the trade to make use of previously owned vehicles will assist it to transition more rapidly to zero emission vehicles and improve air quality.

Licensing authorities should not impose age limits for the licensing of vehicles instead they should consider more targeted requirements to meet their policy objectives on emissions, safety rating and increasing wheelchair accessible provision where this is low.

## 8.5 Vehicle safety ratings

The increasing ability of a car to reduce or prevent injury during an impact is reported as having had the most significant effect on road casualty totals in recent years. Although numbers have remained broadly consistent since 2010, they still indicate [30% fewer fatalities in 2018 \(https://www.gov.uk/government/statistics/reported-road-casualties-in-great-britain-annual-report-2018\)](https://www.gov.uk/government/statistics/reported-road-casualties-in-great-britain-annual-report-2018) than a decade earlier.

[Euro NCAP \(https://www.euroncap.com/en\)](https://www.euroncap.com/en) is an independent, not-for-profit, organisation which is widely recognised by the motor industry and road safety professionals as providing motorists with objective information on the crash safety of passenger cars. The 1-5 star rating helps consumers compare the safety potential of different models and is based on assessment in 4 important areas:

- adult occupant protection (for the driver and passengers)
- child occupant protection
- vulnerable road user protection (pedestrians and cyclists)
- Safety Assist, which evaluates driver assistance (for example, lane keeping and autonomous emergency braking) and occupant status (for example, seat belt reminders and driver monitoring) technologies

Evolving vehicle regulations and consumer information have supported this trend and a 2019 [research paper \(https://cdn.euroncap.com/media/53186/developments-in-car-crash-safety-and-comparisons-between-results-from-euro-ncap-tests-and-real-world-crashes.pdf\)](https://cdn.euroncap.com/media/53186/developments-in-car-crash-safety-and-comparisons-between-results-from-euro-ncap-tests-and-real-world-crashes.pdf) considered differences in real-world injury outcome for occupants in cars rated by Euro NCAP. It concluded that the risk of fatal injury was reduced by 40% for occupants of a 5-star rated car when compared with an equivalent 2-star rated car.

The NCAP star rating system goes beyond type approval and not all new vehicles undergo Euro NCAP tests. A car that just meets the minimum type approval standards would not be eligible for any stars. This also means that a car which is rated poorly is not necessarily unsafe, but it is not as safe as its competitors that were rated better.

As of 2021, [Government Buying Standards for transport](https://www.gov.uk/government/publications/sustainable-procurement-the-gbs-for-transport-vehicles/government-buying-standards-for-transport-2017) (<https://www.gov.uk/government/publications/sustainable-procurement-the-gbs-for-transport-vehicles/government-buying-standards-for-transport-2017>) have required that new cars must have a minimum and valid 5-star Euro NCAP safety rating.

[Read more information on the NCAP rating system, how this has evolved and what this means for older vehicles](https://www.euroncap.com/en/about-euro-ncap/how-to-read-the-stars/) (<https://www.euroncap.com/en/about-euro-ncap/how-to-read-the-stars/>).

Licensing authorities should consider the safety benefits to passengers, drivers and pedestrians of vehicles which have received a higher NCAP rating, where these have been assessed, alongside the potential impacts on the availability of vehicles for passengers. Any requirements should be kept under review as the range of vehicles changes.

## 8.6 Environmental considerations

The UK is committed to a 2050 net zero target. This puts the UK on track to end our contribution to climate change, becoming one of the first major economies to legislate for net zero emissions. On transport, government is phasing out the sale of new petrol and diesel cars and vans, from 2035 all new cars and vans must be zero emissions at the tailpipe.

Where clean air zones are introduced, authorities will already be working to address local environmental considerations under the [Clean Air Zones Framework](https://www.gov.uk/government/publications/air-quality-clean-air-zone-framework-for-england) (<https://www.gov.uk/government/publications/air-quality-clean-air-zone-framework-for-england>). More widely, licensing authorities, in discussion with those responsible for environmental health issues, will wish to consider how its vehicle licensing policies can and should support any environmental policies adopted by the local authority. This

will be particularly important in designated air quality management areas or low/ultra-low emission zones.

Licensing teams should work with council colleagues with air quality and climate responsibilities to ensure taxi and private hire vehicle fleets play their part in work to tackle local emissions. Leading areas cite large-scale change in these fleets needs a longer-term strategy, with a coordinated approach across council teams and local trades, that considers licencing requirements, other supportive policies (for example, try-before-you-buy scheme), and, in the context of moving to a fully zero emission vehicle fleet, a strategy for supporting the installation of electric vehicle charge points.

Taxis and private hire vehicles that operate predominantly in urban areas can be significant contributors to poor local air quality, if not properly maintained and regularly checked, due to their higher usage.

Licensing authorities should carefully and thoroughly assess the impact of vehicle emission requirements to enable the sector to plan for the future. The short-term objective should be to mitigate the harm from internal combustion engines through the setting of high EURO emission standards for example, EURO 6 but, in the long-term, the trade will need to be fully prepared for the end of the sale of new petrol and diesel cars and the need to transition to zero emission vehicles. Licensing authorities should set out their own long-term plan in good time.

In response to local air quality concerns, many licensing authorities are considering how to support the use of [ultra-low or zero emission vehicles given the growing range of vehicles \(https://www.goultralow.com/choosing-an-electric-vehicle/\)](https://www.goultralow.com/choosing-an-electric-vehicle/) available. As stated in the [vehicle age limit section of this guidance](#), greater flexibility regarding the age of vehicles licensed can result in more rapid improvement in air quality than mandating new 'clean' internal combustion engine vehicles.

## 8.7 Imported vehicles: type approval

It may be that, from time to time, an authority will be asked to license a taxi or private hire vehicle that has been imported independently (by somebody other than the manufacturer). Such a vehicle might meet the authority's criteria for licensing, but the authority may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the 'type approval' rules. For passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either a GB vehicle type approval or an individual vehicle approval.

Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. The technical standards applied (and the safety and environmental risks covered) under each of the above are proportionate to the number of vehicles entering service. Read [further information about these requirements and the procedures for licensing and registering imported vehicles](http://www.gov.uk/importing-vehicles-into-the-uk/overview) (<http://www.gov.uk/importing-vehicles-into-the-uk/overview>).

## 8.8 Tinted windows

For most cars on the road today, the minimum light transmission for windscreens is 75% and 70% for front side windows. There are no rules for tinting the windows rear of the B-pillar and vehicles are often manufactured with glass in the rear that is darker than the front, especially in luxury, estate and people carrier style vehicles.

There is a significant cost and inconvenience associated with requiring drivers to replace the standard manufacturer or factory specifications for window glass. Some passengers may feel more comfortable in vehicles that do not have very heavily tinted rear windows but there is a lack of evidence to suggest that these are detrimental to public safety. Balancing these factors, the department considers that licensing

authorities should not require the removal of windows rear of the B-pillar if they have a minimum light transmission of 30% or above. This should maintain passenger confidence whilst ensuring a wide range of vehicles may be licensed.

The department recognises that a minimum light transmission of 30% for windows rear of the B-pillar might impact on executive hire vehicles, where passengers demand a higher degree of privacy. Some licensing authorities already grant executive hire vehicles plate exemptions, and they could determine that an exemption from the 30% minimum light transmission level for these vehicles is appropriate. Authorities should be assured that those vehicles are not used for 'normal fares'.

Authorities should carefully consider the views of the public and the trade when considering the acceptance of 'after-market' tinting and should be assured that any after-market window tinting does not negatively affect the safety features of the glass it is applied to.

Read separate guidance about the [rules for tinted vehicle windows](https://www.gov.uk/tinted-vehicle-window-rules) (<https://www.gov.uk/tinted-vehicle-window-rules>).

## 8.9 An accessible fleet

The physical accessibility of vehicles used to provide taxi and private hire vehicle services is a significant factor in the inclusivity of the overall service provided. Wheelchair accessible vehicles are essential for wheelchair users who are unable to transfer from their wheelchair to the vehicle, or who prefer to travel in their wheelchair.

Licensing authorities should understand the demand for mixed fleets in its area and ensure that, when issuing licences, it has the right mix of vehicles. They should

recognise that some designs of wheelchair accessible vehicles may not be suitable for some ambulant disabled passengers.

Licensing authorities should assess the demand for wheelchair accessible vehicles in its area on a 5-yearly basis and publish the results. If demand is not currently met, it should also provide an explanation about how the licensing authority plans to meet this demand. Licensing authorities should consider ways to incentivise an increase in wheelchair accessible vehicle provision. This may consist of licence fee rebates, access to bus lanes where agreed with the local highways authority, relaxation of other licensing requirements where it would otherwise be difficult to source appropriate wheelchair accessible vehicles, priority roadway access and, in the case of taxis, rank access.

## 8.10 Inclusive vehicle specifications

The design of non-wheelchair accessible vehicles licensed for use as taxis or private hire vehicles can also have a bearing on their accessibility. This guidance advises authorities to adopt the principle of setting down general criteria for vehicles and allowing drivers and operators to demonstrate how their vehicles fulfil them. When setting minimum criteria for newly licensed vehicles, authorities should consider factors which could influence the accessibility of vehicles to disabled passengers, including:

- the ease with which passengers can enter and leave the vehicle, including the height of steps and the positioning of seats
- the space available for assistance dogs to remain with their owner in the vehicle
- the space available for folded mobility aids in addition to other items of luggage
- the comfort and safety with which disabled people can use them
- wheelchair accessible vehicles (WAVs)



The government's 2022 statutory guidance '[Access to taxis and private hire vehicles for disabled users \(https://www.gov.uk/government/publications/access-to-taxis-and-private-hire-vehicles-for-disabled-users/access-to-taxis-and-private-hire-vehicles-for-disabled-users--2\)](https://www.gov.uk/government/publications/access-to-taxis-and-private-hire-vehicles-for-disabled-users/access-to-taxis-and-private-hire-vehicles-for-disabled-users--2)' recommends that WAVs large enough to accommodate a passenger seated in a "reference wheelchair" should be designated formally as being "wheelchair accessible" for the purposes of section 167 of the [Equality Act 2010 \(https://www.legislation.gov.uk/ukpga/2010/15/contents\)](https://www.legislation.gov.uk/ukpga/2010/15/contents).

This reflects the department's view that a vehicle which is only able to accommodate smaller wheelchairs would not be accessible to the majority of wheelchair users. Authorities should also maintain a consistent policy on their support or otherwise for WAVs which wheelchair users enter through the rear door. Many wheelchair users find boarding and travelling in such vehicles can be easier and more comfortable, and authorities should consider permitting their use where this is not already the case.

We have undertaken a review of the reference wheelchair standard and believe that further consideration on its use is required. In the meantime, we suggest that licensed WAVs meet minimum size requirements and any changes in policy will be reflected in future guidance.

For some passengers in wheelchairs, only vehicles which enable them to board, alight from and travel whilst remaining in their wheelchair are accessible and it is important that sufficient vehicles of this category are available throughout the day to provide an acceptable service.

Other wheelchair users may be able to transfer onto the seat of a car, with or without assistance, with the wheelchair stored in the vehicle's boot during the journey. For such passengers, and for some ambulant disabled people, for whom high steps and large open spaces may be difficult to negotiate, traditional WAVs may be challenging to access.

Licensing authorities should adopt policies on the minimum standards for WAVs, noting that some passengers need to use wheelchairs larger and heavier than

the [reference wheelchair \(https://www.gov.uk/government/publications/bus-coach-accessibility-faq/guidance-for-manufacturers-and-operators\)](https://www.gov.uk/government/publications/bus-coach-accessibility-faq/guidance-for-manufacturers-and-operators).

A truly inclusive transport system is one where a mixed fleet is available, where wheelchair users can travel as easily as anybody else, and this means ensuring that there are sufficient suitable vehicles to serve their needs.

Licensing authorities should assess the demand for wheelchair accessible taxis and private hire vehicles within their jurisdiction at least every five years, aligning with the production of the local transport plan where possible, and take appropriate steps to ensure that the supply of suitably accessible vehicles meets the demand for them.

The assessment, targeted proportion, and details of the steps that will be taken to achieve it should be documented in the authority's [inclusive service plan](#).

## 8.11 Accessibility equipment

Authorities should consider the benefits of requiring additional accessibility equipment to be provided in vehicles beyond that which might be included in a standard vehicle specification, noting that the benefits to disabled customers in terms of their confidence and willingness to travel cannot always be monetised. Authorities should, as a minimum, require the installation of hearing loops in vehicles where an internal screen is fitted, to support passengers who are deaf or hard of hearing to communicate with drivers.

Authorities should also investigate options for making the payment process more accessible for visually impaired passengers. Whilst not widely used in the UK, 'talking' meters are used in other countries, and some payment card readers are more accessible than others. Implementing such interventions could support more disabled passengers to use taxi and private hire vehicle services with confidence.

Licensing authorities should ensure that such modifications are present when the vehicle is tested and not made after the testing stage.

## 8.12 Vehicle identification and signage

Members of the public can often confuse private hire vehicles with taxis, failing to realise that they are not available for immediate hire and that a private hire vehicle driver can only fulfil pre-booked requests. Greater differentiation in signage will help the public to distinguish between the two elements of the trade. To achieve this, licensing authorities should seek to differentiate the profile of private hire vehicles as these can only be legally engaged through a booking with a licensed operator.

Licensing authorities should not permit roof signs of any kind on private hire vehicles and should require all taxis to display a 'taxi' roof sign/box that can be illuminated when available for hire. Roof signs must comply with the [Road Vehicles Lighting Regulations 1989](https://www.legislation.gov.uk/ukxi/1989/1796/part/II/made) (<https://www.legislation.gov.uk/ukxi/1989/1796/part/II/made>). Permitting any sign/box on a private hire vehicle, regardless of the wording on such a sign, is likely to increase awareness of the vehicle and the likelihood of being mistaken for a taxi.

This increases the success of those illegally standing or plying for hire and may lead to confrontation when private hire vehicle drivers refuse a request for a journey that has not been pre-booked. Having an illuminated sign on taxis and prohibiting them from private hire vehicles will provide a simple way for the public to differentiate between the two services and we encourage all licensing authorities to promote this difference to raise public awareness.

Licensing authorities should not impose a livery requirement on private hire vehicles. The more distinctive a private hire vehicle is made to appear, the greater the chance that this might be confused with a taxi. To assist the differentiation further, licensing

authorities which require taxis to be a particular colour should prevent private hire vehicles from being that same colour, unless they are easily identifiable i.e. they are purpose-built vehicles as is the case in many of our cities.

Licensing authorities' private hire vehicle signage requirements should be limited to the authority licence plate or disc and a "pre-booked only" door sign.

This approach enables passengers to be given the clear and consistent message that you should only get in a vehicle that 'has a taxi sign on the roof' unless you have pre-booked a private hire vehicle and have received information from the operator to identify it.

A private hire vehicle driver and proprietor are free to work with more than one operator and licensing conditions or requirements that effectively tie a vehicle or driver into an exclusive relationship with an operator should not be implemented or should be discontinued where these are currently imposed. Examples of such policies are a requirement for the private hire vehicle to display the name of the operator under which it is operating by means of a permanent or semi-permanent sign, or to require a driver to advise the licensing authority of the operator who they intend to work for and require notification in advance of any change.

Where an exclusive relationship exists between the vehicle proprietor, driver and operator, a licensing authority should consider permitting the display of operator details in a discreet manner to not undermine the overall objective of enabling the public to differentiate easily between taxis and private hire vehicles. This might, for example, be through small branding on the rear of the vehicle.

Restrictions on the use of terms which might lead to confusion among the public are detailed in section 64 of [The Transport Act 1980](https://www.legislation.gov.uk/ukpga/1980/34/section/64) (<https://www.legislation.gov.uk/ukpga/1980/34/section/64>) in respect of roof-signs; to assist the public in differentiating taxis from private hire vehicles, similar restrictions should be applied to all signage on private hire vehicles. Signs which include the word "taxi" or "cab", whether singular or plural, or any word of similar meaning or appearance to

any of those words, whether alone or as part of another word should not be permitted.

Licensing authorities should only exempt the display of a licence plate by a private hire vehicle in exceptional circumstances. 'Executive hire' services are licensed as private hire vehicles and licensing authorities should assure themselves that there is sufficient justification to exempt these vehicles from a requirement to display a plate or disc and that there is an effective means to prevent the vehicle being used for 'normal' private hire work.

## 8.13 Passenger capacity

Licensing authorities are responsible for deciding how many passengers a taxi or private hire vehicle is licensed to carry. Whilst the Vehicle Registration Certificate (V5C) issued by the Driver and Vehicle Licensing Agency states the seating capacity of a vehicle, licensing authorities are entitled to restrict the passenger carrying capacity in the interest of convenience and comfort. When considering limiting the passenger carrying capacity on the grounds of comfort, authorities should consider the principles set out in the [Competition and Market Authority's guidance \(https://www.gov.uk/government/publications/private-hire-and-hackney-carriage-licensing-open-letter-to-local-authorities/regulation-of-taxis-and-private-hire-vehicles-understanding-the-impact-on-competition\)](https://www.gov.uk/government/publications/private-hire-and-hackney-carriage-licensing-open-letter-to-local-authorities/regulation-of-taxis-and-private-hire-vehicles-understanding-the-impact-on-competition).

Licensing authorities should consider whether there may be a safety risk for passengers in terms of 'third row' seats, if passengers must move other seats with which they are unfamiliar to enter or exit the vehicle in an emergency situation. Should these seats be included in the licensed seating capacity, licensing authorities should require operators to advise passengers in advance that some seats have restricted access and so may be unsuitable for those with mobility difficulties.

Given the benefits of seatbelts, the department considers that taxis and private hire vehicles should not be licensed to carry more people than the number of seatbelts available. Though rear-facing seats do not require a seatbelt, they often are equipped with one. Vehicles that have a designated space for the carrying of a wheelchair should have this space considered in the vehicle's licensed capacity.

## 8.14 Carrying children

The safest way for a child to travel by car is in an appropriate car seat. It is however unreasonable and impractical for a taxi or private hire vehicle to carry a range of seats to meet the possible needs of all passengers. If the correct child car seat has not been provided, the law allows children to travel in taxis and private hire vehicles, but only if they travel on a rear seat; children under three can travel in a rear seat without a seat belt, and children who are three or older must wear an adult seat belt.

Children aged 3 and over should always count towards the licensed capacity of the vehicle because if an appropriate car seat is not available, they must wear an adult seat belt. Children under the age of 3 do not need to wear an adult seatbelt when an appropriate car seat is not available, so they do not need to count towards the licensed capacity. Licensing authorities should provide advice to licensees on its policy on the carriage of children under three years to provide certainty in terms of overloading and refusal of carriage in such situations.

Further [information on the carriage of children safely in taxis and private hire vehicles has been published by the Royal Society on the Prevention of Accidents \(RoSPA\)](https://www.childcarseats.org.uk/media/1018/carrying-children-safely-in-taxis-coaches-buses-and-minibuses.pdf) (<https://www.childcarseats.org.uk/media/1018/carrying-children-safely-in-taxis-coaches-buses-and-minibuses.pdf>) with the support of the Department for Transport. Drivers and operators should be made aware of this guidance to ensure compliance with the law and to protect passengers.

## 8.15 Personal security

The personal security of taxi and private hire vehicle drivers and staff must be considered. [Section 17 of the Crime and Disorder Act 1998](#) (<https://www.legislation.gov.uk/ukpga/1998/37/section/17>) requires local authorities and others to consider crime and disorder reduction while exercising all their duties. Authorities should ensure that security adaptations (for example, partitions in vehicles) do not prevent drivers from fulfilling their legal obligations towards disabled passengers. For example, whilst front seats may not be included in occupancy numbers or generally used by passengers where security screens are fitted, some disabled people may require access to the front seat to complete a journey comfortably and safely, thereby reducing the numbers carried in the back.

To emphasise the reciprocal aspect of the taxi and private hire vehicle services, licensing authorities should make available signs or notices which set out not only what passengers can expect from drivers, but also what drivers can expect from passengers who use their service. Two [sample notices have been provided for illustrative purposes](#) (<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance/sample-notices-between-taxi-or-private-hire-vehicle-driver-and-passenger>) but licensing authorities are encouraged to formulate their own, in the light of local conditions and circumstances.

Licensing authorities should seek to build good links between the taxi and private hire vehicle trades and the local police force, including participation in any community safety partnerships.

The [Health and Safety Executive list the installation of CCTV with visible signage as a successful measure to improve safety](#) (<https://www.hse.gov.uk/violence/index.htm>). Community safety partnerships are also required to invite public transport providers and operators to participate in the partnerships. Research has shown that anti-social behaviour and crime affects taxi and private hire vehicle drivers and control centre staff. It is therefore important that the personal security of those working in the sector is considered.

Other security measures include guidance, talks by the local police and conflict avoidance training. The department has issued guidance for drivers on staying safe:

- [Staying safe: guidance for taxi drivers](https://www.gov.uk/government/publications/staying-safe-guidance-for-taxi-and-public-hire-vehicle-drivers/staying-safe-guidance-for-taxi-drivers)  
(<https://www.gov.uk/government/publications/staying-safe-guidance-for-taxi-and-public-hire-vehicle-drivers/staying-safe-guidance-for-taxi-drivers>)
- [Staying safe: guidance for the private hire vehicle trade](https://www.gov.uk/government/publications/staying-safe-guidance-for-taxi-and-public-hire-vehicle-drivers/staying-safe-guidance-for-the-private-hire-vehicle-trade)  
(<https://www.gov.uk/government/publications/staying-safe-guidance-for-taxi-and-public-hire-vehicle-drivers/staying-safe-guidance-for-the-private-hire-vehicle-trade>)

## 8.16 Partitions in vehicles

Vehicles used by the trade that are not purpose built are unlikely to have a partition between the front and rear of the vehicle which may provide protection for the driver from assault. Partitions can be made from materials that withstand a knife attack or hard body impact and can be fitted and taken out easily.

The fitting of in-vehicle partitions must not cause the vehicle to be a danger to anyone in the vehicle or on the road, in compliance with regulation 100 of the [Road Vehicles \(Construction and Use\) Regulations 1986](https://www.legislation.gov.uk/ukxi/1986/1078/contents/made) (<https://www.legislation.gov.uk/ukxi/1986/1078/contents/made>). In order that the partition is effective in providing a means to separate drivers and passengers, the front passenger seat should not be included in the seating capacity of the vehicle licence where a partition is fitted. The department has published guidance on the [design and fitting of screens to taxis and private hire vehicles](https://www.gov.uk/government/publications/coronavirus-covid-19-safety-screens-for-taxis-and-phvs/coronavirus-covid-19-safety-screens-for-taxis-and-phvs) (<https://www.gov.uk/government/publications/coronavirus-covid-19-safety-screens-for-taxis-and-phvs/coronavirus-covid-19-safety-screens-for-taxis-and-phvs>) not originally designed to have a screen.



Licensing authorities may wish to ensure that such modifications are present when the vehicle is tested and not made after the testing stage.

## 8.17 In-vehicle visual and audio recording – CCTV

The [Statutory Taxi and Private Hire Vehicle Standards](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards) (<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>) set-out the department's position on this matter - that CCTV can provide additional deterrence to prevent crime and investigative value when it occurs. The use of CCTV can provide a safer environment for the benefit of taxi and private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime
- reducing the fear of crime
- assisting the police in investigating incidents of crime
- assisting insurance companies in investigating motor vehicle accidents

The statutory standards state that all licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues. Signs in the vehicle are required to highlight the presence of CCTV to passengers and an extra indicator is required to show when audio recording has been activated. The department's view is that CCTV in vehicles can enhance both drivers' and passengers' safety and consideration of the merits of CCTV by licensing authorities must include both aspects.

Licensing authorities should review the [Statutory Taxi and Private Hire Vehicle Standards](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards) (<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>)

[standards](#)) for further information on consideration of mandating CCTV in taxis and private hire vehicles.

## 8.18 Emergency equipment

The Highway Code advises that should a vehicle catch fire, the occupants should get out of the vehicle quickly and to a safe place and not to attempt to extinguish a fire in the engine compartment, as opening the bonnet will make the fire flare. The National Fire Chief Council (NFCC) recommends that licensing authorities that require fire extinguishers to be provided in vehicles, should ensure that suitable and sufficient training is received by the drivers.

The NFCC's advice is that if a licensing authority elects not to require drivers to undertake training on the safe way to tackle a vehicle fire, vehicles should not be required to carry fire extinguishers and drivers advised to get out and stay out of the vehicle and call 999, rather than attempting to firefight.

## 8.19 Vehicle testing

Licensing authorities must only license vehicles that are safe. It is therefore appropriate and proportionate that authorities require vehicles to pass rigorous safety checks. There is considerable variation between licensing authorities on vehicle testing, including the related but separate question of age limits. The following can be regarded as best practice.

### Frequency of vehicle tests

The legal requirement is that private hire vehicles which are at least three years old, and all taxis, must be subject to an MOT test or its equivalent at least once a year. Local authorities may obtain a designation from the Secretary of State for Transport to issue 'Certificates of Compliance'. The requirements of the test normally include those in an MOT test but may also include another inspection by a licensing officer to ensure the vehicle meets the relevant local requirements for issuing a taxi or private hire vehicle licence e.g. cleanliness of the vehicle inside and outside, correct plates displayed etc.

An annual test for licensed vehicles of whatever age (including vehicles that are less than three years old) seems appropriate in most cases, unless local conditions suggest that more frequent tests are necessary. More frequent tests may be appropriate for older vehicles which may be more prone to mechanical defects (see [Vehicle age limits](#) or for vehicles owned by proprietors that persistently present vehicles that do not meet the standards required by the authority. More information is also provided in the [Environmental considerations section of this guidance](#).

### **Monitoring diligence**

Licensing authorities should, where possible, obtain details of the test, including failures. Where testing arrangements do not make the sharing of this information possible, the licensing authority should use GOV.UK to [check the MOT record](#) (<https://www.gov.uk/check-mot-history>) of a vehicle to ascertain if any vehicle defects were identified during an MOT. Where licensing authorities designate where a vehicle must be inspected, and the outcome is not recorded on the MOT database, the authority should require the tester to provide them with the outcome of the test.

It is expected that diligent monitoring and maintenance of the vehicle condition by proprietors should result in few if any dangerous or minor defects being detected at on-road compliance checks. A vehicle proprietor should ensure that a vehicle is in a safe and satisfactory condition, frequent failures can be raised with the proprietor and authorities can consider whether they are content that the proprietor is taking sufficient action to monitor and maintain the safety of their vehicles.

## **Criteria for tests**

MOT tests ensure that vehicles comply with roadworthiness and environmental standards which contribute to the government's road safety strategy. It seems appropriate to apply the same criteria to taxis and private hire vehicles. However, taxis and private hire vehicles provide a service to the public, so it is also appropriate to set criteria for assessing the internal condition of the vehicle, for example, wheelchair fixings and restraint straps, though these criteria should not be unreasonably onerous.

## **Number of testing stations**

As the application of the MOT standards is considered appropriate to ensure the mechanical safety of a vehicle it should be accepted that any DVSA approved testing centre is able to conduct this assessment in this respect and that any recent MOT will evidence the fact the vehicle is roadworthy. This approach maximises the testing capacity available to vehicle proprietors and allows licensing authorities to focus their testing capacity on any additional criteria that they consider necessary for taxi and private hire vehicles.

Licensing authorities should ensure that their testing standards are publicised and easily obtainable by applicants for vehicle licences.

# **9. Quantity restrictions of taxi licences outside London**

## **9.1 Legal powers**

The present legal provision on quantity restrictions for taxis outside London is set out in [section 16 of the Transport Act 1985](#) (<http://www.legislation.gov.uk/ukpga/1985/67/section/1>). This provides that the grant of a taxi licence may be refused for the purpose of limiting the number of licensed taxis if, but only if, the licensing authority is satisfied that there is no significant unmet demand for taxi services in their area.

In the event of a challenge to a decision to refuse a licence, the authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand.

## 9.2 Impacts of quantity restrictions

The Competition and Markets Authority was clear in its 2017 guidance on the [Regulation of taxis and private hire vehicles: understanding the impact of competition](https://www.gov.uk/government/publications/private-hire-and-hackney-carriage-licensing-open-letter-to-local-authorities/regulation-of-taxis-and-private-hire-vehicles-understanding-the-impact-on-competition) (<https://www.gov.uk/government/publications/private-hire-and-hackney-carriage-licensing-open-letter-to-local-authorities/regulation-of-taxis-and-private-hire-vehicles-understanding-the-impact-on-competition>) that:

“ Quantity restrictions are not necessary to ensure the safety of passengers, or to ensure that fares are reasonable. However, they can harm passengers by reducing availability, increasing waiting times, and reducing the scope for downward competitive pressure on fares.”

Most licensing authorities do not impose quantity restrictions. The department regards that as best practice. Where restrictions are imposed, the department would urge that the matter should be regularly reviewed. The matter should be approached in terms of the interests of the travelling public:

- What benefits or disadvantages arise for them because of the continuation of controls?
- What benefits or disadvantages would result for the public if the controls were removed?
- Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?
- Are there alternative ways in which the issue could be addressed?

If alternative measures could be used to achieve the same effect, then the department believes these should be used in preference to quantity restrictions.

It has been observed that where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions.

### **9.3 Demand surveys**

If a licensing authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey. It will be necessary for the licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. To assist in the inclusion of the taxi and private hire vehicle sector in Local Transport Plans these surveys should, where possible, follow the cycle of their production but should be undertaken at least every 5 years.

The following points should be considered when conducting a survey on quantity restrictions:

- waiting time at ranks
- waiting time for street hailing
- waiting time for telephone/online/app engagement
- latent demand (those that would choose to travel by taxi but do not due to excessive waiting times) peak demand (the most popular times for consumers to use taxis should not be discounted as atypical)
- assessments should consider whether the demand for WAVs has been met

The financing of demand surveys should be paid for by the local taxi trade through general revenues from licence fees. Other funding arrangements may call in to question the impartiality and objectivity of the survey process.

## 9.4 Consultation on quantity restrictions

As well as statistical demand surveys, assessment of quantity restrictions should include consultation with all those concerned, including user groups. User groups that typically use taxis (and/or private hire vehicles) the most include people with mobility difficulties, women, older people and those without access to a car. The views of the retail and hospitality sector (including hoteliers, operators of pubs and clubs and visitor attractions) should also be sought and considered, recognising that most taxi (and private hire vehicle) journeys are for leisure and shopping purposes.

The role taxis can play in dispersing the public that have enjoyed the night-time economy should not be ignored. Alongside pre-booked private hire vehicles, taxis may be the only means by which people can return home. Excessive waits for vehicles may lead to conflict among passengers or the increased use of unlicensed, unvetted and uninsured drivers and vehicles, both of which may then result in increased call upon police resources: they should therefore be consulted on any restrictions.

All local transport plans are expected to promote the use of active or public transport - taxis are frequently used for the 'first and last mile' of longer journeys that could be made using public transport. The views of the providers of other transport modes (such as train operators) should also be sought and considered if a quantity restriction is to be imposed.

All the evidence gathered in a survey should be published, together with an explanation of what conclusions have been drawn from it and why. If quantity restrictions are to be continued, their benefits to consumers and the reason for the level at which the number is set should be set out.

## 9.5 Reviewing quantity restrictions

The department's view is that licensing authorities that elect to restrict taxi licences should review this decision and, if the policy continues, the quantity at least every 5 years and aligned to the production of local transport plans where possible. The department also expects the justification for any policy of quantity restrictions to be included in the local transport plan process where this is their responsibility. Licensing authorities should consider the following questions when considering quantity controls.

Have you considered the government's view that quantity controls should be removed unless a specific case that such controls benefit the consumer can be made?

### Questions relating to the policy of controlling numbers

- Have you recently reviewed the need for your policy of quantity controls?
- What form did the review of your policy of quantity controls take?
- Who was involved in the review?



- What decision was reached about retaining or removing quantity controls?
- Are you satisfied that your policy justifies restricting entry to the trade?
- Are you satisfied that quantity controls do not:
  - reduce the availability of taxis
  - increase waiting times for consumers
  - reduce choice and safety for consumers
- What special circumstances justify retention of quantity controls?
- How does your policy benefit consumers, particularly in remote rural areas?
- How does your policy benefit the trade?
- If you have an accessibility policy, how does this fit with restricting taxi licences?

### **Questions relating to setting the number of taxi licences**

- When last did you assess unmet demand?
- How is your taxi limit assessed?
- Have you considered latent demand, i.e. potential consumers who would use taxis if more were available, but currently do not?
- Are you satisfied that your limit is set at the correct level?
- How does the need for adequate taxi ranks affect your policy of quantity controls?

### **Questions relating to consultation and other public transport service provision**

When consulting, have you included:

- those working in the market
- consumer and passenger (including disabled) groups
- groups which represent those passengers with special needs, children and other vulnerable groups
- local interest groups, e.g. hospitals or visitor attractions

- the police
- a wide range of transport stakeholders e.g. rail/bus/coach providers and traffic
- managers

Do you receive representations about taxi availability?

What is the level of service currently available to consumers (including other public transport modes)?

## 10. Taxi fare rates

### 10.1 Legal powers

Licensing authorities have the power to set maximum taxi fares for journeys within their area, and most do so. There is no power to set fares for private hire vehicles. Unlike most licensing functions, the setting of fares is an executive function, not a council function.

### 10.2 Setting taxi fare rates

Maximum fare rates should be designed with a view to practicality and reviewed regularly, including any variability of the fare rates dependent on time of day or day of the week. Authorities should consider adopting a simple formula for deciding on fare

changes as this will increase understanding and improve the transparency of the process for passengers. The Department recommends that in reviewing fare rates, authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers the ability to earn a sufficient income and so incentivise them to provide a service when it is needed. There is likely to be a case for higher fare tariffs at times of higher demand to encourage more drivers to make themselves available or when the journeys are required at anti-social times.

To ensure that taxi tariffs reflect the costs of the trade they should be reviewed following significant changes in licensing fees and other major costs such as fuel. Regular reviews will assist drivers in maintaining their earnings and so continue to attract those seeking to become taxi drivers and provide existing licensees with greater confidence to remain in the trade and plan for future investment in new vehicles. Regular reviews will also avoid large changes in fares for passengers that infrequent reviews are more likely to result in.

The [Competition and Markets Authority recognised in its 2017 report](https://www.gov.uk/government/publications/private-hire-and-hackney-carriage-licensing-open-letter-to-local-authorities/regulation-of-taxis-and-private-hire-vehicles-understanding-the-impact-on-competition) (<https://www.gov.uk/government/publications/private-hire-and-hackney-carriage-licensing-open-letter-to-local-authorities/regulation-of-taxis-and-private-hire-vehicles-understanding-the-impact-on-competition>) the need for licensing authorities to be responsive to patterns of demand, that they:

“ should monitor waiting times and consider adjusting the regulated fare cap to address mismatches between supply and demand. Addressing such mismatches is likely to benefit passengers.”

### 10.3 Price competition in taxi fares

Taxi fare tariffs are a maximum, and in principle are open to downward negotiation between passenger and driver. It is not good practice to encourage such negotiations at ranks, or for on-street hailing; there would be risks of confusion and security problems.

Licensing authorities should however make it clear that published fares rates are a maximum. The growing use of telephone and electronic means to hire taxis means that passengers may benefit from competition and price comparison among taxi intermediaries. It is perfectly legitimate for taxi intermediaries to advertise discounted fares, such as '5% discount from fares.'

## 11. Taxi ranks and roadside infrastructure

Taxi ranks can provide a useful interchange between modes of transport and a focal point for taxis and passengers at peak periods. There are a number of aspects that should be considered when assessing the number and location of taxi ranks, including how ranks contribute to a wider transport policy and its success in delivering accessible transport as disabled users are less able to seek alternatives.

When providing new taxi ranks or redesigning areas of the built environment in which existing ones are located, authorities should seek to locate ranks as close as possible to transport interchanges and other key destinations that they serve in order to minimise walking distances for passengers and follow the Department for Transport's [Inclusive Mobility \(https://www.gov.uk/government/publications/inclusive-mobility-making-transport-accessible-for-passengers-and-pedestrians\)](https://www.gov.uk/government/publications/inclusive-mobility-making-transport-accessible-for-passengers-and-pedestrians) guidance and other sources of best practice in accessible street design. As well as the taxi trade, licensing authorities should seek the views of residents and other interested parties such as businesses in the night-time economy and transport hub operators.

The provision of taxi ranks should be subject to regular review. This will help authorities establish whether a change is required to current provision and how to make necessary amendments to ranks for the benefit of the travelling public. The department's view is that, in the absence of regular engagement with the taxi trade on this issue, a review at least every 5 years strikes the right balance between the burden placed on licensing authorities, being responsive to changes in passenger uptake or changing patterns in people flow and, where possible, alignment with the production of local transport plans.

Taxi ranks late at night can become a hotspot for anti-social behaviour. These problems can be mitigated or even solved through a taxi marshal scheme in busy town and city centres. Such schemes can be jointly funded by taxi drivers and licensing authorities. Marshals can help local authorities support their night-time economy by fostering public confidence in taxis by encouraging users to form an orderly queue, eliminating potential flashpoints and moving people quickly and efficiently. It is also an opportunity to prevent the use of unlicensed vehicles plying for hire.

If feasible, a short-term waiting area for drivers of taxis picking up disabled passengers should be considered. This could be an area of the footway with a kerb assigned as a setting-down/picking-up point for people using taxis that have ramps designed for transfer directly to the footway.

Wheelchair access to most taxis is on the nearside, though some taxis load wheelchair users through the rear door or the far side door. Where taxi ranks are being designed or redeveloped, they should be designed to facilitate access into all vehicle types without creating safety risks for either customers or drivers.

Licensing authorities should work with local authority partners to ensure that vehicle priority measures, parking and waiting restrictions do not prevent disabled passengers from being picked up and/or dropped off close to their origin or destination. Taxi and private hire vehicle drivers, operators and those developing cycling infrastructure play a collective role in ensuring vulnerable road users can reach their destinations safely.

The need for inclusively designed cycle infrastructure should be considered so that disabled passengers are able to access the kerbside with ease where possible. The [local transport note guidance \(LTN 1/20 \(https://www.gov.uk/government/publications/cycle-infrastructure-design-ltn-120\)\)](https://www.gov.uk/government/publications/cycle-infrastructure-design-ltn-120) supports authorities with the delivery of accessible cycling infrastructure, and further advice can be sought from Active Travel England.

Consideration should also be given to how disabled people relying on taxis and private hire vehicles will gain access to the kerbside on roads where access is prevented, such as areas where bus priority is implemented.

Authorities should also work with the operators of facilities served by a high volume of private hire vehicles to ensure that safe spaces are provided for drivers to collect passengers, without requiring them to navigate busy car parks alone.

Where information is provided at taxi ranks, authorities should consider including directions to nearby public toilet facilities.

## 12. Taxi zones

The areas of some licensing authorities are divided into two or more zones for taxi licensing purposes. Drivers may be licensed to ply for hire in one zone only. Zones exist for historical reasons, due to local authority boundary changes.

Taxi and private hire vehicle licensing is highly devolved with lower tier local authorities often responsible for administering the regime. The Department recommends the abolition of taxi zones. This would chiefly benefit the travelling public. Zoning tends to diminish the supply of taxis and the scope for customer choice – for example, if 50 taxis were licensed overall by an authority, but only 25 of them were entitled to ply for hire in each zone. It can be confusing and frustrating for people wishing to hire a taxi to find that a vehicle licensed by the relevant authority is

nonetheless unable to pick them up (unless pre-booked) because they are in the wrong part of the authority's area. Abolition of zones can also reduce costs for the authority, for example through simpler administration and enforcement. It can also promote fuel efficiency, because taxis can pick up a passenger anywhere in the authority's area, rather than having to return empty to their licensed zone after dropping a passenger in another zone.

It should be noted that, in 2008, the government made a legislative reform order that removed the need for the Secretary of State to approve amalgamation resolutions made by licensing authorities. Although these resolutions no longer require the approval of the Secretary of State, the statutory procedure for making them – in paragraph 25 of schedule 14 to the [Local Government Act 1972](https://www.legislation.gov.uk/ukpga/1972/70/contents) (<https://www.legislation.gov.uk/ukpga/1972/70/contents>) – remains the same.

## 13. Flexible transport services

It is possible for taxis and private hire vehicles to provide flexible transport services in a number of different ways. Such services can play a valuable role in meeting a range of transport needs, especially in rural areas – though potentially in many other places as well.

The department encourages licensing authorities, as a matter of best practice, to play their part in promoting flexible services to increase the availability of transport to the travelling public. This can be done partly by drawing the possibilities to the attention of the taxi and private hire vehicle trade. It also should be borne in mind that vehicles with a higher seating capacity than the vehicles typically licensed as taxis (for example those with 6, 7 or 8 passenger seats) may be used for flexible services and should be considered for licensing in this context.

The main legal provisions under which flexible services can be operated are:

**Shared taxis and private hire vehicles – advance bookings** (section 11, [Transport Act 1985](https://www.legislation.gov.uk/ukpga/1985/67/contents) (<https://www.legislation.gov.uk/ukpga/1985/67/contents>)): licensed taxis and private hire vehicles can provide a service at separate fares for passengers sharing the vehicle. The operator takes the initiative to match up passengers who book in advance and agree to share the vehicle at separate fares (lower than for a single hiring). An example could be passengers being picked up at home to go to a shopping centre or returning from the shops to their homes. The operator benefits through increased passenger loadings and total revenues.

**Shared taxis – immediate hiring** (section 10, [Transport Act 1985](https://www.legislation.gov.uk/ukpga/1985/67/contents) (<https://www.legislation.gov.uk/ukpga/1985/67/contents>)): such a scheme is at the initiative of the local licensing authority, which can set up schemes whereby licensed taxis (not private hire vehicles) can be hired at separate fares by people from ranks or other places that have been designated by the authority. Authorities are required to set up such a scheme if holders of ten per cent or more of the taxi licences in their area ask for one. The passengers pay only part of the metered fare and without pre-booking, but the driver receives more than the metered fare.

**Taxi and private hire vehicle buses** (section 12, [Transport Act 1985](https://www.legislation.gov.uk/ukpga/1985/67/contents) (<https://www.legislation.gov.uk/ukpga/1985/67/contents>)): owners of licensed taxis and private hire vehicles can apply to the Traffic Commissioner for a ‘restricted public service vehicle (PSV) operator licence’. The vehicle owner can then use it to provide a bus service for up to eight passengers. The route must be registered with the Traffic Commissioner and must have at least one stopping place in the area of the authority that licensed the taxi, though it can go beyond it. The bus service will be eligible for Bus Service Operators Grant (subject to certain conditions) and taxi/private hire vehicle buses can be used for local authority subsidised bus services. The benefits are that the travelling public have another transport opportunity opened for them, whilst taxi and private hire vehicle owners have another business opportunity.



# 14. Local transport plans and strategy

The [Transport Act 2000](https://www.legislation.gov.uk/ukpga/2000/38/contents) (<https://www.legislation.gov.uk/ukpga/2000/38/contents>) as amended by the [Local Transport Act 2008](https://www.legislation.gov.uk/ukpga/2008/26/contents) (<https://www.legislation.gov.uk/ukpga/2008/26/contents>), requires all local transport authorities in England, excluding London, to produce a Local Transport Plan (LTP), having regard to Government policy.

An LTP is a public facing document that sets out the future of transport in the local authority. LTPs should clearly articulate an integrated transport strategy drawn from a robust evidence base and vision for the local area, and also include an implementation plan that list the policies and interventions that will deliver the strategy.

All modes of transport including taxi and private hire vehicle services have a valuable part to play in the provision of local transport, and so licensing authorities are likely to have a role to play in delivering LTPs. The key policy themes for such services could be availability and accessibility. LTPs can cover:

- quantity controls, if any, and plans for their review
- licensing conditions, with a view to safety but also to a good supply of taxi and private hire vehicle services
- how passengers can access services, such as the provision of taxi ranks and safe areas for pick-up and drop-off points
- vehicle suitability and availability for people with disabilities
- vehicle emission standards and the location and capacity of electric vehicle charging infrastructure to support taxis and private hire vehicle to contribute to air quality objectives
- encouragement of flexible services

The [Greater London Authority Act 1999](https://www.legislation.gov.uk/ukpga/1999/29/part/IV/chapter/I/crossheading/the-transport-strategy) (<https://www.legislation.gov.uk/ukpga/1999/29/part/IV/chapter/I/crossheading/the-transport-strategy>) places a similar duty on the Mayor of London. The Mayor must publish a

transport strategy to develop and implement policies for the promotion and encouragement of safe, integrated, efficient and economic transport facilities and services to, from and within Greater London. As above, taxi and private hire vehicle services have a valuable part to play in overall transport provision.

## 15. Tax checks in taxi and private hire vehicle licensing

HMRC introduced a tax registration check (tax check) for renewed applications in England and Wales to drive taxis and private hire vehicles and to operate a private hire vehicle business in April 2022.

An applicant who wishes to renew a licence needs to carry out a tax check. The licensing authority must obtain confirmation from HMRC that the applicant has completed the check before being able to consider their renewed licence application.

This aims to address part of the hidden economy by helping applicants for taxi and private hire vehicle driver and operator licences to understand their tax obligations and by making access to the licences they need to trade conditional on completing a tax check.

The rules apply to applications made by individuals, companies and partnerships, including Limited Liability Partnerships. Licensing authorities are required to signpost first-time applicants to HMRC guidance about their potential tax obligations and obtain confirmation that the applicant is aware of the guidance before considering the application.

Where the application is not a first-time application (a renewed application) the licensing body must, before considering the application, obtain confirmation from

HMRC that the applicant has completed a tax check.

An applicant can carry out a tax check by providing information to enable HMRC to satisfy itself that the applicant has told HMRC about income earned under the licence. The check verifies that a person has complied with an obligation to notify their chargeability to tax, where such an obligation applied. The check is quick and easy to complete, and HMRC has developed a digital system to facilitate it. Additional help is also available to individuals who are digitally excluded or need extra support.

HMRC has published [guidance for licensing authorities and applicants on how to complete checks \(https://www.gov.uk/guidance/changes-for-taxi-private-hire-or-scrap-metal-licence-applications-from-april-2022\)](https://www.gov.uk/guidance/changes-for-taxi-private-hire-or-scrap-metal-licence-applications-from-april-2022).

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