



WOKINGHAM BOROUGH COUNCIL

A Meeting of the **LICENSING AND APPEALS COMMITTEE** will be held in David Hicks 1 - Civic Offices, Shute End, Wokingham RG40 1BN on **THURSDAY 23 JUNE 2022 AT 7.00 PM**

Susan Parsonage
Chief Executive
Published on 15 June 2022

Note: Non-Committee Members and members of the public are welcome to attend the meeting or participate in the meeting virtually, in line with the Council's Constitution. If you wish to participate either in person or virtually via Microsoft Teams please contact Democratic Services. The meeting can also be watched live using the following link: <https://youtu.be/uehsYMbkB7o>



WOKINGHAM BOROUGH COUNCIL

Our Vision

A great place to live, learn, work and grow and a great place to do business

Enriching Lives

- Champion outstanding education and enable our children and young people to achieve their full potential, regardless of their background.
- Support our residents to lead happy, healthy lives and provide access to good leisure facilities to complement an active lifestyle.
- Engage and involve our communities through arts and culture and create a sense of identity which people feel part of.
- Support growth in our local economy and help to build business.

Safe, Strong, Communities

- Protect and safeguard our children, young and vulnerable people.
- Offer quality care and support, at the right time, to prevent the need for long term care.
- Nurture communities and help them to thrive.
- Ensure our borough and communities remain safe for all.

A Clean and Green Borough

- Do all we can to become carbon neutral and sustainable for the future.
- Protect our borough, keep it clean and enhance our green areas.
- Reduce our waste, improve biodiversity and increase recycling.
- Connect our parks and open spaces with green cycleways.

Right Homes, Right Places

- Offer quality, affordable, sustainable homes fit for the future.
- Build our fair share of housing with the right infrastructure to support and enable our borough to grow.
- Protect our unique places and preserve our natural environment.
- Help with your housing needs and support people to live independently in their own homes.

Keeping the Borough Moving

- Maintain and improve our roads, footpaths and cycleways.
- Tackle traffic congestion, minimise delays and disruptions.
- Enable safe and sustainable travel around the borough with good transport infrastructure.
- Promote healthy alternative travel options and support our partners to offer affordable, accessible public transport with good network links.

Changing the Way We Work for You

- Be relentlessly customer focussed.
- Work with our partners to provide efficient, effective, joined up services which are focussed around you.
- Communicate better with you, owning issues, updating on progress and responding appropriately as well as promoting what is happening in our Borough.
- Drive innovative digital ways of working that will connect our communities, businesses and customers to our services in a way that suits their needs.

MEMBERSHIP OF THE LICENSING AND APPEALS COMMITTEE

Councillors

Peter Dennis
Alistair Neal
Sarah Kerr
Michael Firmager
Shahid Younis

Mike Smith
Morag Malvern
Bill Soane
Jackie Rance

Beth Rowland
Rachel Burgess
Chris Bowring
Abdul Loyes

ITEM NO.	WARD	SUBJECT	PAGE NO.
1.		<p>ELECTION OF CHAIRMAN To elect a Chairman for the 2022/23 municipal year.</p>	
2.		<p>APPOINTMENT OF VICE-CHAIRMAN To appoint a Vice-chairman for the 2022/23 municipal year.</p>	
3.		<p>APOLOGIES To receive any apologies for absence.</p>	
4.		<p>DECLARATION OF INTEREST To receive any declarations of interest</p>	
5.		<p>MINUTES OF PREVIOUS MEETING To confirm the Minutes of the Meeting held on 2 March 2022.</p>	5 - 12
6.		<p>PUBLIC QUESTION TIME To answer any public questions</p> <p>A period of 30 minutes will be allowed for members of the public to ask questions submitted under notice.</p> <p>The Council welcomes questions from members of the public about the work of this committee.</p> <p>Subject to meeting certain timescales, questions can relate to general issues concerned with the work of the Committee or an item which is on the Agenda for this meeting. For full details of the procedure for submitting questions please contact the Democratic Services Section on the numbers given below or go to www.wokingham.gov.uk/publicquestions</p>	
7.		<p>MEMBER QUESTION TIME To answer any member questions</p>	
8.	None Specific	<p>TAXI AND PRIVATE HIRE DRAFT POLICY REVIEW To receive and consider the Taxi and Private Hire Draft</p>	13 - 116

Policy Review.

9. None Specific **TAXI LICENSING FEES AND CHARGES 2020/21** 117 - 122
To receive and consider the Taxi Licensing Fees and Charges 2020/21 report.

Any other items which the Chairman decides are urgent.

A Supplementary Agenda will be issued by the Chief Executive if there are any other items to consider under this heading.

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**MINUTES OF A MEETING OF THE
LICENSING AND APPEALS COMMITTEE
HELD ON 2 MARCH 2022 FROM 7.00 PM TO 8.18 PM**

Committee Members Present

Councillors: Chris Bowring, Rachel Burgess, Peter Dennis, Lindsay Ferris, Michael Firmager, Paul Fishwick, Sarah Kerr, Abdul Loyes, Barrie Patman (Chairman), Jackie Rance, Ian Shenton, Rachelle Shepherd-DuBey, Bill Soane and Shahid Younis (Vice-Chairman)

Officers Present

Luciane Bowker, Democratic & Electoral Services Specialist
Karen Court, Senior Licensing Officer
Moirra Fraser, Policy and Governance Officer
Rachel Lucas, Legal Specialist
Julia O'Brien, Principal Officer, Compliance and Enforcement
Ed Shaylor, Head of Enforcement and Safety

25. APOLOGIES

An apology for absence was submitted from Councillor Parry Batth.

26. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 26 January 2022 were confirmed as a correct record, subject to the amendment below, and signed by the Chairman.

Amendment: That Sean Murphy, as an Officer, be removed from the list of Committee Member attendees.

Matters arising

Councillors asked for an update on the process which had been undertaken to deal with the Committee's recommendation to freeze the 2021/22 fee for taxi vehicle licences at the same level as the previous year and to re-imburse those that had already paid the higher fee in 2021/22.

Ed Shaylor, Head of Enforcement and Safety stated that the proposal to subsidise the fees for taxi vehicle licences in 2022/23, as recommended by this Committee on 26 January 2022 had been submitted to the Council in February 2022 as part of the fees and charges report. Members asked for reassurance that the subsidy had been submitted to Council in February 2022, as this was not clear within the budget documents. Ed Shaylor agreed to email Members with the information about the fees within the budget papers which were submitted to Council.

Members expressed frustration that there had not been an explanation of how the decision to not carry out the Committee's recommendation for the subsidy in 2021/22 had been taken. Members questioned the legality and transparency of the process.

Members asked for an explanation about the decision making process in relation to the recommendation to freeze fees for 21/22. Ed Shaylor informed the Committee that Sean O'Connor, Legal Specialist would be emailing Members about the process in relation to the Committee's recommendation for the subsidy in 2021/22.

In response to a question about the Taxi and Private Hire Policies, Julia O'Brien, Principal Officer Compliance and Enforcement explained that the solicitor who was working on it had only sent the draft policy today. She ascertained that the report would be ready for the June meeting of the Committee.

In response a question Officers informed that the Council had still not received a response from Reading Borough Council with regard to the use of Reading bus lanes by Wokingham drivers. The Chairman stated that the Leader of the Council was having conversations with Reading about this issue.

27. DECLARATION OF INTEREST

There were no declarations of interest.

28. PUBLIC QUESTION TIME

There were no public questions.

29. MEMBER QUESTION TIME

In accordance with the agreed procedure the Chairman invited Members to submit questions to the appropriate Members.

29.1 Imogen Shepherd-DuBey asked the Chairman of the Licensing and Appeals Committee the following question:

Question

Wokingham Town has been experiencing a considerable amount of Anti-Social behaviour revolving around people leaving the bars that have a late licence. This can be as simple as noisy behaviour and broken glass around the town from people heading home to fighting and a recent stabbing incident.

Wokingham Borough Council has the power to recover a late licence levy on premises that have a late licence – essentially to cover the cost of extra policing and support from problems that arise from late licences.

Is this something that we can ask the licencing team to consider?

Answer

Licensing authorities have (since 2012) had the power to introduce a "late night levy" on premises licensed to sell alcohol after midnight. The levy must cover the whole of an authority's area, although the Government is considering amending the rules so that just a part of the Borough can be subject to a levy, e.g. a town centre, but it has not done so yet.

The Council cannot set its own levy – the amount of the levy is prescribed nationally based on the rateable value and varies from £299 for the smallest premises up to £4,440 for the largest premises in which the primary business is the sale of alcohol. There would be costs to the Council to conduct consultation and administer the scheme.

The revenue raised, after deduction of costs, goes towards the costs of policing the late-night economy and must be split between the Council and the police. At least 70% of the revenue must be given to the police and the Council can retain up to 30% to fund the services it provides to manage the night-time economy. Examples of using the levy around the country are:

- additional police officers

- projects like a Club Host project aiming to reduce sexual harassment within clubs
- first aid training for staff of licensed premises,
- defibrillators for town centres
- taxi marshals and street cleaning

The Government estimated that about 94 licensing authorities had enough late opening premises to generate sufficient revenue from the levy to make it worthwhile to implement it but in the 9 years since it came in very few Council areas have put a levy in place. The number is about 10 or 12 and are mostly large towns like Newcastle, Nottingham and Liverpool and urban Boroughs like Hackney, Camden and Islington,

Cheltenham introduced a levy in 2014, but scrapped it in 2017 as the Council had not received the income it had expected from the levy.

Late night levies are strongly opposed by the licensed trade who believe them to heap financial pressure onto venues that are already contributing financially to the success of their areas, and to be a blunt tool that penalises well run businesses, as well as those which might be causing problems. This is because there are only a few exempt premises allowed – the levy would apply to all on and off sales premises with a late licence in the Borough, even if they are not actually open at those times.

In conclusion, the main concern is that levies in a Borough like ours would not be financially viable, as the revenue raised would be small in comparison to the cost of implementing the scheme.

Coupled with likely opposition from the licensed trade which has suffered financially for two years, I would prefer to tackle any problems which arise in another way.

For example,

- from April the Council will have a team of Anti-Social Behaviour officers working until 2am on Friday and Saturday evenings, who will be able to observe if there are any problems arising from late night licensed premises and make recommendations for improvements in the management of those premises.
- If a venue is not well run, we can review its licence.

However, our Statement of Licensing Policy (which is due for renewal in 2023) states that late night levies could be considered if the need arises. So, I see no reason why a late-night levy could not be at least considered in the review of the Licensing Policy, in the light of whether there is enough evidence of need and whether the levy scheme would be financially viable.

Supplementary question

Considering that in Wokingham town the bulk of the antisocial behaviour that we get from the late licences happens between 2 and 4 am, I understand that Wokingham Town Council has CCTV around the Town Hall and we get to see, we know when the trouble happens, and particularly the recent stabbing happened after 3 o'clock when the individuals left the Gig House, left the pub. And I know, a lot of the trouble we get around there, when I talk to residents around there, it is, you know, at 3.30 early hours of the morning. What you are talking about, the antisocial behaviour team there, they finish work at 2 o'clock, which is not, it is too early to tackle this problem. So, my question is what are we going to do to tackle this problem? People are having to walk their dogs with broken

glass in the morning, we get broken windows around the town, things like our Christmas trees and hanging baskets and stuff around the town are getting vandalised in low level ways but we also get broken windows and occasionally we get severe things like the stabbing we had a few weeks ago. We also had another stabbing near the station last year as well. I want to know what is Wokingham Borough Council going to do to tackle this problem, particularly when the problem happens when the pubs are closed, after the pubs closed. It seems that the antisocial behaviour service has shut shop by then.

Supplementary Answer

Yes, I think as I mentioned we are reviewing the Licensing Policy and the item on the agenda which relates to the return of the licensing functions from the Public Protection Partnership is going to actually look at that. I think there might be some information in there that you might find helpful with regards to that in the way it is going to be organised, because there are plans to actually put people in place to that are going to be around until 2 o'clock in the morning but they may well even be able to extend that, (*"but as I said 2 o'clock is too early, late licenses end at 3 o'clock"* said Councillor Imogen Shepherd-DuBey) yes, we can feed that back to them, this is not cast in stone yet, we can probably make some proposals for that, and with regards to that I suggest you perhaps wait until you received that and make some comments with regards to that.

Councillor Soane confirmed that the Antisocial Behaviour Team did finish at 2 o'clock and that could be revised. However, the cost involved would be considerable. The need for increased hours of work would be monitored.

With regards to the stabbings, Councillor Soane stated that they were a matter for the police and the Antisocial Behaviour Team would not be dealing with them anyway.

30. HACKNEY CARRIAGE TARIFFS

The Committee received a report detailing the outcome of the consultation on increase to hackney carriage fare tariffs.

Ed Shaylor stated that responses had been received to the consultation, as detailed in the report and appendixes. The Committee was now asked to make a decision, based on the information provided. The options were as described in the report.

It was pointed out that it might be advisable to change the date in which any changes come into effect from 1 April to 4 April, this was because another neighbouring local authority was also altering its fees and there may be a delay in being able to recalibrate the meters.

During the discussion of the item the following comments were made:

- Councillor Younis asked why we were prevented from implementing changes on 1 April;
- Moira Fraser, Policy and Governance Officer explained that Wokingham was not prevented from implementing changes from 1 April. She explained that the PPP had been approached from one of the meter companies who suggested that they may not be able to provide the service from 1 April;
- Councillor Burgess proposed to agree to the trade's proposal and to accept the Officers modification that the 110 second waiting time be retained. She pointed out that the number of objections was low and she worried that not allowing a rise would

make some drivers leave the trade and this would have negative consequences in the provision of the service;

- The Chairman stated that the proposed increase would put Wokingham's taxi fees amongst the most expensive in the country;
- Councillor Burgess stated that some drivers had already gone out of business and that Wokingham was a very expensive place to live;
- Councillor Bowring stated that it was difficult for anyone to ascertain what the fees should be. However, he agreed that the Committee should accept the trade's proposal, in view of the fact that drivers could lower the fare tariff if they wanted to. Should drivers decide to lower their tariffs, he asked if the Council would be able to help publicise this change;
- Councillor Kerr wished to clarify that the table on Appendix D of the Agenda was not the complete table, looking at the complete list, Wokingham would not be the second highest in the country;
- Councillor Younis was in support of the trade's proposal to increase the tariffs for the following reasons: the last time the fees were reviewed was in 2010, there had been considerable inflation in the last 11 years, their business had been severely impacted by the pandemic in the last two years and the upcoming increases in energy bills. He believed that if this increase was not allowed, a number of drivers would go out of business, resulting in unreliable services;
- Councillor Fishwick agreed with the trade's proposals. He pointed out that the local authorities listed in the comparison table had not raised their fees for a long time and were playing 'catch up';
- Councillor Loyes asked if the request to move back the time from 11pm to 10.30pm was for weekends only or for every day. It was clarified that this was for everyday;
- Councillor Fishwick asked how many vehicles would be affected by the issue with changing the meter;
- Moira Fraser stated that there was an issue with a particular make of meter;
- Councillor Soane was of the opinion that delaying the start date by three days was not a problem, and it was better if everyone started on the same day;
- Councillor Younis asked how the Council ascertained that all vehicles had had their meters changed;
- Moira Fraser stated that the meter companies issued a certificate of recalibration which was sent to the Licensing Authority. She added that there was a legal requirement that companies undertake the change by 17 April, which was two months after the end of the consultation period.

After discussions and upon being put to the vote, Members voted in favour of implementing the changes proposed by the trade, with the Officers recommendation to retain the 110 second waiting time. It was also agreed that the start date be set at 4 April.

RESOLVED That:

- 1) The modifications to be made to the table of fares at Appendix C as requested by the taxi trade are approved;
- 2) The 110 seconds waiting time be retained; and
- 3) The changes will take effect from 4 April 2022

31. RETURN OF LICENSING FUNCTIONS FROM PUBLIC PROTECTION PARTNERSHIP

Ed Shaylor addressed the Committee to give an update on the return of licensing functions from the Public Protection Partnership to Wokingham from 1 April 2022.

Ed Shaylor drew attention to the new staffing structure, as described on page 28 of the agenda. The new Licensing Manager had been appointed and his name was Keiran Hinchliffe.

It was hoped that the change process would be seamless, with licence applicants still able to use the same email address. Wokingham's licensing website pages were being rebuilt, and the new website pages would go live in April.

There would be an online payment system for small amounts, and invoices for amounts higher than £100, in order to facilitate the recording of payments.

The intention was to move to online forms so that people would be able to apply for applications online. However, this required new software and capital investment, which was in the forward plan.

During the discussion of the item the following comments were made:

- Councillor Kerr asked if any members of staff were coming from the PPP, and if there were concerns around continuity of services;
- Ed Shaylor informed that one colleague was coming over from the PPP, there would be three new members of staff and one new manager. Across the whole service there were nine people coming over from the PPP;
- Councillor Younis requested that in one year time, a report be brought back to the Committee, with KPIs and evidence that the service being provided in house is better than the service that was provided by the PPP;
- The Chairman was concerned that it might be difficult to draw comparisons as the structures were very different;
- Councillor Ferris asked if the remit of the Licensing Appeals Committee changed as a result of Wokingham now delivering services in-house, he wondered if the remit would increase;
- Ed Shaylor agreed to bring back a review report in one year time;
- Ed Shaylor was of the opinion that the licensing service that had been provided by the PPP had been good, so he questioned if it would be possible to prove that licensing services were better in-house;
- Ed Shaylor suggested that it may be appropriate for the Overview and Scrutiny to look at Environmental Health, Public Protection and Antisocial Behaviour services;
- Councillor Rachelle Shepherd-DuBey stated that the Committee wished to be kept informed of any major issues happened before one year time;
- Ed Shaylor agreed to keep the Committee informed of any risks;
- Councillor Bowring stated that the PPP was responsible for Environmental Health, Trading Standards and Licensing. He pointed out that the licensing function was not changing, just being delivered from Wokingham. However, he questioned if it was possible extend the remit of the Licensing Committee to include Trading Standards and Environmental Health;
- The Chairman stated that before the PPP was created, Environmental Health and Trading Standards were within the remit of the Licensing Committee;
- Councillor Soane asked if there was a training requirement to sit on the Licensing Committee and that this might limit who could attend to hear reports about Environmental Health and Trading Standards;

- Rachel Lucas stated that the licensing function was statutory and the local authority was required to have a Licensing Committee. She believed that there was no statutory requirement in relation to Environmental Health, Antisocial Behaviour and Trading Standards. She confirmed that training was required for all those Members sitting on the Licensing Committee, to enable them to sit on Licensing Sub-Committees;
- Councillor Rachelle Shepherd-DuBey suggested that training be offered to Members in relation to Antisocial Behaviour and other areas that the PPP covered that Members were not currently trained for;
- Rachel Lucas questioned the need for training in relation to Antisocial Behaviour given that there were no decisions to be made in this respect. Licensing applications did not fall within the remit of Antisocial Behaviour. The powers that the local authority had in relation to Antisocial Behaviour did not fall within the remit of Sub-Committees, they are at Officer level;
- Councillor Younis asked that consideration be taken to not duplicate work unnecessarily;
- Councillor Kerr suggested that a report with options and more information be submitted to the Committee for consideration;
- Councillor Firmager suggested that it would be useful to include information in the training about decision making, with clarification on which decisions are made by the Committee and which decisions are made by Officers;
- Councillor Bowring stated that the scrutiny function was very different from the function of this Committee which was a decision making body. He was of the opinion that this was a political decision;
- Councillor Rachelle Shepherd-DuBey pointed out that the Community and Corporate Scrutiny Committee had a heavy workload, and had had a few extraordinary meetings in the past year, she worried about adding to their workload;
- Councillor Ferris stated that Antisocial Behaviour could sit with Community Safety Partnership, but he was concerned that there needed to be a discussion and thinking about where other areas would sit in the future;

REOLVED That the report be noted and that a progress report would be submitted in one year time.

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TITLE	Taxi and Private Hire Policy Review
FOR CONSIDERATION BY	Licensing and Appeals Committee on 23 June 2022
WARD	None Specific
LEAD OFFICER	Director, Place and Growth - Steve Moore

OUTCOME / BENEFITS TO THE COMMUNITY

The Hackney Carriage (“taxi”) and Private Hire Licensing Policy (“the policy”) outlines a set of proposed standards and procedures to be used to process and determine applications for driver, vehicle and operator licenses by Wokingham Borough Council (“the Council”).

The proposed policy is based on the principle that anyone using a licensed vehicle must be able to trust the driver; be assured the vehicle is safe; and trust any operator or driver to keep their information safe.

RECOMMENDATION

The Licensing and Appeals Committee to:

- 1) NOTE** the draft revised policy and either approve it or make recommendations for amendment to the Director of Place & Growth by 31 July 2022
- 2) DETERMINE** that a final revised policy be brought to the Executive to approve release of the policy for public consultation
- 3) DETERMINE** that the Director of Place & Growth should work in partnership with neighbouring Licensing Authorities to achieve a similar timeline to any public consultation and policy review in neighbouring boroughs, to achieve consistency of practice between areas.

SUMMARY OF REPORT

- a) The Department for Transport (DfT) recommends licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a ‘fit and proper’ person test, licence conditions and vehicle standards.
- b) In July 2020, DfT issued Statutory Taxi & Private Hire Vehicle Standards (“the 2020 standards”) which state that licensing authorities must use their licensing powers to protect children and vulnerable adults. This Council has already previously implemented a number of the recommendations in [its existing policy](#) on its own volition but the 2020 standards provide the opportunity to further tighten the current licensing scheme.
- c) This draft policy was commissioned in collaboration with the Public Protection Partnership in West Berkshire and Bracknell Forest Councils.

d) The Licensing and Appeals Committee is invited to comment on the draft policy before a final draft is released for public consultation.

Background

1. The Council is, under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, the Licensing Authority responsible for regulating the Hackney Carriage and Private Hire trades operating in the Borough. The terms Hackney Carriage, or taxi, usually refer to vehicles which are licensed to ply for hire and pick people up from the roadside or a rank. The origin of the term “Hackney Carriage” is believed to stem from the centuries-old word “hackney” (or “hack”) being a horse of medium size, intended for ordinary riding at moderate pace, and often available for hire. When attached to a carriage they were first licensed in 1662 on payment of a fee, as a consequence of their increasing number.
2. In contrast, Private Hire Vehicles are only permitted to pick up pre-arranged bookings and are not permitted to be hailed to stop by a passenger who has not pre-booked. However, in this report “taxi licensing” is intended to mean both Hackney Carriages and Private Hire Vehicles.
3. At [Licensing and Appeals Committee on 6 October 2020](#) members considered a report which set out the work required to review the existing policy in line with recommendations made by the Department for Transport (DfT) [Statutory Taxi and Private Hire Vehicle Standards \(July 2020\)](#). Members agreed to receive further reports detailing changes to the policy and licence conditions to comply with the statutory standards.
4. West Berkshire and Bracknell Forest Councils have undertaken to implement formal policies and commissioned this work to [James Button & Co](#), solicitors, who are experienced in Licensing law and were also commissioned to review the existing Wokingham policy at the same time.
5. This policy aims to protect the public and build public confidence in the licensed taxi trade, by promoting
 - safeguarding children and vulnerable adults and the prevention of crime and disorder
 - vehicle safety, comfort and accessibility
 - environmental sustainability
 - Wokingham Borough as a place to live, work and visit
6. The Council recognises the important role that taxis play in enabling people to travel. In doing so they also have a role in portraying the image of the borough. The Council recognises that the majority of licence holders operate to a good standard and want to provide the best possible service to their customers. This policy should, therefore, help the trade and the local economy thrive.
7. The principal features of the draft policy are summarised in Appendix B.

Analysis of Issues

8. The [Statutory Taxi and Private Hire Vehicle Standards \(July 2020\)](#) was published by the Secretary of State for Transport under [section 177\(1\) of the Policing and](#)

[Crime Act 2017](#) and sets out a framework of policies that licensing authorities must have regard to when exercising their functions. It states that:

- reports on child sexual abuse and exploitation made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing leave children and the public at risk, and
- licensing authorities should publish their consideration of the measures contained in the Standards, and the policies and delivery plans that stem from these.

The principal changes contained in the 2020 standards are:

- a) Fit and proper test. There is still no statutory definition of what amounts to a 'fit and proper' person for the purposes of the legislation, but there is now much more robust guidance in the new standards
- b) Administration. There should be sufficient training and adequate resource for all those involved with making licensing decisions. Any functions that are delegated should be set out in a clear scheme of delegation and whilst less contentious matters can be resolved by authorised officers, it is recommended that more serious matters are dealt with by committee
- c) Whistleblowing. It is recommended that authorities have effective internal procedures for staff to raise concerns and procedures in place for any concerns to be dealt with openly and fairly
- d) DBS checks. Subscription to the DBS Update Service by drivers and operators at their own expense and the records reviewed every six months.
- e) Overseas convictions – certificates of good character should be obtained where an applicant has previously lived outside the UK for more than 3 months
- f) Convictions policies. All authorities should have a clear policy that takes a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime
- g) Complaints against licensees. All authorities should have robust complaint recording systems and take action if necessary
- h) Mandatory safeguarding awareness training for all drivers. Training should include 'County Lines' drug trafficking awareness
- i) Literacy and numeracy. All licence holders to demonstrate proficiency in English language. Drivers should be able to provide correct change and produce a legibly written receipt upon request
- j) Enforcement. Suspension and revocation of driver licences. The guidance clarifies situations in which revocations and suspensions may be used. Drivers should be made aware of relevant policies
- k) Local consultation. It suggests it is good practice to consult when proposing

significant changes in local licensing rules. Consultation should include passengers and trade groups.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

Other financial information relevant to the Recommendation/Decision

This report introduces a draft taxi licensing policy. At this stage, there are no financial implications other than budgeting for public consultation within this financial year. The consultation costs will be covered within existing budgets.

Cross-Council Implications

School Transport have an interest in the licensing policy and will be briefed throughout the draft stage, and public consultation.

Public Sector Equality Duty

Self-employed people of Black, Asian and Minority Ethnicity are strongly represented among drivers and operators in the taxi and private hire trade. Customers of the trade are strongly represented by young women, people with disabilities and older people, and generally by people who do not own a car. For these reasons, it is important to ensure that this remains a profitable sector. An equalities impact statement is not required at this stage but will be required following public consultation prior to implementation of a new policy.

Climate Emergency – *This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030*

A thriving taxi trade will contribute to carbon neutral objectives by assisting to reduce reliance on personal vehicle transport. This report leads to preparing a final draft for consultation. Due consideration will be given climate emergency prior to public consultation.

List of Background Papers

- Department for Transport (DfT) [Taxi and Private Hire Vehicle Licensing Best Practice Guidance \(March 2010\)](#)
- DfT [Statutory Taxi and Private Hire Vehicle Standards \(July 2020\)](#)
- **Appendix A** Draft Hackney Carriage and Private Hire Licensing Policy (see attached document)
- **Appendix B** Summary of principle features of the draft policy

Contact: Keiran Hinchliffe

Telephone No 07933 172882

Service: Enforcement & Safety Service

Email

keiran.hinchliffe@wokingham.gov.uk

Appendix B Summary of principle features of the draft policy

Drivers (pages 3 to 14)

- 1) A licence will not be issued until the appropriate fee is paid
- 2) The Council issues dual or combined drivers' licences. These enable a licensee to drive a Hackney carriage or private hire vehicle licensed by the council
- 3) Drivers' licences will be granted for a period of 3 years unless an applicant requests a licence for a one-year period. An application for the renewal of a licence must be made prior to the expiry of the licence, and in sufficient time to enable it to be processed and renewed before the existing licence expires
- 4) Licensees must comply with their duties under the relevant parts of the Equalities Act 2010
- 5) Public protection will be the overriding consideration whenever the council considers taxi licensing matters
- 6) Licences are only granted to people who satisfy the council that they are fit and proper people to hold such a licence. It is for the applicant to demonstrate that they are a fit and proper person, and not for the council to prove that they are not
- 7) Unacceptable behaviour can lead to licences can be suspended, revoked or not renewed. There are rights of appeal against suspensions and revocations, together with refusals to grant and conditions attached to the licence
- 8) Every application for a licence must be accompanied by satisfactory evidence of the following:
 - a. A full UK, Northern Ireland, European Economic Area ("EEA") or Exchangeable driving licence (held for a period of at least 1 year prior to the date of application)
 - b. Evidence of the right to live and work in the country
 - c. An authenticated form of photographic identification
 - d. An enhanced criminal record check (DBS) including the child and adult barred list
 - e. A certificate of current medical fitness to DVLA Group 2 standard
 - f. The required post-qualification driving experience and the required level of competency
 - g. Sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for

- h. That where specified the applicant has completed safeguarding awareness training
 - i. To have passed a practical driving and wheelchair assessment before applying for a dual driving Licence. These assessments must be passed again every 6 years
 - j. A good knowledge of Wokingham Borough and the surrounding area. They will be required to pass a test on this knowledge prior to a licence being issued. This test must be passed again every 6 years
 - k. The requirements for operators and vehicles that only undertake school or community service contracts are the same as for all other private hire operators and vehicles but will be excluded from the requirement to undertake a knowledge test as they will be undertaking journeys on fixed routes.
 - l. A good knowledge of the Highway Code. This test must be passed again every 6 years.
 - m. To have undergone training in the assistance of disabled persons, to a standard acceptable to the Council. Refresher training will be required every three years.
 - n. Completion of a course in Safeguarding, Child Sexual Abuse and Exploitation (CSAE) and County Lines
- 9) The applicant will be given three attempts to pass each of the required tests to become a licensed driver. If they have not passed after the third attempt no new application will be accepted for a period of three calendar months
- 10) Where a licence is found to have been obtained using false or incomplete information enforcement action may be taken, and the matter may be reported to the police
- 11) The council provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a licence revoked, or an application for one refused.

Vehicles (pages 15 to 23)

- 12) No vehicle will be licensed unless it
- a. has undertaken and passed the Hackney Carriage and Private Hire Vehicle Test, at a Council nominated garage
 - b. has provision for every passenger to wear a seat belt. A sign must be displayed inside the vehicle requiring seat belts to be worn.
- 13) Vehicles up to five years old (or which have travelled less than 25,000 miles) will be subject to an inspection before grant or renewal, and at 6 months after the date of grant or renewal at one of the Council's nominated testing stations.

- 14) Where vehicles are five years or older, or which have travelled more than 25,000 miles, they will be subject to an inspection before grant or renewal and then at 4 monthly intervals for the duration of the licence. If an inspection is not carried out in the month that it is due, the licence will be suspended until such a test has been passed. The 10 year age limit (unless in “exceptional condition”) is repealed.
- 15) All vehicles must meet the Euro 5 or Euro 6 emissions standards if they are being submitted for grant or renewal of a licence
- 16) All Hackney Carriage vehicles must be wheelchair accessible in accordance with the specification. Wheelchair accessible Private Hire Vehicles must also comply with the specification
- 17) All applications for grant or renewal of vehicle licences must be accompanied by documentary evidence that the vehicle has been regularly serviced and maintained in line with the manufacturer’s servicing schedule

- 18) Detailed standards for vehicles are on pages 15 to 23 in the draft policy

General

- 19) Policy in relation to Private Hire Operators is on pages 24 to 27
- 20) Policy on Enforcement and Appeals is on page 30
- 21) Criminal Convictions Policy is on pages 31 to 41
- 22) Penalty Point Scheme is on pages 42 to 53
- 23) Code of Conduct is on pages 54 to 67
- 24) Licence Conditions:
 - a. Hackney Carriages - pages 68 to 76
 - b. Private Hire Vehicle - pages 77 to 85
 - c. Operators pages - pages 86 to 96

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Hackney Carriage and Private Hire Licensing Policy

CONTENTS

DRAFT

Introduction

This policy details the requirements that will need to be met before any Dual or Private Hire Driver Licence, Hackney Carriage or Private Hire Vehicle Licence or Private Hire Operator licence is issued by Wokingham Borough Council.

The requirements for private hire operators and vehicles that undertake school or community service contracts issued by the Wokingham Borough Council's Corporate Transport Services Department are the same as for all other private hire operators and vehicles. However drivers who only undertake work as part of such a contract will be excluded from the requirement to undertake a knowledge test. All other requirements remain in place. This alteration from the usual policy recognises that these drivers will be undertaking journeys on fixed routes. A Wokingham Borough Council private hire drivers licence will only be issued to such people and can only be used when the vehicle is undertaking such a contract.

This policy applies to the following:

Hackney Carriages: A vehicle available to transport members of the public that has no more than 8 seats for passengers, which is licensed to stand or ply for hire. A Hackney carriage may stand at designated taxi ranks and also on the street and/or be hailed in the street by members of the public within their designated zones. They may also undertake pre booked journeys.

Private Hire Vehicles: These are licensed to carry no more than 8 passengers and must be booked in advanced through a licensed private hire operator. They cannot stand or ply for hire nor use any designated taxi ranks.

Private Hire Operators: are required to take and record the bookings for private hire vehicles. Bookings must be recorded, and records be made available for inspection. The private hire operator is also responsible for the actions of the drivers that they use and the condition of the vehicles that they use.

Hackney Carriage and Private Hire Drivers: Licensed individuals who have undertaken certain tests and checks. Only a licensed driver can drive a licensed vehicle.

Legislation, Byelaws, Guidance and Policy

Hackney carriage and private hire activity are governed by 2 principal pieces of legislation, the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. These have been interpreted by the senior courts over the years. In addition, the council has byelaws relating to Hackney carriage activity. The council will in addition have regard to guidance issued by the Department for Transport, and this policy. Each application will be considered on its own merits, taking into account all the relevant circumstances, legislation, guidance and this policy

Once a licence has been granted, the licensee will be subject to all the above, and the conditions attached to any licence and (in the case of drivers) the code of conduct..

A licence will not be issued until the appropriate fee is paid and cleared funds have been received by the council. Where fees are paid by a cheque that is subsequently dishonoured, enforcement action may be taken.

Please Note – It is a criminal offence to carry out Private Hire or Hackney Carriage work without the valid licences. Applicants will not be able to start working whilst their application is being processed, they must wait until the licences have actually been granted (unless it is a renewal application and their existing licences are still in effect which will be detailed in the letter acknowledging receipt of the renewal application).

Equality Act 2010

The council will comply with its duties under the Equality Act 2010. In addition, licensees must comply with their duties under the relevant parts of the legislation.

Data protection

All information provided by applicants will be treated in accordance with the councils retention and disclosure policies under the Data Protection Act 2018, the General Data Protection Regulations and any other relevant legislation. The council has a data-sharing protocol with neighbouring local authorities, the police, immigration and border service, social services and other bodies. This allows information to be shared where there is a risk to public safety or criminal activity.

General

The purpose of licensing Hackney carriages and private hire vehicles, drivers and private hire operators is to protect the public. Public protection will be the overriding consideration whenever the council considers Hackney carriage and private hire licensing matters.

Licences are only granted to people who satisfy the council that they are fit and proper people to hold such a licence. It is for the applicant to demonstrate that they are a fit and proper person, and not for the council to prove that they are not.

Being a fit and proper person is not simply a question at the time of the application; it is a continuing requirement, and if at any time the conduct or behaviour of the licensee falls below that acceptable standard, action may be taken against the licence.

Holding a Hackney carriage your private hire drivers, vehicle or operator licence is a privilege and a responsibility. At all times a licences behaviour and conduct must be of the highest standard. The council will consider all aspects of an applicant/licensees behaviour; not simply when they are using their licence. Unacceptable behaviour whilst using the licence will be seen as an aggravating factor. The fact that the licence was not being used at the time will not be seen as any mitigating factor.

All licences can be suspended, revoked or not renewed.

There are rights of appeal against actions such as that, together with refusals to grant and conditions attached to the licence. Details of any right of appeal will be contained in the written notification of the councils decision.

Policy in relation to Dual Driver and Private Hire Driver Licences

General

The Council issues dual or combined drivers licences. These enable a licensee to drive a Hackney carriage or private hire vehicle licensed by the council.

Drivers licences will be granted for a period of 3 years unless an applicant requests a licence for a one-year period.

Pre-requisites to making an application

It is the policy of the Council that every application for a licence to drive a hackney carriage and/or private hire vehicle must be accompanied by satisfactory evidence of the following matters and that applications that are incomplete will not be deemed to have been made until such time as they are complete:

- A full UK DVLA, Northern Ireland, European Economic Area (“EEA”) or Exchangeable driving licence (held for a period of at least 1 year prior to the date of application)
- Evidence of the right to live and work in the country
- An enhanced criminal record check (DBS) with a check of the child and adult barred list
- A certificate of their current medical fitness to DVLA Group 2 standard
- That the applicant meets the required post-qualification driving experience and demonstrates the required level of competency
- That the applicant has sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for (the requirements are detailed below)
- That where specified the applicant has completed safeguarding awareness training.

All applicants, aside from those who are renewing their licence, will have three calendar months from the initial interview to complete the application process. After this time any incomplete application will be closed and any subsequent application will be treated as a fresh application.

NB – This time limit can be extended in exceptional circumstances, with the prior approval of an authorised officer of Wokingham Borough Council.

The applicant will be given three attempts to pass each of the required tests to become a licensed driver. If they have not passed after the third attempt no new application will be accepted for a period of three calendar months from the date of the last test. If a new application is then made after the three months, the applicant will be required to pass all the tests required by

Wokingham Borough Council at the time of the new application.

An application for the renewal of a licence must be made prior to the expiry of the licence, and in sufficient time to enable it to be processed and renewed before the existing licence expires. If this is not the case, it will be treated as a new application. The licence holder can apply in writing to Wokingham Borough Council to request permission for an application, made after the expiry of the licence, to be treated as a renewal application. However permission will only be granted when exceptional circumstances exist, and the application has been made within 5 working days of the expiry.

Wokingham Borough The Council will determine whether exceptional circumstances exist. **Driving as a Private Hire or Hackney Carriage driver without a valid Private Hire or Dual Driver licence is a criminal offence.**

Dual Driver Licence holders will be required to comply with the current Wokingham Borough Council Hackney Carriage Byelaws in addition to the Code of Conduct detailed in this policy. A copy of these byelaws can be obtained from the Licensing Team at Wokingham Borough Council.

Where a licence is found to have been obtained using false or incomplete information enforcement action may be taken, and the matter may be reported to the police.

Fitness and Propriety

Before Wokingham Borough Council will grant or renew a driver licence, the applicant or licence holder must satisfy the following requirements.

Identity

To prove their identity, all applicants must provide an authenticated form of photographic identification (for example photographic driving licence or national identification card).

Applicants from outside the UK must provide;

- a passport with a valid stamp from the Home Office to say that they have leave to remain in the Country indefinitely or
- a passport with a valid UK visa, which allows the holder to work as a Private Hire or Hackney Carriage driver (student visas will not be accepted), and which has at least six calendar months remaining at the time of application.

A licence will only be granted until the expiry of the visa and will only be renewed or extended with the production of the passport and another valid visa issued by the Home Office. Wokingham Borough Council reserves the right to verify, at any time, a licence holder's entitlement to remain in the UK. We will not accept letters issued by the Home Office when a visa application is pending.

To comply with the Immigration Act 2016, the Council is required to check

eligibility to live and work in the UK for all applicants for driver and operator licences. Applicants will be required to provide evidence of this on request. Examples of acceptable documentation include a British passport, EC passport with the right to stay and work in the UK, permanent residence permit, work permit with a passport with correct authorisations, a UK birth certificate together with an official document giving the NI number such as a P45 or P60, or a biometric immigration document indicating a right to stay indefinitely in the UK or a right to do the work in question.

For applicants with a limited time to remain in the UK, the licence will only be granted for the period of permission to remain, and may only be granted for a shorter period. The licence may be extended should the applicant's right to remain in the UK be made permanent.

If an applicant has extended leave to remain (pending a decision) the licence cannot be granted for more than six months, and again may only be granted for a shorter period. The licence may be extended should the applicant's right to remain in the UK be made permanent.

If a licence holder loses the right to remain in the UK during the currency of a licence, the licence ceases to have effect and the licence (and badge for drivers) must be returned within 7 days.

Disclosure & Barring Service Checks (DBS)

Applicants must provide an Enhanced DBS Certificate (Disclosure & Barring Service) which includes a check of the Adult and Child Barred Lists which is no more than one calendar month old at the date of submission of the certificate.

Applicant/licensees will also have to sign up to the DBS update service to enable the council to make periodic checks. Any driver that does not sign up to this service will only be granted a licence for 6 months and a fresh enhanced DBS check will be required on every application for a new licence.

Certificate of Good Conduct

As DBS checks do not cover convictions in countries outside the United Kingdom, any applicant who has lived abroad for any period of more than 6 months from the age of 18 must also provide a Certificate of Good Conduct from the appropriate Embassy or High Commission and it must be in English. The council may undertake checks to ensure the authenticity of any such documentation. If this cannot be provided then the application will be refused.

NB - Nothing in this policy shall preclude a licence holder from being required to undergo a further DBS check at anytime as directed by an officer of Wokingham Borough Council.

Previous Convictions

In relation to the consideration of previous convictions and cautions recorded

against applicants and licence holders, Wokingham Borough Council has adopted the policy set out in Appendix One. Applicants who would like to discuss what effect a conviction or caution might have on their application, can contact the Taxi Licensing Service at licensing@wokingham.gov.uk

Medical Examination

Each applicant, on first application and at the intervals indicated below, must complete a medical examination by the applicants own GP (or a GP within their own practice) at the applicant's expense. The GP must certify that the applicant meets group 2 medical standards. Once a licence has been granted, medical examinations will be required at the following intervals;

AGE	FREQUENCY
First Licensing	And thereafter from age 45
45 years to 65 years	Every 5 years
65 years +	Annually

A medical examination may be required at any other time, as determined by the GP or as requested by an officer of Wokingham Borough Council. In addition if an applicant or current driver has been diagnosed with type 1 diabetes requiring insulin a medical compliance form will need to be completed and issued to your doctor on a yearly basis.

Driving Licence

Applicants must have held a full UK, Northern Ireland, European Economic Area (EEA) or exchangeable driving licence (a person can only use an exchangeable licence for 12 months, after which it must be exchanged for a UK licence) for at least 12 months prior to application (this excludes the holding of a provisional licence). A photocard driving licence meeting these requirements must be submitted with the application form (including renewal applications) and will be checked against the DVLA information issued. Any prospective applicant who does not hold a photocard driving licence must obtain one before the application is made. The address on the DVLA licence must be the same as the addresses on any other paperwork submitted with the application. We may carry out spot checks on a random basis to ascertain any changes to the status of the DVLA licence.

Practical Assessments for Licensed Drivers and Applicants

All applicants are required to have passed a practical driving and wheelchair assessment before applying for a dual driving Licence. These assessments must be passed again every 6 years i.e. before a second three-year driving licence will be issued.

Acceptable courses are currently provided by the following providers. Applicants can choose which provider they wish to use. Wokingham Borough Council will accept written evidence of passing the particular providers assessment that is not more than 3 months old at the date of application.

If an existing driver is subject to enforcement action in relation to their driving, more than once within a period of 12 calendar months, including road traffic convictions, they will be required to undertake the practical driving assessment within three calendar months. The licence may be suspended until such time as this test has been passed..

Details of our current providers will be issued on application or will be issued to a driver requiring undertaking the practical driving assessment as part of enforcement action.

Spoken and Written English

It is essential for public safety that all licensed drivers are able to communicate by speaking and reading in English at an appropriate level. This is equivalent to level B1 on the Common European Framework of Reference for reading, writing, speaking and listening.

Speaking and listening assessment

The speaking and listening assessment consists of a 15-20 minute conversation that will take place at Wokingham Borough Council offices.

The assessment will be undertaken by a secure video or telephone link to our service provider, PeopleCert, and it will cost £36 when taken for the first time and £16 for a re-sit.

Please see [PeopleCert's](#) website for more information about the test and what to expect on the day. All applicants are advised to review this information prior to sitting the test.

Reading and writing assessment

Wokingham Borough Council will use the SERU assessment to assess applicants' reading and writing skills. The SERU assessment is based on information found in this policy, including the hackney carriage and private hire vehicle conditions, the byelaws and the Code of Conduct.

The assessment will take place at Wokingham Borough Council offices and it will cost £36 when taken for the first time and £16 for a re-sit.

For more information on the SERU requirement and our online assessment guide, please visit:

Knowledge of Area

All applicants are expected to have a good knowledge of Wokingham Borough and the surrounding area. They will be required to pass a test on this knowledge prior to a licence being issued. This test must be passed again every 6 years i.e. before a second three-year driving licence will be issued.

This requirement does not apply in relation to applicants for private hire drivers' licences to undertake school or community contracts.

Highway Code and Relevant Legislation

All Applicants are expected to have a good knowledge of the Highway Code and the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the Town and Police Clauses Act 1847. This test must be passed again every 6 years i.e. before a second three-year driving licence will be issued.

Training in the Assistance of Disabled Persons

All applicants must be able to show that they have undergone training in the assistance of disabled persons, to a standard acceptable to Wokingham Borough Council. Refresher training will be required every three years.

Safeguarding, Child Sexual Abuse and Exploitation (CSAE) and County Lines Training

All new applicants for a driver licence must complete safeguarding, child sexual abuse and exploitation (CSAE) and county lines training prior to the issue of a licence. Existing drivers must complete the training prior to the next renewal of their licence. Refresher training will be required every 3 years.

Test of fitness and propriety

Once a valid application has been made, the Council will make a decision as to whether or not the applicant/licensee is fit and proper person to hold a dual driver or private hire driver licence. The same test will be used in respect of any existing driver whose criminal convictions or behaviour fall below the council's standards. The test used will be:

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?

This will be determined on the balance of probabilities, and if the Council is of the view that the applicant or licensee does not satisfy this test, a licence will not be granted, or action will be taken against the licence. The applicant or licensee will not be given the benefit of doubt. It is for the applicant or licensee to prove that they are a fit and proper person: not for the council to prove they are not.

Code of Conduct

The council has a Code of Conduct for taxi drivers (see appendix??). All drivers must adhere to this at all times. Failure to do so may lead to action being taken against the driver's licence.

The National Register of Taxi Licence Revocations and Refusals

The council provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or private hire driver licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the council – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or private hire driver licence.

Where a hackney carriage or private hire driver licence is revoked, or an application for one refused, the council will automatically record this decision on NR3.

All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the council will seek further information about the entry on the register from the authority which recorded it. 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.

The information recorded on NR3 itself will be limited to:

Name
Date of birth
Address and contact details
National Insurance number
Driving licence number
Decision taken
Date of decision
Date decision effective

Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of applying for a hackney carriage and private hire driver licence. Further details can be found on the Council's website

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary for the councils statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

Licences and badges

Drivers are issued with 2 badges and an armband. One of the badges must be displayed in the armband which must be worn on the left-hand arm of the driver so it is visible to passengers in the vehicle. The other badge must be displayed within the vehicle so it is visible to passengers. Both the badges and the armband remain the property of the council and must be returned immediately on expiry, suspension or revocation of the licence.

Equality Act 2010

Drivers must comply with the requirements of the Equality Act 2010. These are carrying assistance dogs with their passenger and (in the case of a listed wheelchair accessible vehicle) providing mobility assistance to wheelchair bound passengers. This does not apply to drivers who have been granted an exemption from those requirements by the council.

In addition, all drivers at all times must ensure that they do not discriminate against any person for any reason.

Action against licences

Section 61 of the Local Government Miscellaneous Provisions Act 1976 allow the council to suspend, revoke or refuse to renew a licence if the licensee 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; has been convicted of an immigration offence or had to pay an immigration penalty, or any other reasonable cause.

A suspension or revocation can take immediate effect if that is necessary in the interest of public safety under section 61(2B). This will be clearly detailed in the decision notice.

Appeals

There is a right of appeal to the magistrates court, and further right of appeal to the Crown Court in relation to any refusal to grant or renew a driver's licence, or suspension or revocation of a drivers licence. Full details will be contained in any decision notice.

Policy in relation to Hackney Carriage and Private Hire Vehicle Licences

Single licences

Applications will not be accepted if the vehicle is already licensed by any other licensing authority (council or transport for London).

Character of the Applicant/Proprietor

In addition to the vehicle itself, the Council will take the character of the applicant or existing proprietor into account when determining an application for the grant or

renewal of a hackney carriage or private hire vehicle licence. Applicants for the grant or renewal of a vehicle licence must produce a basic DBS certificate which is not more than 1 month old, and provide details of all convictions (spent and live), cautions, fixed penalty notices, parking fines, Anti Social Behaviour Orders, Community Protection Notices, injunctions, restraining orders and any other matter affecting their character on the application form and statutory declaration. This requirement does not apply if the applicant already holds a drivers licence issued by Wokingham Borough Council.

The council will then use the following test to determine whether the applicant/licensee is a suitable person to hold a vehicle licence:

Without any prejudice, and based on the information before you, would you be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard throughout the period of the licence?

This will be determined on the balance of probabilities, and if the Council is of the view that the applicant or licensee does not satisfy this test, a licence will not be granted, or action will be taken against the licence. The applicant or licensee will not be given the benefit of doubt. It is for the applicant or licensee to prove that they are a suitable person: not for the council to prove they are not.

General

- Wokingham Borough Council will not accept applications in relation to vehicles, which are licensed as a hackney carriage or private hire vehicle with another local authority or Transport for London.
- A valid application for the renewal of a licence, including all the required original documentation, must be made at least 30 days prior to the expiry of the current licence or it will be treated as a new application. A valid application is one which is complete in all respects and can be processed immediately. Photocopies of documents will not be accepted. If the application is not made in time to enable the vehicle test to be undertaken and all relevant processes to be completed before the expiry of the current vehicle licence, there will be a period of time during which the vehicle will be unlicensed and cannot be used as a hackney carriage or private hire vehicle. If the application is not made before the expiry of the current licence, but is made within 5 working days after expiry, the licence will only be renewed in exceptional circumstances. Using a vehicle, as a Private Hire vehicle or Hackney Carriage, when it does not have a valid Private Hire vehicle or Hackney Carriage proprietors licence is a criminal offence.
- Where a licence is found to have been obtained using false or incomplete information enforcement action may be taken.
- It should be noted that once a licence has been granted, that licence

relates to that particular vehicle. The licence and the vehicle must be owned by the same person, and cannot be separated. In this context, “ownership” includes leasing a vehicle from a leasing company, but not from an individual or any former or current licensee. Evidence of such ownership will be required to accompany the application and on every renewal.

- If a licensee wishes to change their vehicle during the currency of the licence, the existing licence must be surrendered and a new application made for the replacement vehicle.
- A licensee can transfer the licence to another person during the currency of the licence, and the council will acknowledge that transfer and register the new licensee. The character of the new licensee will be considered when application is made to renew the licence, and may be considered before that time. If the council is not satisfied that the new licensee is a fit and proper person the licence will not be renewed or, in the case of an earlier review, action will be taken against that licence.

In order for an application to be considered the applicant must submit the following to the licensing authority:

- The completed vehicle licence application form
- Application Fee
- As the vehicle cannot be separated from the licence, the vehicle must be owned or leased by the licensee. Proof of ownership of the vehicle must include:
 - The original of the Vehicle Registration Document (Log Book/V5) certificate of registration for the vehicle (the new keeper’s supplement section of the V5 document will be accepted in the case of vehicles that are not licensed at the time that the application is made, and the vehicle has recently been purchased by the applicant (documentary evidence will be required). Licences will not be renewed unless the full V5 document is made available to the council at the time of application).
 - Receipt for the purchase of the vehicle, or documentary evidence of any leasing arrangement with a vehicle leasing company must also be provided where the applicant does not own the vehicle. Any lease must be from a commercial leasing company, and leasing arrangements from individuals will not be accepted.
- The original insurance or insurance cover note for the vehicle. The document must state that the vehicle is insured for use as a Hackney carriage or as a Private Hire vehicle (as appropriate).
- Confirmation from the Council appointed garages that the vehicle has passed the Council test and vehicle examination requirements
- Current MOT Certificate

Vehicle Type and Design

All vehicles which are the subject of a licence application must have an appropriate 'type approval' which is one of the following:

- European Whole Vehicle Type Approval;
- British National Type Approval;
- Provisional GB Type Approval;
- GB Type Approval or
- Individual Vehicle Approval.

All vehicles which are the subject of a licence application must be manufactured or adapted to carry up to 8 passengers not including the driver; this number includes any passengers who may be seated in wheelchairs if the vehicle is capable of transporting such passengers. Where a vehicle has been altered, adapted or modified ONLY Type Approval Certificates granted after alteration, adaptation or modification will be accepted.

With the exception of vehicles modified to carry wheelchairs, vehicles which have been modified in any way from the manufacturer's standard construction will not be considered suitable for licensing purposes. Exceptions may be made depending upon the nature of the modification.

Any vehicle which resembles a hackney carriage licensed by the council will not be considered for licensing as a private hire vehicle.

Vehicle Standards

No vehicle will be licensed unless it has

- undertaken and passed the Hackney Carriage and Private Hire Vehicle Test, at a Wokingham Borough Council nominated garage.
- provision for every passenger to wear a seat belt. A sign must be displayed inside the vehicle requiring seat belts to be worn.

The council licence 3 different types of vehicle:
Wheelchair Accessible Vehicles (WAV);
those which are not; and
stretched limousines

In respect of all vehicles, there must be a minimum seating capacity for one adult passenger, and vehicles that seek more passengers must provide a width of at least 410 mm per person across any seat which accommodates more than one person.

There must be adequate legroom in front of any passenger seat and adequate headroom above any passenger seat. Adequate means that a 6 foot tall person can sit comfortably.

The council does not maintain a list of acceptable vehicles but

it is recommended that prior to purchasing any vehicle, advice is sought from the Licensing Team.

All licensed vehicles (except for private hire vehicles which are granted a dispensation or exemption from displaying signage (detailed at paragraph?? Below)) must meet the following requirements:

- (i) Light transmitted through the windscreen must be at least 75%
- (ii) All other windows (both front and rear) must allow at least 70% of light to be transmitted.

Where vehicles which are currently licensed have factory tinted/privacy glass fitted and are able to provide documentary evidence that this was fitted at the time of manufacturing has not been replaced since, they will remain licensed until the vehicle reaches the maximum licensable age in accordance with the existing age of vehicle policy.

No aftermarket tinted film can be attached to the windows of any licensed vehicle.

Any vehicles that have been involved in an accident, which have required repair, may have to pass a further inspection at one of our nominated testing stations.

Additional Requirements for Stretch Limousines

The term "stretch limousine" in this policy will be taken to mean any vehicle that has been modified after manufacture with an additional body section.

Where any screen is fitted between the driver and the rear passenger compartment, passengers must be able to communicate with the driver at all times by means of an intercom system or suitable holes in the screen.

The seating in the vehicle must all face either forwards or backwards and a vehicle not be licensed if any sideways facing seats remain.

Insurance

Before a vehicle licence will be issued, evidence of adequate insurance for either Hackney carriage or private hire use (as appropriate) must be produced; this must be in the form of original documents, photocopies will not be accepted.

Age

Vehicles up to five years old from the first date of registration or which have travelled less than 25,000 miles since that date will be subject to an inspection before grant or renewal, and at 6 months after the date of grant or renewal at one of Wokingham Borough Council's nominated testing stations. Where

vehicles are five years or older, from the date of first registration, or which have travelled more than 25,000 miles since that date,, they will be subject to an inspection before grant or renewal and then at 4 monthly intervals for the duration of the licence. If an inspection is not carried out in the month that it is due, the licence will be suspended until such a test has been passed.

All vehicles must meet by the Euro 5 or Euro 6 emissions standards if they are being submitted for grant or renewal of a licence.

This requirement can be waived in respect of specialist vehicles which have been modified or adapted to undertake particular local education authority contracts.

All applications for grant or renewal of vehicle licences must be accompanied by documentary evidence that the vehicle has been regularly serviced and maintained in line with the manufacturer's servicing schedule.

In addition, all vehicles must meet the following minimum standards

Exterior of vehicle

1. The exterior paintwork on the vehicle must not:
 - a) show signs of rusting
 - b) be faded or show signs of mismatched paint repairs
 - c) have 5 or more stone chips greater than 2mm in length in any direction
 - d) have 8 or more stone chips of any size
 - e) have any scratches, cracks or abrasions where the top layer of paint has been removed.
2. The exterior bodywork of the vehicle must not:
 - a) have 2 or more dents greater than 10mm in length in any direction
 - b) have 4 or more dents less than 10mm in length in any direction
 - c) have fittings that are missing, broken or damaged.
3. The vehicle must not have wheels and wheel trims that have significant damage which detracts from the overall excellent condition of the vehicle.
4. The vehicle must be submitted for inspection in a clean state such that an effective inspection is possible. Should the vehicle be submitted in an unclean state then the application shall be refused.
5. The engine compartment must not be in a dirty condition or have evidence of leaks including water, oil or hydraulic fluids.

Interior of vehicle

6. The seating and carpet areas of the vehicle must not show signs of:
 - a) staining
 - b) damp
 - c) fraying or ripping of the material

d) seat covers that are loose or badly fitted.

7. The seats must provide sufficient support for comfortable travel and should not demonstrate excessive compression of the seating area or wear within the support mechanism.
8. Interior panels and fittings within the vehicle must not be damaged nor show excessive wear, or staining.
9. The interior of the vehicle must not have damp or other obnoxious smells.

The emissions limits detailed in paragraphs?? above do not apply to stretch limousines, vintage cars or novelty vehicles (for example a fire engine), which have been adapted to become Private Hire or Hackney Carriage Vehicles.

Advertising

Advertising on the outside of any licensed vehicle is restricted to the name and telephone number of the owner or operator of the Hackney Carriage/Private Hire Vehicle, , such advertisements must not exceed 50 cm x 25 cm and can only be affixed to the front and rear passenger doors, the boot, and the bonnet. Applications for departures from this limitation can be made in writing to Wokingham Borough Council:

‘In addition, wheelchair accessible Hackney carriages and private hire vehicles may carry all over “wrap” type advertising subject to the prior written approval of Wokingham Borough Council and in line with the specified advertising criteria be agreed’.

Any advertisements on any vehicles must be legal and comply with the advertising standards agency code of practice.

Temporary Replacement Vehicles

If a licensed Hackney carriage or private vehicle has been involved in an accident or is otherwise incapacitated, an application can be made for a replacement vehicle to be licensed on a temporary basis. The existing vehicle licence will be suspended and the replacement vehicle will be granted the same licence number. The temporary period will be determined by the council when the application is made and will be based upon the estimated time for the repair of the original vehicle. No temporary licence will be granted for a period exceeding 3 months. Any replacement vehicle must meet the council's specification for Hackney carriage or private hire vehicle, and where the original vehicle was wheelchair accessible, the replacement must meet the same specification.

Disabled Access

Vehicle Standards

All Hackney Carriage Vehicles must be wheelchair accessible in accordance with

the following specification. Wheelchair accessible Private Hire Vehicles must also comply with the following specification in addition to those detailed above;

1. Approved anchorages must be provided for wheelchair tie downs and the wheelchair passenger restraint. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
2. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75cm. The minimum angle of a hinged door when opened must be 90 degrees.
3. The clear height of the doorway must be not less than 1.2 metres.
4. Grab handles must be placed at door entrances to assist the elderly and disabled. All grab handles must be in a contrasting colour.
5. The top of the tread for any entrance should normally be at floor level of the passenger compartment and comply with the following requirements:
 - a) be not more than 380 mm from the ground, (measured at the centre of the tread width);
 - b) the surface shall be covered in a slip-resistant material;
 - c) have a band of colour across the entire width of the edge which shall contrast with the remainder of the tread and floor covering.

Should any entrance be more than 380 mm from the ground, an external interim step must be made available when the associated passenger door is opened and comply with the following requirements-

- a) not be more than 380 mm in height from the ground, (measured at the centre of the step width);
- b) not be less than 250 mm deep;
- c) the surface shall be covered in a slip-resistant material;
- d) have a band of colour across its leading edge which shall contrast with the remainder of the step and floor covering;
- e) not be capable of operation whilst the vehicle is in motion;
- f) if automatic or powered, be fitted with a safety device which stops the motion of the step if the step is subject to a reactive force not exceeding 150N in any direction and if that motion could cause injury to the passenger;

- g) can fold or retract so that it does not project beyond the side face of the vehicle and the vehicle is not capable of being driven away unless the step is so folded or retracted.
6. The vertical distance between the highest part of the floor and the roof in the passenger compartment must not be less than 1.3 metres.
 7. Where seats are placed facing each other, there must be a minimum space of 42.5cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level.
 8. Where all seats are placed facing to the front of the vehicle, there must be clear space of at least 66cm in front of every part of each seat squab, measured along a horizontal plane at the centre of the cushion.
 9. A ramp for the loading of a wheelchair and occupant must be available at all times for use, as a minimum, at the nearside passenger door on all new vehicles presented for licensing. The ramp must have a safety lip, be 70cm wide, as a minimum, and comprise a single non-slip surface. It is desirable for this facility to be available at the offside passenger door also. An adequate locking device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed safely when not in use.

Vehicle Type Approval

All vehicles that are designed to accommodate wheelchair users must have all modifications and adaptations, including all seats, seat belts and anchorages, retested to meet either the European Whole Vehicle Type Approval or the UK Low Volume Type Approval in the M1 category (evidence of this must be produced). Those vehicles which have not been “type approved” to the M1 category (e.g. conversions) must be presented with approved certification that the specific vehicle meets the requirements of that category. Vehicles may be inspected for suitability by an officer. It is recommended that prior to purchasing any new vehicle, advice be sought from the Licensing Team.

Access for wheelchair users to Taxis and Private Hire Vehicles

See Guidance at: <https://www.gov.uk/government/publications/access-for-wheelchair-users-to-taxis-and-private-hire-vehicles>

Roof Signs

No roof sign can be fitted to, attached, displayed or used on any private hire vehicle.

A single roof sign must be fitted to each hackney carriage and meet the following conditions and specification. The roof sign must be connected to the taximeter to allow it to be automatically controlled. The roof sign must be lit when the taximeter is not active and not lit when the taximeter is in use.

Roof signs must be kept clean and in good repair and at all times be securely

mounted on the vehicle roof, with the main face showing the Council logo facing forward. The sign is to be positioned forward of the pillar between the front and rear doors (the B post), wherever possible. Vehicles with glass or fibreglass roofs or similar must attach the sign at the foremost point on the roof, where suitable magnetic adhesion is possible.

The proprietor must provide a roof sign to the following specification (unless the vehicle is a London Cab or other similar vehicle which was manufactured as a taxi and produced with a built in sign):

The roof sign must have dimensions of: 60.5 centimetres long, 17.5 centimetres wide at the middle point, 11 centimetres high at the rear middle point and 3 centimetres high at the front middle point. These dimensions do not include any raised lip or edging. Reference should also be made to any illustrative art work, or model signs, which can be provided by Wokingham Borough Council if required.

The roof sign must be white in background colour. When lit, the sign must show red to the rear but not red to the front and sides.

The front face of the roof sign must show the words **"TAXI LICENSED BY"** followed by the Wokingham Borough Council Corporate Logo. The licence number must be shown, within a circle, on both sides of this wording. TAXI must be in capitals, in Arial font and approximately 65mm in height. The circles must be approximately 135mm in diameter and have the number cut out, 45mm high in Ariel font. The rear side of the sign must show a wheelchair logo in white on a blue background. The wheelchair logo must be in reflex blue. The logo must be 100mm square. The words and the circles must be in the green colour code is 125/173/131.

Vehicles with raised roofs which are licensed as wheelchair accessible taxis must have a roof sign of the same dimensions and design.

The rear face of the roof sign on all vehicles must show the licence number (once only) to the same specifications as on the front. The number may be positioned anywhere on the rear face at the discretion of the licensee. The licensee may use the remaining space for a name and/or a telephone number which can include the word "TAXI",. This text does not have to be green, (although the number does). All inappropriate or unauthorised signage will be required to be removed.

It may be necessary for some wheelchair accessible taxis to display the sign on the front bulkhead of the vehicle due to height restrictions. Other than this variation, there can be no other variations from the specification.

In the event of the Council's Licensing Officers not being satisfied that a roof sign meets the specification, the conditions of the vehicle licence will have been breached and the proprietor requested to remedy the defect. The licence holder of the vehicle may then be subject to a penalty

within any point's scheme should one be in existence at the time and if not suitably rectified may have the sanction of law imposed.

Vehicles which are purchased as custom constructed taxis that have a sign provided by the manufacturer, which is not a sign fitted into the fabric of the vehicle, must comply with the above specification.

Roof racks

If required to carry additional luggage, a roof rack or roof box can be used. It must be securely fitted to the roof in accordance with the manufacturers instructions. All luggage must be properly secured and in the case of a roof rack a waterproof cover must be fitted. Any roof box must be correctly closed before moving off.

In the case of a Hackney carriage, a second roof sign must be fitted to enable the roof signs to be seen. The additional signs must be correctly fitted to the front and rear of the roof rack (or roof box).

Trailers cannot be used with any licensed

Novelty Vehicles

The Council will consider applications for private hire vehicle licences for "novelty vehicles". These are vehicles other than regular saloon, estate, people carrier or SUV (sport utility vehicles) and may include vintage or classic cars, fire engines, military vehicles, but this is not an exhaustive list.

Any such vehicle must have passenger seats and seat belts for each seat unless these were not fitted at the time of manufacture.

All other requirements will apply, and the vehicles will be subject to 6 monthly tests.

Dispensation/Exemption Certificates

There are 2 different circumstances in which the council will consider granting an exemption from the requirement for a private hire vehicle to display the plates and additional signage (which will also remove the need for the driver to be wearing their badge). If an exemption certificate is granted, the vehicle cannot be used for regular private hire work: it can only be used under these specified contracts.

Vehicles that are used exclusively to transport passengers under a contract entered into with a local education authority may be granted an exemption. This is in recognition of the fact that so far as is possible, children who are transported by such vehicles should not be identified or stigmatised. An operator will need to demonstrate the existence of one or more contracts with education authorities or other educational establishments, and where the operator does not own the vehicle, will also have to demonstrate a contract with the vehicle owner. All such contracts must specify which vehicles will be used to discharge those contracts.

Executive hire. This term is used in relation to vehicles that are used exclusively for contracts made between an operator and other businesses (excluding subcontracting private hire bookings). This type of activity includes chauffeur services. An operator will need to demonstrate the existence of one or more contracts with identified businesses. To qualify for the exemption, any such contract must be for a minimum period of 3 months. The operator can hold more than one contract, but where that is the case the operator must explain how those contracts will be serviced with the specified vehicle., and where the operator does not own the vehicle, will also have to demonstrate a contract with the vehicle owner. All such contracts must specify which vehicles will be used to discharge those contracts. It is not possible to specify the makes and models of vehicle that will be considered for an executive hire exemption, but in general they must be luxury vehicles that provide significant amounts of space and comfort for passengers. Examples would include vehicles made by Rolls-Royce, Bentley, and vehicles of a similar nature to Mercedes S class, BMW 7 series, Jaguar XF, Range Rover.

An application for an exemption in either category must be made in writing on the form provided by the council. There is no right of appeal against a refusal to grant an exemption certificate.

If an exemption certificate is granted, a notice will be issued by the council which must be carried in the glove compartment of the vehicle at all times. In addition, the vehicle plate must be fixed inside the boot lid/tailgate in such a way that it can be examined by an authorised officer of the council or a police officer.

The identification cards provided by Wokingham Borough Council, must be displayed in the front and rear windscreen of the vehicle.

Any exemption certificate that is issued will only last for the duration of the vehicle licence and a further exemption certificate will be required when the licence is renewed. Wokingham Borough Council must be issued with records relating to the contracted work undertaken by that particular vehicle when a renewal application is submitted

Policy in relation to Private Hire Operator Licences

General

A valid application for the renewal of a licence, including all the required original documentation, must be made at least 30 days prior to the expiry of the current licence or it will be treated as a new application. A valid application is one which is complete in all respects and can be processed immediately. Photocopies of documents will not be accepted. If the application is not made in time to enable all the relevant processes to be completed before the expiry of the current operator's licence, there will be a period of time during which the operator will be unlicensed and cannot make a provision for the invitation of bookings for private hire vehicle. If the application is not made before the expiry of the current licence, but is made within 5 working days after the expiry, the licence will only be renewed in exceptional circumstances.

Operating Private Hire Drivers and Vehicles without a valid licence is a criminal offence.

Where a licence is found to have been obtained using false or incomplete information enforcement action may be taken.

Operator's Base

An operator's licence relates to one or more addresses (bases) within the Wokingham Borough Council area. Every address that is being used must be detailed on the licence, and if a licence does not relate to the address or addresses being used, that licence is void. Continued use of that licence will be a criminal offence.

An operator who has more than one operating office or base within Wokingham Borough does not require a separate licence for each premises, but must submit a list to Wokingham Borough Council containing all the addresses from which they run their business. An updated list must be sent to the council whenever any of those addresses changes.

Planning permission or a Certificate of Lawful Use for the use or change of use of premises, whether home or commercial is not required before an application can be made for an operator's licence. However it may be unlawful to use those premises as an operator's base and advice, should be sought from Wokingham Borough Council's Development Control Services if required

Anyone who is making a provision for the invitation of bookings (evidenced by a private hire office or base) in more than one local authority area will be required to hold an operator's licence with the local authority in each of those areas.

Fitness and Propriety

Before Wokingham Borough Council will grant or renew an operator licence, the applicant or licence holder must satisfy the following requirements.

Identity

To prove their identity, all applicants must provide an authenticated form of photographic identification (for example photographic driving licence or national identification card).

Applicants from outside the UK must provide:

- a passport with a valid stamp from the Home Office to say that they have leave to remain in the Country indefinitely or
- a passport with a valid UK visa, which allows the holder to work as a Private Hire Operator (student visas will not be accepted) and which has at least six calendar months remaining at the time of application.

A licence will only be granted until the expiry of the visa and will only be renewed or extended with the production of the passport and another valid visa issued by the Home Office. Wokingham Borough Council reserves the right to verify, at any time, a Licence Holder's entitlement to remain in the UK. We will not accept letters issued by the Home Office when a visa application is pending.

To comply with the Immigration Act 2016, the Council is required to check eligibility to live and work in the UK for all applicants for driver and operator licences. Applicants will be required to provide evidence of this on request. Examples of acceptable documentation include a British passport, EC passport with the right to stay and work in the UK, permanent residence permit, work permit with a passport with correct authorisations, a UK birth certificate together with an official document giving the NI number such as a P45 or P60, or a biometric immigration document indicating a right to stay indefinitely in the UK or a right to do the work in question.

For applicants with a limited time to remain in the UK, the licence will only be granted for the period of permission to remain, and may only be granted for a shorter period. The licence may be extended should the applicant's right to remain in the UK be made permanent.

If an applicant has extended leave to remain (pending a decision) the licence cannot be granted for more than six months, and again may only be granted for a shorter period. The licence may be extended should the applicant's right to remain in the UK be made permanent.

If a licence holder loses the right to remain in the UK during the currency of a licence, the licence ceases to have effect and the licence (and badge for drivers) must be returned within 7 days.

Disclosure & Barring Service Checks

An applicant must provide a basic DBS check which is no more than 1 calendar month old at the time of application. In addition, the council will require an applicant to complete an application form/statutory declaration

listing all criminal convictions (including spent convictions, and other noncriminal matters) to enable the council to consider the applicant's fitness and propriety.

Licensees must provide a basic DBS which is not more than 30 days old on or before each anniversary of the grant of the licence. Failure to do so will lead to the licence being suspended.

Where an application is made by a partnership, limited liability partnership or limited company, the same requirements apply to all partners, directors and secretary (if any).

This requirement will not apply to any applicant who already holds a drivers licence with this council

Where a licence is held by a partnership, limited liability partnership or limited company, the council must be notified within one week of any change of partners, directors or secretary. In those circumstances a basic DBS not more than one calendar month old must be provided with that notification.

Operators must maintain and apply a previous convictions policy in the same terms as the one contained within this policy for all staff that they use. This includes employees, workers and independent contractors. The operator must not engage the services of any person whose previous convictions or other matters lie outside that policy without the written authorisation of the council.

All applicants

Certificate of Good Conduct

As DBS checks do not cover convictions in countries outside the United Kingdom, any applicant who has lived abroad for any period of more than 6 months from the age of 18 must also provide a Certificate of Good Conduct from the appropriate Embassy or High Commission and it must be in English. The council may undertake checks to ensure the authenticity of any such documentation. If this cannot be provided then the application will be refused.

NB - Nothing in this policy shall preclude a licence holder from being required to undergo a further DBS check at anytime as directed by an authorised officer of Wokingham Borough Council.

Previous Convictions

In relation to the consideration of previous convictions and cautions recorded against applicants and licence holders, Wokingham Borough Council has adopted the policy set out in Appendix One. Applicants who would like to discuss what effect a conviction or caution might have on their application, can contact the Taxi Licensing Service at ??

Test of fitness and propriety

Once a valid application has been made, the Council will make a decision as to whether or not the applicant/licensee is fit and proper person to hold a private hire operator's licence. The same test will be used in respect of any existing driver whose criminal convictions or behaviour fall below the council's

standards. The test used will be:

Without any prejudice, and based on the information before you, would you be comfortable providing sensitive information such as holiday plans, movements of your family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?"

This will be determined on the balance of probabilities, and if the Council is of the view that the applicant or licensee does not satisfy this test, a licence will not be granted, or action will be taken against the licence. The applicant or licensee will not be given the benefit of doubt. It is for the applicant or licensee to prove that they are a fit and proper person: not for the council to prove they are not.

Drivers and Vehicles

The operator must ensure that any private hire driver or private hire vehicle operated, employed or used by them holds a current private hire driver or vehicle licence issued by Wokingham Borough Council. The operator must hold the licence for the duration of the time that the driver or vehicle is being operated by that operator.

Enforcement and Appeals

General

This policy will be considered in conjunction with the Council Enforcement Policy.

Wokingham Borough The council will ensure that all licence holders' comply with the law and conditions attached to their licences.

Enforcement Options

Wokingham Borough Council aims to maintain a consistent approach when making all decisions in relation to Hackney Carriage and Private Hire licensing. In order to maintain a consistent approach, this policy is always considered, in addition to the Council's Enforcement Policy, and followed where appropriate. In reaching any decision Wokingham Borough Council will also have regard to the following:

- the seriousness of any offences
- the licence holder's past history
- the consequences of non-compliance
- likely effectiveness of the various enforcement options
- danger to the public

Once Wokingham Borough Council has considered all the evidence and relevant information, the following options will be considered:

- Take no action
- Impose penalty points on the licence (see Appendix Two)
- Suspend the licence
- Revoke the licence
- Prosecute

Appeals

If a licence application or renewal is refused or enforcement action is taken, the applicant or licence holder will be informed in writing. That notification will detail the rights of appeal and the appropriate court in which an appeal should be brought.

Appendix One – Adopted 1 October 2019

Hackney Carriage and Private Hire Licensing Criminal Convictions Policy

Introduction

1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire vehicle driver's licence or a private hire vehicle operator's licence.

2. General policy

2.1 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)].

3. Powers

3.1 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 excludes applicants or holders of a private hire vehicle or hackney carriage driver's licence from the provisions of the Rehabilitation of Offenders Act 1974. This means that the council can Council take account all convictions, whether spent or not. Therefore the Council will have regard to all relevant convictions. As detailed below, this will be, particularly important where there is a long history of offending or a recent pattern of repeat offending.

3.2 In this policy 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.

4. Consideration of disclosed criminal history

Applicants can discuss what effect their offending history may have on any application by contacting the licensing team in confidence for advice.

Applicants for the grant of a driver licence will be required to obtain an enhanced disclosure from the Disclosure and Barring Service (DBS). This must include a check of the adult and child barred lists. Drivers will then be required to sign up to the DBS update service. If a driver refuses to sign up to the update service, a driver's licence will only be granted for 6 months and a fresh application (together with fees etc) will have to be made. All applicants for a renewal of a driver's licence must provide an enhanced DBS with a check of the adult and child barred lists.

Applicants for the grant of hackney carriage or private hire vehicle licence, where that person is not the holder of a current driver licence issued by the

Council, must provide a basic DBS certificate to accompany every application and renewal of the vehicle licence..

Applicants for the grant of an operator licence, where that person is not the holder of a current driver licence issued by the Council, must provide a basic DBS certificate annually throughout the currency of the licence.

The Council 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 Council or other licensing authorities, and information disclosed by the police.

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. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the application will normally be refused, and if the licence has been granted it will normally be revoked.

DRAFT

The sole purpose of Hackney carriage and private hire licensing is to protect the public. That is the only consideration the council can take into account when determining application for a licence, whether to take action against an existing licence (suspend, revoke or refuse to renew).

Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.

The purpose of this this policy is to lay down guidelines as to what Wokingham Borough Council regard as unacceptable previous conduct on the part of an applicant or licensee. This will then assist the council in determining whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence.

Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).

There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor’s licence.

“Fit and proper” means that the individual (or in the case of a private hire operator’s licence or vehicle proprietors licence, the limited company together with its directors and secretary, or all members of a partnership¹) is “safe and suitable” to hold the licence.

In determining safety and suitability the Council is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of

¹ Section 57(1) and 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.

unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual's attitude and temperament.

Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction². Fixed penalties and community resolutions will also be considered in the same way as a conviction³.

It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the Council. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.

In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the Council to decide what action to take in the light of these guidelines.

In all cases, the Council will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.

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.

As the council will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.

² This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.

³ This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.

In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The council has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.

Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.

As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.

Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The Council is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.

Where an applicant/licensee is convicted of an offence which is not detailed in this policy, the Council will take that conviction into account and use this policy as an indication of the approach that should be taken.

This policy does not replace the duty of the council to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by this policy, the council will consider the matter from first principles and determine the fitness and propriety of the individual.

Drivers

As the Council issues dual licences (permitting the licensee to drive either a hackney carriage or private hire vehicle, referred to as a taxi driver's licence) and the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.

A taxi driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.

In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence

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

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Sex and indecency offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.

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

Dishonesty

Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Motoring convictions

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

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

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

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

Other motoring offences

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

A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Hackney carriage and private hire offences

Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Vehicle use offences

Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Private Hire Operators

A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.

As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.

Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the Council’s overall criteria, that will lead to the operator’s licence being revoked.

As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

Vehicle proprietors

Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.

Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.

Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

Licences issued by other licensing authorities

Applicants who hold a licence with another Council should not automatically assume that their application will be granted by this council. 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.

Summary

To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime may not bar an applicant permanently from becoming licensed. However as public safety is the sole consideration, applicants with criminal convictions must recognise that the council will give careful and serious consideration to any such application. In truly exceptional circumstances there may be occasions when an application can be allowed before the stated period free from conviction has elapsed.

it is the view of the council that any person who has criminal convictions and therefore has to wait before an application is successful is more likely to value their licence and act accordingly.

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Appendix Two

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Penalty Points Scheme

1. **List of Offences/Breach of Vehicle Licence Conditions/Byelaws**
2. **List of Offences/Breach of Driver Licence Code of Conduct**
3. **List of Offences/Breach of Operator Licence Conditions**
4. **Council Byelaws relating to Hackney Carriages**

1. *Penalty Points Scheme*

1. Hackney Carriage and Private Hire Operators, Drivers and Vehicles are principally governed by the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976, Council Byelaws (in respect of Hackney carriages) and the Policy and Conditions set by the Council.

2. The primary objective of the Penalty points scheme is improve the levels of compliance and help improve the standards, safety and protection of the travelling public.

3. The penalty points scheme works 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 licensees behaviour and conduct so as to ascertain whether they remain a safe and suitable person to be a vehicle driver or operator and/or suitable to hold a vehicle licence. It does not prejudice the Council's ability to take other actions.

4. The Scheme will be used where Operators, Drivers or Proprietors of Vehicles fail to comply with any legislative requirement, commit a criminal offence (under legislation or byelaws) or breach those conditions of licence, and following complaints from the public.

5. Licensees involved will be asked to attend the offices for an interview. Once investigations are completed, letters will be sent out detailing the outcome and a permanent record will be kept on the persons file. The outcome of investigations may result in officers determining that: no further action be taken; penalty points be imposed; a formal warning be issued, the licensee be referred to the Regulatory Committee/Officers and/or prosecution.

6. If a licensee wishes to challenge the imposition of penalty points, an appeal will be referred to a senior officer. At that hearing the points (and this includes imposing more points than displayed on the tariff), suspend or revoke the licence, or recommend prosecution. Drivers must appeal any points issued by Officers to the senior officer within 21 days. Details of the appeal mechanism will be contained in the letter

confirming the imposition of points.

7. Penalty points remain live or current for twelve months from the date the penalty points were imposed. If the decision was appealed to the regulatory committee/senior officer, and the committee/senior officer uphold an imposition of points, those points will remain live for 12 months from the date of the committee/senior officer decision. The 12 month 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.

8. Where a licensee accumulates more than 12 penalty points in any 12 month period, the matter will be referred to the Council's Regulatory Committee/senior officer for the Committee/officer to decide whether the driver remains a fit and proper person. The Regulatory Committee/senior officer may then suspend or revoke a licence, or issue a warning to the Licensee, depending upon the circumstances. Periods of suspension of a licence by a Committee/senior officer will be dependant on the nature of the breaches of the legislation/conditions/behaviour and the compliance history of the individual. Suspension periods will normally vary between 7 to 31 days.

9. 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 conditions.

10. If points are issued to a proprietor/driver for a matter which is also a criminal offence which the council could prosecute for, e.g., not wearing a drivers badge, failure to maintain operators records, those person(s) will not then be the subject of a prosecution by the Council.

2. *List of Offences/Breach of Vehicle Licence Conditions/Byelaws*

<u>Condition number</u>	<u>Offence</u>	<i>Code</i>	<i>Points</i>
1.7	Failure to supply interim MOT test when vehicle is over six/twelve years of age	V1	4
5.3	Failure to have or maintain illuminated markings at entrances and exits	V2	2
6.5	Failure to have/maintain grab handles	V3	2
6.8	Failure to have a means of loading wheelchairs into the vehicle, available at all times.	V4	2

6.9	Failure to supply a current mechanical tail lift safety certificate to the Licensing Authority	V5	4
6.10	Failure to keep a wheelchair access vehicle available without modification at all times	V6	2
7.2	Failure to provide an annual LPG safety compliance Certificate	V7	4
8.1	Failure to maintain seat belts in a safe condition	V8	4
9.1	Undertaking alterations to equipment, dimensions or other specification to a licensed vehicle without consent	V9	4
10.1 (a)	Failure to display approved roof sign	V10	2
10.1	Failure to maintain roof sign in working order	V11	2
10.1 (b)	Failure to display roof sign on the front part of the roof, unless the vehicle type does not facilitate this, in which case it must be as near to the front as possible.	V12	2
10.1 (c)	Failure to display front door signs.	V13	4
10.1 (c)	Displaying incorrect signs i.e., wrong wording or magnetic	V14	4
10.1.(d)	Displaying other sign on front door	V15	4
10.1 (e)	Private hire vehicles advertising incorrectly	V16	4
10.1 (f)	Display sign that does not comply	V17	4
10.1 (g)	Display web site address large lettering than permitted	V18	4
10.2	Failure to display three or more "no smoking" signs in the vehicle	V19	4
10.3	Private hire displaying the word taxi	V20	4
11.1	Incorrectly displaying licence plate	V21	4
11.2	Failure to return plate on expiry of licence if requested to do so by Licensing Staff	V22	4
11.3	Failure to report loss or damage of a vehicle plate, following discovery of loss or damage.	V23	2
11.4	Failure to surrender vehicle licence and plate if proprietor does not wish to retain vehicle licence	V24	2
12.1	Advertising on vehicle without written authorisation from the Licensing Authority	V25	4
13.1	Failure to submit taximeter for testing when requested to do so by Licensing Authority	V26	2

13.2	Tampering or allowing an unauthorised person to tamper with taximeter	V27	4
13.3	Failure to display a statement of fares inside the HC	V28	2
13.4	Wilfully or neglectfully causing letters or figures in the statement to be obscured	V29	2
13.5	Failure to deposit copy of statement of fares which differ from the approved fares	V30	2
14.1 + 15.1	Failure to notify Licensing of accidents or damage affecting the safety, performance or appearance of the vehicle	V31	2
15.2	Failure to supply steering geometry and alignment reports following an accident if required	V32	2
15.5 + 15.6	Failure to get authorisation for a temporary transfer vehicle or leaving the vehicle on for more than two weeks	V33	2
17.1	Failure to have insurance for the licensed vehicle	V34	12
17.2	Failure to provide evidence of insurance prior to expiry	V35	6
17.3	Failure to keep copy of insurance/cover note in the vehicle	V36	2
17.4	Failure to notify Licensing Authority of change of insurer or particulars within 2 working days.	V37	2
18.1	Failure to produce details to the Licensing Authority of drivers permitted to drive	V38	2
18.2	Failure to notify change of drivers	V39	2
18.3	Failure to notify Licensing Authority of change of address or other contact details	V40	2
19.1	Failure to carry a suitably marked approved fire extinguisher within the vehicle	V41	2
19.2	Failure to carry marked first aid equipment as specified in conditions	V42	2
20.1	Failure to obtain written permission to use trailers on Licensed vehicles	V43	12
20.2	Failure to present vehicle and trailer for inspection	V44	4
20.2 xiv	Using a dual driver without the appropriate DVLA category code to tow a trailer	V45	6

22.1	Failure to maintain radio equipment in safe condition which poses a risk of injury to passengers	V46	2
23.1	Proprietor/Operator allowing a greater number of persons to be conveyed than is specified on the licence	V47	2
23.2	Failure to maintain a reasonable standard of behaviour	V48	2
23.3	Failure to provide information requested by an authorised officer	V49	4
23.4	Failure to provide assistance to an authorised officer	V50	4
23.6	Failure to provide evidence of insurance or interim MOT/compliance test prior to expiry (1 st instance)	V51	6
23.6	Failure to provide evidence of insurance or interim MOT/compliance test prior to expiry (2 nd instance)	V52	12
23.7	Failure to show evidence of continuous MOT, interim MOT or insurance.	V53	12
24.1	Using CCTV equipment not in accordance with the provisions of the conditions and the data protection act	V54	4
24.2	Fail to have 3 CCTV signs	V55	2
24.3	Fail to check CCTV weekly	V56	2
24.4	Disconnecting CCTV system	V57	4
24.5	Obstructing CCTV Camera	V58	2
25.4	Providing alcoholic drinks not in accordance with the sale or supply of alcohol legislation	V59	12

3. Breaches of Dual Driver Licence Code of Conduct

<u>Condition number</u>	<u>Offence</u>	<u>Code</u>	<u>Points</u>
1.2	Driver not clean and respectable in their dress	D1	2
1.2	Driver not complying with the Dual Drivers Dress Code	D2	2
1.2	Driver not behaving in a civil and orderly manner	D3	3
1.3	Driver allowing noise from radio or other similar equipment to be a source of nuisance or annoyance to any person inside or outside the vehicle	D4	2
1.4	Driver smoking/vaping/similar whilst in the vehicle	D5	4

1.5	PH drivers parking in a position or location which gives the appearance of being for hire, whilst not on a prebooking	D6	3
1.6	Driver of P/H vehicle plying for hire	D7	4
1.7	Driver calling out or influencing person to travel in the vehicle for gain without a prior appointment	D8	3

2.1	Fail to have in possession drivers badge whilst driving a licensed vehicle	D9	2
2.2	Not displaying second badge in the vehicle which is visible to passengers being conveyed in the vehicle	D10	2
2.3	Failure to surrender drivers badge to the Licensing Authority upon expiry, revocation or suspension of their licence when requested by Licensing Staff	D11	2
2.6	Failure to supply annual self-declaration and fee (1 st Occasion)	D12	6
2.6	Failure to supply annual self-declaration and fee (2 nd occasion)	D13	12
3.1	Failure to carry evidence of insurance cover, this can be a cover note, in the vehicle whilst on duty	D14	2
3.2	Failure of driver to check vehicle proprietor has insurance on the vehicle	D15	2
4.1	Driver carrying greater number of persons than the number specified on the licence	D16	12
4.2	Carrying other persons in the vehicle without the consent of the hirer	D17	2
4.3	Carry a member of family/friend in a licensed vehicle when it is for hire/hired	D18	2
4.4 a)	Failing to carry or ensure safety of passenger luggage	D19	4
4.4 b)	Failing to offer reasonable assistance with luggage	D20	2
4.4 c)	Failing to take steps to ensure passenger safety	D21	6
4.4 d)	Failing to ensure passengers are dropped off safely, at the correct destination	D22	2
5.1	Fail to search vehicle after journey	D23	2
5.2	Fail to hand found property to the police	D24	2

6.1	Fail to operate taxi meter correctly	D25	4
6.2	Fail to use taximeter on pre booked journey or fail to charge fee less than meter fee	D26	2
6.4	Charging more than the metered fare	D27	4
6.6	Tampering or allowing tampering of a taximeter	D28	4
6.7	Cancelling the fare or concealing the fare on meter before the hirer has agreed the fare	D29	2

6.8	Demanding more than the previously agreed fare	D30	4
6.9	Demanding more than the fare shown on the taxi meter or scale of charges on the tariff sheet	D31	4
6.10	Starting the fare before the hirer enters the vehicle unless specified in the tariff sheet	D32	4
7.1	Failure to notify proprietor of complaints made by the passengers	D33	2
7.2	Failure to notify passengers of their right to refer their complaint to the Licensing Authority	D34	2
8.1	Failure to attend at appointed time or place without sufficient cause	D35	2
8.2	Unnecessarily prolonging journey in distance or time	D36	4
9.1	Failure to provide copy of dual drivers licence to operator	D37	2
9.2	Failure to ensure insurance cover for them to drive vehicle	D38	4
9.3	Failure to ensure vehicle is licensed by Licensing Authority for the purpose used	D39	2
10.1	Failure to notify Licensing Authority of change of address/telephone number within 7 days	D40	4
10.2	Failure to notify Licensing Authority of motoring offences over 3 penalty points or criminal convictions during the period of licence	D41	12
10.2	Failure to notify Licensing Authority of motoring convictions up to 3 penalty points during the period of licence	D42	6

10.3	Failure to notify Licensing Authority of involvement in incidents which the Police are involved and may lead to a caution/conviction	D43	12
10.4	Failure to notify Licensing Authority in writing within 7 days of serious injury or illness	D44	12
10.5	Failure to notify the Licensing Authority of a DVLA notifiable condition	D45	12
11.2	Failure to carry assistance dog without exemption	D46	4
11.2	Making additional charge for carrying assistance dog	D47	4
11.3	Failure to apply for or provide an exemption certificate on medical grounds for not being medically fit to carry an	D48	4
	assistance dog		
12.1	Not using mobile phone in accordance with The Road Vehicle (construction and use) (Amendment) (No.4) Regulation 2003	D49	2
13.2	Failure to keep vehicle reasonably clean	D50	2
13.3	Failure to notify Licensing Authority of vehicle damage within 72 hours or present vehicle if requested to do so	D51	4
13.4	Failure to provide a written receipt for the fare paid if requested to do so by the passenger	D52	2
13.5	Failure to co-operate with any authorised officer of the Licensing Authority, Constable or any other clearly identifiable person nominated by the Licensing Authority	D53	4
14.1	Failure to keep a record of bookings in the Private Hire Vehicle. This can be computerised/electronic or written	D54	2
15.1	Failure to comply the regulations governing the wearing of seat belts	D55	4

4. Breaches of Operator Licence Conditions - Private Hire

<u>Condition number</u>	<u>Offence</u>	<u>Code</u>	<u>Points</u>
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1.3	Operating more vehicles than stated on licence	O1	2
2.1	Failure to obtain and maintain insurance on vehicle	O2	12
2.1	Failure to produce evidence of insurance cover to the Licensing Authority	O3	6
2.2	Fail to provide valid insurance on expiry for any premises where the public have access	O4	6
2.3	Failure to notify the Licensing Authority of change of insurer within 2 days	O5	2
2.4	Fail to provide evidence of public liability insurance for premises	O6	2
3.1	Failure to operate the business in a manner which does not cause nuisance to the public or to persons in nearby premises	O7	2
3.2	Failure to provide a prompt, efficient or reliable service	O8	2

3.3	Failure to attend a booking at appointed time or place without sufficient cause	O9	2
3.4	Knowingly allowing a greater number of persons in the licensed vehicle than is prescribed on the licence	O10	12
3.5	Fail to have necessary documents and equipment	O11	2
4.1	Operating the business from a premises outside the District	O12	12
4.2	Failure to keep booking or waiting areas which the public have access, clean, adequately heated, ventilated and lit	O13	2
4.3	Failure to provide seating facilities in waiting areas	O14	2
5.1	Failure to have in place planning permission if required at operators address	O15	2
5.2	Failure to comply with planning permission or licence conditions for number of vehicles permitted	O15	2
6.1	Failure to supply written confirmation within seven days of changes to the particulars shown on the application form relating to the licence	O16	4

6.2	Fail to notify Licensing Authority of change of address	O17	2
7.1	Failure to notify the Licensing Authority within seven days of any convictions imposed on them, during the period of the licence	O18	6
8.1	Failure to keep proper records for a period of not less than six months	O19	3
8.2	Failure to keep proper records	O20	2
8.3	Fail to keep entries correctly	O21	2
8.4	Fail to notify details of security arrangements	O22	2
8.5	Fail to keep records of private hire vehicles operated	O23	2
8.6	Displaying the word Taxi or Cab on a private hire vehicle	O24	2
8.7	Failure to keep records of all drivers employed or failure to produce details of the drivers	O25	2
8.8	Failure to notify Licensing Authority within seven days of the particulars of any driver who is no longer employed by the operator	O26	2
9.1	Failure to maintain telephone or radio equipment in sound condition or failure to repair defects promptly	O27	2
9.2	Failure to have or produce evidence of a Licence issued by the Department of Trade and Industry licence for all radio equipment	O28	2
10.1	Using unlicensed drivers to drive a Licensing Authority licensed vehicle	O29	12
11.1	Failure to keep a written record of all complaints or failure to make available to the Licensing Authority	O30	2
12.1	Late to provide evidence of insurance or interim MOT (1 st Occasion)	O31	6
12.1	Late to provide evidence of insurance or interim MOT (2 nd Occasion)	O32	12
13.1	Failure to carry out or provide the required DBS checks on dispatch staff	O33	12

13.2	Failure to record, maintain or provide details of checks on dispatch staff in a register	034	12
13.3	Failure to make appropriate checks of any operator for which work is outsourced	035	12
13.4	Failure to establish, maintain or provide a policy on employing ex-offenders to the licensing authority	036	12
13.5	Failure to require notification of convictions as part of the contract of employment	037	12
13.6	Failure to notify licensing authority of any conviction information relating to booking and dispatch staff in accordance with condition	038	12

5. Breaches of Council Byelaws Relating To Hackney Carriages

<u>Byelaw number</u>	<u>Offence</u>	<u>Code</u>	<u>Points</u>
2 (b) (i)	Wilfully or negligently causing licence number to be concealed from public view while the carriage is standing or plying for hire	B1	2
2 (b) (ii)	Causing or permitting the carriage to stand or ply for hire with an illegible plate	B2	2
3	Failure to furnish the hackney carriage in accordance with requirements of the Byelaw	B3	2
4.	Failure to provide a taximeter in accordance with the requirements of the Byelaw	B4	2
5.	Failure to operate taximeter in accordance with requirements of the Byelaw.	B5	2
6.	Driver or proprietor tampering with meter or permitting any unauthorised person to tamper with meter	B6	4
7. (b)	Failure to proceed to another rank when at the time of arrival rank is full	B7	2
7. (c) (d)	Failure to station or move the carriage immediately behind the carriage or carriages in front on the rank	B8	2
8.	A proprietor or driver using the services of a person to importune a person to hire the vehicle	B9	2
10.	Failure by driver to take reasonable precautions to ensure the safety of passengers	B10	4

11.	Driver or proprietor allowing more persons to be conveyed than the licence allows	B11	12
12.	Failure by driver to carry the badge provided by the Licensing Authority when plying for hire	B12	2
13.	Failure to provide when requested reasonable assistance with luggage	B13	2
15.	Failure to display statement of fares inside the carriage in a legible state	B14	2
17.	Failure to notify lost property to the Police within 48 hours of discovery	B15	2

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Taxi Drivers Code of Conduct

This code of conduct relates to you as a licensed taxi driver. It outlines the standards of behaviour which are expected of you whilst you hold a taxi driver's licence. Failure to comply with these requirements may lead to enforcement action being taken. This could be by way of penalty points attached to your taxi drivers licence, suspension, revocation or refusal to renew your licence.

You are a licensed taxi driver for the duration of the licence, and at all times you should ensure that your conduct and behaviour is that of a fit and proper person. You must ensure that you do not act in any way, at any time, that might affect that. The council will consider all your behaviour, and that is not limited to the times when you are driving a hackney carriage or private hire vehicle.

When you are driving a hackney carriage or private hire vehicle, that remains a Wokingham Borough Council licensed vehicle and you remain a Wokingham Borough Council licensed taxi driver wherever you may be located, and for whatever purpose you are using the vehicle (this includes social and domestic use) . This Code of Conduct applies across the whole of the United Kingdom.

Your taxi drivers Licence and Badge

You have been issued with 2 copies of your drivers badge and a coloured armband. You must wear one drivers badge in the armband on your left upper arm at all times when you are driving or working with a private hire vehicle or Hackney carriage and failure to do so is a criminal offence [under s54 of the 1976 Act when using a private hire vehicle and byelaw No ?? when using a hackney carriage]. You must display the second copy of your badge in a position which is plainly and clearly visible to your passengers at all times whilst you are working as a taxi Driver.

You must return your licence, badge and armband to the Licensing Section of the Council **within 72 hours** if

- (a) You change your home or business address
- (b) the licence expires, is suspended, revoked
- (c) you lose the right to work in the UK, or the right to remain in the UK
- (c) You wish to surrender your Taxi Driver Licence
- (d) required to do so by an "Authorised Officer of the Council".

You must inform the Licensing Section of the Council in writing, within **seven days** if you change your address.

In the event of the loss of your licence, badge or armband you must report the loss to Regulatory Services immediately.

Deposit of Taxi Driver Licence when working for others

You must give your taxi Driver Licence to the private hire operator when driving private

hire vehicles, or proprietor of any Hackney carriage which you will be using. They will keep your licence while you are driving for them.

Production of Documents

If an Authorised Officer of the Council, an Authorised Officer of another Council with which Wokingham Borough Council has a reciprocal arrangement or a police constable asks you, you must produce:

- (a) Your DVLA driving licence
- (b) Your Taxi Driver Licence
- (c) The vehicle registration document
- (d) A valid certificate of insurance

within **five days** of the request being made at the location that they specify.

Medical condition

You must notify the Council, in writing within 14 days of any change in your medical condition that may adversely affect your ability to drive private hire or hackney carriage vehicles.

You must ensure that when you are working you are sober and not under the influence of any illegal drugs. If you are taking any prescription medication, you must ensure that it does not impair your driving ability.

If at any time you feel unwell you must discontinue work until such time as you feel better and able to return to work.

Declaration of conviction / caution / penalty

You must declare all convictions, cautions, fixed penalty notices, CBO's (Criminal Behaviour Orders) CPNs (Community Protection Notices), requirements to attend a speed awareness course, injunctions, restraining orders to Wokingham Borough Council Council on your initial application form.

If you are convicted of any offence, or accept a formal caution for an offence, or receive a fixed penalty notice for any offence or receive and accept an endorsable fixed penalty notice, or are made the subject of an CBO or CPN, are required to attend a speed awareness course, are made the subject on any injunction or restraining order, or you are arrested for any matter, you must give the Council details, in writing and within **72 hours** of the event.

Driving

You must comply with all road traffic regulations at all times.

You must comply with all legislation and conditions relating to the hackney carriage or private hire vehicle that you are driving at all times. Those conditions are available on the council website

You must not sound your vehicle horn –

- (a) unnecessarily, i.e. unless in an emergency or to let other road users or pedestrians know you are there
- (b) when your vehicle is stationary on a road, at any time, other than at times of danger due to another moving vehicle on or near the road
- (c) on any road in a built up area between 11.30 p.m. and 7.00 am.

Your vehicle horn must not be used to signal your arrival to collect any pre-booked passenger.

You must not drive any hackney carriage or private hire vehicle in a dangerous or inconsiderate manner and in addition to complying with all road traffic regulations you must ensure that your driving and behaviour on the road is of the highest standard.

When parking, or otherwise waiting for either a hiring (hackney carriage), a booking to be communicated to you (private hire and hackney carriage) or attending for a pre-booked hiring (private hire and hackney carriage) you must ensure that you do not obstruct other road users including pedestrians on pavements and in pedestrianised streets. You must also ensure that you do not block vehicle entrances or any emergency exits for buildings. You must also comply with parking and waiting restrictions (if any).

When stopping to set passengers down you must do so in a manner which minimises the risk to those passengers as they alight from the vehicle. You must warn passengers clearly of any unusual or unexpected dangers within the vicinity.

When driving a hackney carriage, you must not demand a fare greater than that shown on the meter for a journey within the council's area. Where a journey ends outside the council's area, you must not demand a fare greater than that shown on the meter unless an agreement was made between yourself and the hirer before the hiring commenced.

When driving a private hire vehicle you must not demand a fare greater than that shown on the meter (if that is how your operator calculates fares) or as agreed between the hirer and the operator.

You must stop the engine of the vehicle at all times when the vehicle is stationary otherwise than through the necessities of traffic.

It is a criminal offence to hold and use a mobile phone or other handheld device whilst driving. In addition this will be regarded as a serious breach of the Code of Conduct.

Data protection

You must ensure that you have the correct safeguards for storing personal data that comply with the Data Protection Act 2018 and the General Data Protection Regulations (GDPR). This will include details of hirers (pre-booked hackney carriages) and also any dash cam footage (the use of dash cams is considered in relation to vehicle licences).

Conduct and Behaviour

You must be honest and trustworthy at all times.

You must be polite and courteous to your passengers, other road users and the public generally.

You must not use abusive or foul language, spit or smoke in or near the vicinity of your vehicle.

You must not use aggressive language or behaviour, or engage in any violent conduct.

You must not carry any form of weapon on your person or in your vehicle at any time and under no circumstances must you ever take the law into your own hands.

If the hirer requests, you must provide a written receipt for the fare paid for the hiring, including the amount of VAT (if applicable) shown separately if so requested. That receipt must also contain details of the journey including the date, pick up point and destination, vehicle licence number, operators name and driver name or licence number. You must then sign the receipt.

You must not cause or allow noise emitted by any radio or sound equipment in the vehicle which you are driving to be a source of nuisance or annoyance to any person or persons, whether inside or outside the vehicle.

If a passenger objects, you must not play any radio or sound reproducing instrument or equipment in the vehicle.

You must treat everybody decently, equally and fairly.

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

You must not discriminate against any person because of their race, colour, creed, age, gender, sexuality, or disability.

You must not use abusive, racist, sexist, or any other offensive language or terms with passengers or other members of the public (remember that not everybody shares your sense of humour, or views).

You must protect passengers and yourself. Be wary about entering any premises, especially domestic premises unless you know the person as an established customer. Even then make sure that you take all steps to minimise any risk to yourself or your reputation.

You must not obtain the telephone numbers of, or engage on any form of social media with anybody under the age of 18.

You must not engage in any kind of sexual activity within or in the vicinity of your

licensed vehicle.

You must behave in a civil and reasonable manner at all times and must comply with any reasonable request made by the hirer.

You must always pick up your passengers on time unless unavoidably delayed. If the hiring has been arranged via a private hire operator or other 3rd party, you must immediately contact that operator or 3rd party to inform them of the delay and your estimated time of arrival.

You must always assist your passengers with their luggage. If they do not request this, you must ask whether they need help. This includes picking it up from the point of booking, removing it from your vehicle at the end of the journey and setting it down.

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

You must maintain a logbook of any complaints that are made to you as a driver. All complaints must be recorded promptly with as much detail as possible (date, time, location, nature of the complaint, names of the parties (if known) and identifying features). This logbook must be kept securely in the vehicle and the details must be transferred to a storage medium which is not contained within the vehicle (i.e. a copy of the pages stored on a computer) as soon as possible. When you are driving a private hire vehicle all such complaints must be reported to your operator as soon as possible. If you are driving a hackney carriage that has been booked via a booking agent, all such complaints must be reported to that agent as soon as possible.

Personal Appearance and Dress Code

You must maintain good standards of personal hygiene at all times.

1. You must always be clean and respectable in your dress and present a professional image. To achieve this you must comply with the following dress code which will also ensure that public and driver safety is not compromised

Acceptable standards of dress

2. Collared shirts, blouses, polo shirts, or sweat shirts must cover the shoulders and be capable of being worn tucked inside trousers, shorts or skirts.
3. Shirts or blouses may be worn with a tie or open necked.
4. All clothing must be clean, of smart appearance and in good condition.

Trousers, shorts and skirts

5. Trousers can be either full length or shorts.
6. Skirts must be no shorter than 5 cm above the knee (when standing) and can be of any longer length, but must not impede the safe operation of the pedals
7. Trousers, shorts or skirts must be tailored and made of one colour of material.

Footwear

8. Footwear for all drivers must fit around the heel of the foot. Wooden soled footwear is not permitted.

Unacceptable standards of dress

9. Anything not conforming to the above, including:
 - a) Clothing not being kept in a clean and fresh condition or any items which have holes or rips.
 - b) Words or graphics on any clothing that is of an offensive or suggestive nature.
 - c) Sportswear e.g. football or rugby kits, track suits, beach wear, etc.
 - d) Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
 - e) Not having either the top or bottom half of their bodies suitably clothed.
 - f) No baseball caps or hoods worn up whilst in the vehicle.

Use of the Vehicle

Private hire vehicles and hackney carriages are smoke free vehicles at all times under the Health Act 2006. It is a criminal offence to smoke in a private hire vehicle at any time (section 7) or to allow a person to smoke in a private hire vehicle (section 8) and you can be prosecuted for either or both offences. In addition this will be regarded as a serious breach of the Code of Conduct

You must not eat in the vehicle at any time, or allow passengers to eat in the vehicle at anytime.

Animals must not be carried in private hire vehicles or hackney carriages other than

those belonging to or in the care of passengers. You may refuse to carry a hirer's animal at your discretion. However, you must not refuse to carry an assistance dog, unless you have a valid Exemption Certificate issued by the Council. Any animal must be kept under the hirer's control, and must be carried in the rear of the vehicle (except assistance dogs). No animals can be carried in the luggage compartment of a vehicle unless the vehicle is an estate car or hatchback and the animal can be seen from outside the vehicle through a window.

You must not carry more passengers than the maximum number prescribed by the conditions attached to the hackney carriage your private hire vehicle licence and displayed on the vehicle plate.

You must carry a reasonable amount of luggage and assist them in loading it and unloading it from the vehicle.

You must not carry any additional passengers not already accompanying the hirer in the vehicle without the hirer's permission.

You must not carry more than one person in the front seat unless the vehicle is furnished with manufacturer fitted seats for more than one passenger in the front of the vehicle and provided with seat belts for all front seat passengers. In this case no more than 2 passengers may be carried.

You must not carry any child below the age of ten years in the front of the vehicle.

Hackney carriages and private hire vehicles are not expected to carry a range of child seats. If you are carrying children under the age of 14 you must make any adult with responsibility for the child aware that the correct restraints may not be available and the carriage of the child in those circumstances is at the adults own risk. Children under 3 years of age can travel unrestrained in a hackney carriage or private hire vehicle if the appropriate restraint is not available. Children over 3 years of age and below 11 years of age or shorter than 135cms (approx. 4ft 6in) can use adult seat belts if the appropriate restraint is not available. Children over 11 years of age or taller than 135cm (approx. 4ft 6in) must use adult seat belts.

Vehicle Checks

It is your responsibility to ensure that the correct policy of insurance is in force for any hackney carriage or private hire vehicle that you are driving.

Before using a hackney carriage or private hire vehicle for the first time each day, you must undertake a "walk around check". This requires that you ensure that the vehicle is roadworthy and fit for use as a hackney carriage or private hire vehicle. The check must include the tyres (pressure and tread depth), checking the lights are functioning (so far as is possible with one person – all lights except brake lights), checking all glass (lights and windows) is intact and ensuring there is no obvious damage to the vehicle. Any defects that are detected must be rectified before the vehicle is used to carry passengers.

Every time you commence driving the vehicle you must ensure that the rear identification plate, supplied by the Council, is securely fixed to the outermost rear of the vehicle, so that it can be clearly read by pedestrians and other road users. You must also ensure that any other identifying information (whether supplied by the Council or not) is correctly and securely attached to the vehicle.

If you have been issued a certificate of exemption from carrying assistance dogs or providing wheelchair assistance you must ensure that that notice is correctly placed on the nearside of the front windscreen.

You must not offer or accept any hire of the vehicle except where the hiring has been pre-booked via your Private Hire Operator [does not apply to Hackney carriages].

Lost Property

After every hiring, you must search the vehicle for any misplaced or lost property.

If any property is found or handed to you, you must, unless it is claimed, take it to a Police Station within 48 hours. Following agreement with the owner of any lost property (and you must take reasonable steps to ensure the person concerned is the rightful owner) you may agree to return the property personally to the owner, and charge the metered fare to an agreed meeting point, or £10.00, whichever shall be greater.

Taximeters in Private Hire Vehicles [taximeter use in hackney carriages is governed by the byelaws]

You may use a meter in the private hire vehicle only if it is constructed, attached and maintained in compliance with the Private Hire Vehicle Licence Conditions.

Unless the fare is agreed in advance, you must switch the meter on at the point the hirer's journey commences and keep the meter working until the termination of the hiring.

You must not cancel or conceal the fare recorded until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless a lesser fare has been agreed).

You must ensure that the fare charged does not exceed the fare displayed on the meter at the end of the journey.

You must ensure that when the vehicle is not hired the key is to be locked and the machinery kept inactive and the meter must show no fare at any time.

You must ensure that the meter is sufficiently illuminated when in use and is visible to passengers.

You must not (nor may you allow anyone else) to tamper with the meter or any seal on the meter without lawful excuse, or alter any meter with the intent to mislead.

Plying for hire when driving a private hire vehicle [does not apply when driving a hackney carriage]

You must not pick up passengers who have not pre-booked with your operator.

You must not offer or accept an offer for the immediate hire of a vehicle while it is being used in a public place.

You must not park or wait on or near any Hackney Carriage Rank, or drop passengers off on a hackney carriage rank.

Fares when a hackney carriage is used for pre-booked work

A hackney carriage can be used for pre-booked work both within Wokingham Borough Council county and elsewhere. When the journey is wholly within the zone/county, or commences or ends in Wokingham Borough Council, the fare charged cannot be greater than that displayed on the meter or in accordance with the table of fares. Where a pre-booked journey commences and ends outside Wokingham Borough Council the table of fares and the meter do not control the maximum fare that can be charged. In these circumstances the fare to be charged must be negotiated between the hirer and the driver or booking agent.

LEGAL REQUIREMENTS (contained in national legislation) when driving a Hackney carriage

Your taxi Driver Licence and Badge

When driving a hackney carriage you must wear one copy of your badge in the issued armband, on your left upper arm at all times whilst you are working as a Hackney Carriage Driver. and you commit a criminal offence if you do not do so, for which you might be prosecuted (Hackney Carriage Byelaw 12?) [*Byelaw numbers vary and will need to be checked*]

Disability Discrimination

When driving a hackney carriage you must carry an assistance dog and allow it to remain with their owner unless you have a certificate of exemption issued by the Council. You must not make any additional charge for doing so. When you are carrying an assistance dog you must allow it to be carried wherever the owner requires i.e. you cannot insist on the dog being separated from the owner or the owner and dog sitting in a particular seat (Section 168 Equality Act 2010).

When you are driving a hackney carriage that has been designated as a wheelchair accessible vehicle in a list maintained by the Council under section 167 of the Equality Act 2010, you must comply with the duties and provide mobility assistance to any passenger in a wheelchair as detailed in section 165 of the Equality Act 2010.

The duties are—

- (a) to carry the passenger while in the wheelchair;
- (b) not to make any additional charge for doing so;
- (c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;

- (d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- (e) to give the passenger such mobility assistance as is reasonably required.

And mobility assistance is assistance—

- (a) to enable the passenger to get into or out of the vehicle;
- (b) if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- (c) to load the passenger's luggage into or out of the vehicle;
- (d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

In vehicles equipped with a taxi meter, the meter must not be activated until the wheelchair bound passenger has been properly loaded and secured for the journey, all loading ramps or other equipment have been properly stowed and the vehicle is ready to commence the journey. At the end of the journey the meter must be stopped before any unloading activity commences.

Conduct

You must not drive a hackney carriage at any time if you do not hold a taxi drivers licence, or if your licence has been suspended (section 47 Town Police Clauses Act 1847).

You must not lend your taxi drivers licence to anybody else (section 47 Town Police Clauses Act 1847)

When driving a hackney carriage you must accept a hiring for from a hackney carriage stand (taxi rank) or when you are stationary on the highway for a journey within the council's area unless you have a "reasonable excuse" to refuse (section 53 Town Police Clauses Act 1847)

When driving a hackney carriage if you agree to charge a fare lower than that shown on the meter for a journey in a hackney carriage then you cannot charge more than that agreed fare (section 54 Town Police Clauses Act 1847)

When driving a hackney carriage you must not charge more than the fare shown on the meter of a hackney carriage for a journey wholly within the council's area, irrespective of how the journey was arranged (s55 1847 Act)

When driving a hackney carriage if you have agreed to accept a fixed amount of money for a journey, you must ensure that the journey lasts until that amount is shown on the meter (section 56 Town Police Clauses Act 1847).

When driving a hackney carriage if you have been hired and are asked to wait, and either a deposit has been paid or the meter is running, you must wait until that hirer returns to your hackney carriage (section 57 Town Police Clauses Act 1847).

When driving a hackney carriage you must not charge more than the fare shown on the meter for a journey within the district (section 58 Town Police Clauses Act 1847).

When driving a hackney carriage you must not carry anyone apart from the hirer and

their companions without the express consent of that hirer (section 59 Town Police Clauses Act 1847).

You must not drive any hackney carriage without the consent of the Hackney carriage proprietor (if that is not yourself) (section 60 Town Police Clauses Act 1847)

You must not leave a hackney carriage unattended at a Hackney carriage stand (section 62 Town Police Clauses Act 1847)

You must not prevent any other driver of a hackney carriage from taking a fare, or obstruct them in picking up or sitting down passengers (section 62 Town Police Clauses Act 1847)

When driving a hackney carriage you must produce your taxi drivers licence if requested to do so by an authorised officer of the Council (another Council with whom a reciprocal arrangement exists) or any police constable (s53(3) Local Government (Miscellaneous Provisions) Act 1976).

You must return your drivers licence to the Council within 7 days if you lose the right to remain or work in the UK (s53A(9) Local Government (Miscellaneous Provisions) Act 1976).

You must not make any false statement or withhold any information when applying to renew your taxi drivers licence (s57(3) Local Government (Miscellaneous Provisions) Act 1976).

You must return your licence, drivers badge(s) and armband to the Council within 14 days of any suspension, revocation or refusal to renew your licence (s61(3) Local Government (Miscellaneous Provisions) Act 1976).

When driving a hackney carriage you must not charge more than the fare shown on the meter of a Hackney carriage for a journey that ends outside the council's area unless a different fare was agreed in advance (s66 Local Government (Miscellaneous Provisions) Act 1976)

When driving a hackney carriage you must not charge more than the metered fare for a pre-booked journey which is wholly within, or starts or finishes within the council's area. (s66 Local Government (Miscellaneous Provisions) Act 1976)

You must use the shortest available reasonable route for all journeys by hackney carriage, subject to any directions given by the hirer. (Section 69 Local Government (Miscellaneous Provisions) Act 1976).

You must not tamper with any seal on a taximeter, or alter the taximeter with any intent to mislead (s71 Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Bylaw 6??).

You must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an authorised officer of the Council, an authorised officer of another Council with which there is a reciprocal enforcement arrangement, or a police constable (s73 Local Government (Miscellaneous Provisions) Act 1976).

When driving a hackney carriage you must not conceal or obscure the number of the hackney carriage whilst standing or plying for hire (Hackney Carriage Bylaw 2??).
[Byelaw numbers vary and will need to be checked]

When driving a hackney carriage you must not activate the taximeter when standing or plying for hire, but you must activate the meter before the journey commences but not until passengers are properly seated and secured. At the end of the journey you must stop the meter. This should be before passengers alight from the vehicle. (Hackney Carriage Bylaw 5??).

When driving a hackney carriage and you are plying for hire you must proceed to a hackney carriage stand (rank) and if that rank is full, proceed to another stand. When you arrive at a stand that is not full you must position the vehicle behind the rearmost vehicle on the stand and move forward as space becomes available (Hackney Carriage Bylaw 7??).

You must not use the services of any other person to importune (encourage forcefully) anyone to hire your hackney carriage (Hackney Carriage Bylaw 8??).

When driving a hackney carriage you must behave in a civil and orderly manner and take all reasonable precautions to ensure the safety of persons entering, carried in or alighting from the Hackney carriage (Hackney Carriage Bylaw 8??).

When driving a hackney carriage if you have been pre-booked you must attend at the appointed time and place (Hackney Carriage Bylaw 10??).

When driving a hackney carriage you must not carry more passengers in the hackney carriage than the conditions attached to the vehicle licence permit (Hackney Carriage Bylaw 11??).

When driving a hackney carriage you must carry a reasonable quantity of luggage for the hirer and assist them in loading and unloading, including taking it from or to any building (Hackney Carriage Bylaw 13??).

When driving a hackney carriage you must search the vehicle for lost property after every hiring (Hackney Carriage Bylaw 16??).

When driving a hackney carriage you must take any lost property which is not been claimed within 48 hours to any staffed police station within the district of Wokingham Borough (Hackney Carriage Bylaw 17??).

LEGAL REQUIREMENTS (contained in national legislation) when driving a private hire vehicle

Your taxi Driver Licence and Badge

When driving a private hire vehicle you must wear one copy of your badge in the issued armband, on your left upper arm at all times whilst you are working as Private Hire Driver. and you commit a criminal offence if you do not do so, for which you might be prosecuted (s54 Local Government (Miscellaneous Provisions) Act 1976)

Disability Discrimination

When your operator has accepted a booking for a passenger with an assistance dog (whether or not the existence of the dog has been communicated to you), you must carry that assistance dog and allow it to remain with their owner unless you have a certificate of exemption issued by the Council. When you are carrying an assistance dog you must allow it to be carried wherever the owner requires i.e. you cannot insist on the dog being separated from the owner or the owner and dog sitting in a particular seat (Section 170 Equality Act 2010).

When you are driving a private hire vehicle that has been designated as a wheelchair accessible vehicle in a list maintained by the Council under section 167 of the Equality Act 2010, you must comply with the duties and provide mobility assistance to any passenger in a wheelchair as detailed in section 165 of the Equality Act 2010.

The duties are—

- (a) to carry the passenger while in the wheelchair;
- (b) not to make any additional charge for doing so;
- (c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
- (d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- (e) to give the passenger such mobility assistance as is reasonably required.

And mobility assistance is assistance—

- (a) to enable the passenger to get into or out of the vehicle;
- (b) if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- (c) to load the passenger's luggage into or out of the vehicle;
- (d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

In vehicles equipped with a taxi meter, the meter must not be activated until the wheelchair bound passenger has been properly loaded and secured for the journey, all loading ramps or other equipment have been properly stowed and the vehicle is ready to commence the journey. At the end of the journey the meter must be stopped before any unloading activity commences.

You must not drive a private hire vehicle at any time when your taxi drivers' licence has been suspended (s46(1)(b) Local Government (Miscellaneous Provisions) Act 1976).

When driving a private hire vehicle you must produce your taxi drivers licence if requested to do so by an authorised officer of the Council (another Council with whom a reciprocal arrangement exists) or any police constable (s53(3) Local Government (Miscellaneous Provisions) Act 1976).

You must return your drivers licence to the Council within 7 days if you lose the right to remain or work in the UK (s53A(9) Local Government (Miscellaneous Provisions) Act 1976).

You must not make any false statement or withhold any information when applying to

renew your taxi drivers licence (s57(3) Local Government (Miscellaneous Provisions) Act 1976).

You must return your licence and drivers badge to the Council within 14 days of any suspension, revocation or refusal to renew your licence (s61(3) Local Government (Miscellaneous Provisions) Act 1976).

When driving a private hire vehicle you must use the shortest available reasonable route for all journeys by private hire vehicle, subject to any directions given by the hirer. (Section 69 Local Government (Miscellaneous Provisions) Act 1976).

You must not tamper with any seal on a taximeter also the taximeter with any intent to mislead (s71 Local Government (Miscellaneous Provisions) Act 1976)

You must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an authorised officer of the Council, an authorised officer of another Council with which there is a reciprocal enforcement arrangement, or a police constable (s73 Local Government (Miscellaneous Provisions) Act 1976)

You must not drive any private hire vehicle with any roof sign which includes the words "taxi", "cab" or "hire", any similar words or anything which would indicate the vehicle is a hackney carriage (section 64 Transport Act 1980).

Hackney Carriage Vehicle Licence Conditions

In these conditions which are imposed under the provisions of section 47 of the Local Government (Miscellaneous Provisions) Act 1976 , unless otherwise indicated;

“the Council” will mean Wokingham Borough Council

“the Proprietor” means the person who has been granted the licence by Wokingham Borough Council under section 37 of the Town Police Clauses Act 1847

“the Vehicle” means the vehicle that is specified on the licence granted under section 37 of the Town Police Clauses Act 1847.

The following conditions will be attached to every hackney carriage (proprietors) vehicle licence unless specifically altered by the council. Additional conditions that are reasonably necessary will be attached to vehicle licences on a case-by-case basis.

1.0 General

1.1 The licensee must notify the Council of the location where the vehicle is kept regularly when not in use (excluding occasional locations that may be used e.g. for servicing and holidays) and any authorised officer must be afforded such facilities as may be reasonably necessary to inspect and test the vehicle there.

1.2 If the vehicle is licensed by any other Council, the Proprietor must immediately stop carrying out any work under their Wokingham Borough Council licence. They must return the licence issued by Wokingham Borough Council to the licensing department of Wokingham Borough Council within **five working days**.

2.0 Identification Plates and Cards

2.1 The identification plate, additional signage and all fare cards and licence cards remain the property of the Council at all times, and must be returned on surrender, suspension, revocation or expiry of the licence or if the vehicle is sold, or disposed of, out of the licensed trade. If a plate is lost or stolen it must be reported to the police. A crime or lost property number must be obtained, and the Council informed within 24 hours..

2.2 The plate must be securely fixed to the rear exterior of the Vehicle using the Council’s approved backing plate and permanent fixings. **Velcro, adhesive, magnets and brackets are not acceptable**. The security of the plate will be checked as part of the scheduled vehicle test and at any spot checks. The licence plate will be fixed with security toggles under the supervision of an authorised officer of the Council. The Council reserves the right to inspect the plate at any time.

2.3 All vehicles must display the roof sign correctly at all times. Such signs must be securely affixed by means of magnets unless they are an integral part of the vehicle.

2.4 All vehicles must display the additional signage correctly at all times.

2.5 All Vehicles must display the licence cards, provided by the Council, in the front and rear windscreen at all times.

3.0 Maintenance of Vehicle

3.0 The Vehicle, along with all its fittings and equipment must at all times be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements must be fully complied with. This includes (but is not limited to) the following:

The interior and exterior of the vehicle must be maintained in a clean, safe and proper manner, to the reasonable satisfaction of the council

Bodywork must be maintained to a good condition, paintwork must be sound, uniform across the vehicle, well maintained and free of corrosion, dents, scratches, chips and other signs of wear or deterioration, inferior re-spray work and 'cover up' temporary repairs.

The roof sign must be kept clean, free from obstruction and the illumination must operate correctly when linked to the taximeter.

The roof (including any sunroof or removable covering) must be watertight.

Fittings, furniture and additional equipment fitted in the vehicle must be kept in an acceptably clean condition, well maintained and in every way fit for public service. Items such as taxi-meters, radios, Sat-Nav's, PDA's, mobile phone holders and other ancillary items must be securely mounted in the vehicle in such a position as to not hinder or obstruct the driver's operation of, or view out of, the vehicle, or impede the seating of any passenger.

The seats must be properly cushioned, covered and free from cigarette burns, rips, splits, tears, stains or any other signs of excessive deterioration or wear.

The floor must be covered with carpet, mat or other suitable material, properly secured and be free from cigarette burns, rips, splits, tears, stains, excessive deterioration and wear.

The vehicle must be equipped with a suitable bulb-kit indelibly marked with the registration number or licence number of the vehicle to provide for the replacement of defective bulbs

The doors, windows and seats must function in accordance with the original manufacturer's specification.

The proprietor/driver employed to drive the vehicle must undertake a daily safety check of the vehicle. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors, seat belts and cleanliness. A written record must be made of each safety check, details of faults recorded, and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in the vehicle for a minimum of 30 days and then for a further 6 months by the proprietor..

If required by a Police Officer or Authorised Officer the driver must produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his possession and/or those kept in the vehicle.

3.1

3.2 If the Vehicle fails a Hackney Carriage Test the Proprietor or driver of the Vehicle must present the Vehicle for a Hackney Carriage Test again within **14 days** or return the licence plate to the Council. Until a pass certificate is issued the Vehicle cannot be used as a Hackney Carriage.

Alternative If a vehicle fails a Hackney carriage test, an authorised officer of the council at the test station will issue a suspension notice under section 68 of the Local Government (Miscellaneous Provisions) Act 1976 . That will immediately suspend the vehicle licence, from which point it cannot be used as a Hackney carriage. That suspension notice will be lifted when the vehicle is presented for a retest and that test is passed. If the suspension notice is not lifted within a period of 2 calendar months from the date on which it was issued, the vehicle licence will be deemed to be revoked. In that circumstance, any acquired rights will be lost.

3.3 The Proprietor of the Vehicle must provide a copy of all Hackney Carriage Test certificates to the Council within **7 days** of receiving them.

3.4 If the Vehicle has been involved in an accident then the Proprietor must notify the Council within **2 days** and at the discretion of the Council, the Vehicle may have to undergo a further inspection at one of the councils nominated testing stations.

Doors

All doors designed by the manufacturer to allow the access or egress of passengers must function correctly and be capable of being opened from the inside and the outside.

Tailgates and rear doors must only be used for loading/unloading luggage or as an emergency exit, unless the vehicle has been designed, modified or adapted to carry wheelchair bound passengers, and has the relevant M1 or M2 Type Approval Certificate, in which case the rear doors may be used for loading those passengers only.

Ventilation

The driver's window and all passenger windows must function correctly and be capable of being opened and closed by the driver or passengers.

Wheelchair Accessible Vehicles (WAV's)

The following conditions apply to all Hackney carriage vehicles which are built or adapted for the carriage of wheelchair bound passengers.

All equipment and devices used for or involved in the loading, unloading and secure

transportation of wheelchair bound passengers must at all times function correctly and must be used in accordance with the manufacturers instructions.

Access to and egress from the wheelchair carrying position must not be obstructed in any manner, at any time, except by wheelchair loading apparatus.

All wheelchair internal anchorage points and equipment must be of the manufacturers design and construction and not altered or modified in any way. All such equipment must be secured in such a position as to not obstruct any emergency exit when the equipment is not in use.

The manufacturers seat belt for the wheelchair bound passenger must always be used when a wheelchair is being carried.

Access ramps or lifts must be securely fixed to the vehicle prior to and must at all times display information prescribed by other legislation and manufacturers markings.

Ramps, steps and lifts must be securely stored in the vehicle before driving off

The licensee must ensure that all drivers of wheelchair accessible vehicles have received sufficient training to be able to load/unload and convey wheelchair bound passengers in safety and comfort.

Seatbelts

Seat belts must be used in accordance with the requirements of the legislation that is applicable at the relevant time.

Tyres

All tyres on the licensed vehicle and any trailer used on the licensed vehicle must be in good condition and conform with the minimum legal requirements subject to an additional requirement that there must be at least 2 mm tread depth at all times.

Tyres must be correctly inflated to the vehicle / tyre manufacturer's recommended pressure.

The vehicle must be equipped at all times with, a spare wheel or other manufacturers standard equipment for the vehicle to deal with a punctured or damaged wheel or tyre (such as a gel or foam repair kit).

All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle), meet the vehicle manufacturers minimum specification for tyres and must have been fitted by a reputable vehicle maintenance company / contractor. Vehicle proprietors are required to retain invoices / receipts to show that any tyre that is purchased meets this requirement.

'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before another journey carrying passengers commences.

4.0 Alteration of Vehicle

4.1 No material alteration or change in the specification, design, condition or appearance of the Vehicle can be made without the written approval of the Council at any time while this licence is in force.

4.2 No fixtures or fittings, except those approved in writing by the Council can be attached to the outside of the Vehicle.

All glazing must at all times comply with The Road Vehicles (Construction and Use) Regulations 1986 regulation 32 with regards to the level of tint. The front windscreen must let at least 75% of light through and the front side windows must let at least 70% of light through. No darker tint is permitted for any glass. The application of aftermarket tinted film to any window is not permitted.

5 Seats and Passengers

In all licensed vehicles provided with a passenger side air bag, no child can be carried in a rear-facing carrier in the front passenger seat.

A notice must be displayed in the vehicle reminding passengers that it is a statutory requirement to wear the seat belts provided.

Any excess seating fixings which were removed or permanently capped before the vehicles licensed must not be replaced or exposed during the currency of the licence.

6.0 Advertising

6.1 Advertising on the outside of the Vehicle is restricted to the name and telephone number of the Proprietor or operator of the Vehicle. Sponsored advertising of other businesses or products or services is not permitted on the outside of the Vehicle, unless written permission is obtained from the Council.

Luggage

Luggage and storage areas must be kept as free space for passenger's luggage.

Luggage must be suitably secured in place and must not obstruct any exit, or emergency exit.

Vehicles with open luggage space such as estate cars must be fitted with a suitable guard between the luggage space and the passenger compartment which must be in use whenever passengers are carried.

Vehicles with no clear demarcation between the passenger and luggage areas must be fitted with suitable restraining straps or other approved devices to secure the luggage and prevent it coming into contact with any passenger at any time (including in the case of an accident). These restraining straps or devices must be used whenever

passengers luggage is being carried.

7.0 Safety Equipment

7.1 Fire Extinguisher

A fire extinguisher must be provided to meet BS EN 31996 1Kg and maintained at all times and be readily available for use. The fire extinguisher must be clearly and permanently marked with the Vehicle registration and Vehicle licence number. This must be securely fixed in the Vehicle and must **not** be located in the passenger compartment, unless the vehicle is a purpose built Taxi, which has a purpose-built fire extinguisher compartment already in the Vehicle. Clear signage must be displayed to alert passengers to the location of the fire extinguisher.

First Aid Kit

A first aid kit must be readily available at all times. The first aid kit must be stocked to the same level and quantity as originally supplied and must be of a suitable and comprehensive type that meets the requirements of British Standard BS8599-2 (medium sized kit) and be permanently and legibly marked with the registration number or licence number of the vehicle.

7.2 Radio Equipment

The Proprietor must ensure that any radio equipment fitted to the Vehicle is at all times kept in a safe and sound condition and maintained in proper working order.

8.0 Taximeter

8.1 The Proprietor must ensure the Vehicle is fitted with a taximeter approved by the Council, and that meter must be kept in good repair and proper working order at all times. The taximeter must be set for the current tariff set by the Council or a continually lower rate, and must be sealed to prevent unauthorised adjustment of that meter.

All taxi meters must be so constructed, or programmed, that it is not possible for any person to manually alter the tariff rate, or otherwise alter or tamper with the meter, without breaking the affixed seals. Each meter must be set, calibrated, and sealed with a tamper-proof seal by a competent meter installer. The vehicle licence holder must obtain and retain written certification of such calibration and sealing. This certification must be provided to an authorised office of the Council upon request.

The taxi-meter must be fitted with a mechanism which will start the taximeter and make the word "HIRED" to appear on the display, and a means of stopping the taximeter from recording time and distance so that for that period no fare is recorded.

When the taxi-meter is recording a fare, that must be displayed clearly, legibly and unambiguously on the meter display which must be sufficiently illuminated to enable it to be easily read in all conditions;

The word "FARE" must be printed alongside the display;

The taxi-meter must be located so that the entire display is plainly visible to any person travelling in the vehicle. The mechanism for activating the meter must be linked to the roof sign to ensure that when the meter is activated the roof sign light is switched off. It must not be possible to illuminate the roof sign by any other means;

If a fare has not been agreed between the driver (or booking agent) and the customer then the fare charged must be that which is shown on the meter.

8.2 The Proprietor must ensure that a copy of the current fare table supplied by the Council is displayed inside the Vehicle at all times and that table is not concealed from view or rendered illegible. If the meter is set to a lower rate, an additional fare table detailing the lower rate must also be displayed.

8.3 At all times, vehicles must be fitted with a roof sign that complies with the dimensions and specification detailed in the Hackney Carriage policy, together with any other additional signage that is so specified. A(2.9.3).

9.0 Insurance

9.1 At all times during the currency of this licence the Proprietor must maintain a policy of insurance complying with the requirements of Part VI of the Road Traffic Act 1988 which covers Hackney carriage use.

9.2 The Proprietor must produce to the Council a new Certificate of Insurance or cover note within **2 working days** of the expiry of every Certificate of Insurance or cover note prior to renewal date. These must be original documents, photocopies will not be accepted.

Vehicle Damage

The proprietor must, as soon as reasonably practicable, but in any case within 72 hours, notify the council, in writing on the Councils prescribed form, details of any accident involving the vehicle or, of any damage to the vehicle however caused, which affects the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. The vehicle must not be used until the council have inspected the vehicle..

A council test may be necessary to demonstrate that the vehicle is roadworthy. The cost of such a test is to be paid by the proprietor. If the council determined that the vehicle is unfit for use as a private hire vehicle, a suspension notice under section 68 will be issued.

Roof racks and roof boxes

Where a roof rack is used it must be properly secured to the roof in accordance with the manufacturer's requirements, must not carry a weight of luggage greater than that specified by the roof rack manufacturer and/or vehicle manufacturer, and all luggage must be covered with a waterproof cover.

Where a roof box is used, it must be properly secured to the roof in accordance with the manufacturer's requirements, must not carry a weight of luggage greater than that specified by the roof rack manufacturer and/or vehicle manufacturer, and must be properly closed and secured.

When either a roof rack or roof box is fitted, a second roof light must be fitted to the roof of the vehicle to enable the front and rear of the lights to be clearly seen ahead of and behind the roof rack or roof box. (This does not apply to purpose-built vehicles with an integral front facing roof sign). The 2nd sign must be removed when the roof rack or roof box is removed.

10.0 Deposit of Licence

10.1 The Proprietor must not allow the Vehicle to be driven by any person who does not hold a current Dual Driver Licence issued by the Council.

10.2 If the Proprietor permits or employs any person to drive the Vehicle, that person must deposit their Dual Driver Licence with the proprietor who must, retain and safely store it until such time as the driver ceases to be permitted to drive the Vehicle, at which point it must be returned to the driver.

11.0 Display of Conditions

11.1 The Proprietor of this Vehicle must have a copy of these conditions within the Vehicle for inspection by passengers at all times.

**FAILURE TO ADHERE TO ANY OF THE CONDITIONS OF THIS LICENCE
MAY RESULT IN ENFORCEMENT ACTION. ANY ENFORCEMENT**

ACTION TAKEN WILL BE IN ACCORDANCE WITH THE COUNCIL'S ENFORCEMENT POLICIES.

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Private Hire Vehicle Licence Conditions

In these conditions which are imposed under the provisions of section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976, unless otherwise indicated;

“the Council” will mean Wokingham Borough Council

“the Proprietor” means a person who has been granted a licence by Wokingham Borough Council under section 48 of the Local Government (Miscellaneous Provisions) Act 1976

“the Vehicle” means the vehicle that is specified on the licence granted under section 48 of the Local Government (Miscellaneous Provisions) Act 1976

The following conditions will be attached to every private hire vehicle unless specifically altered by the council. Additional conditions that are reasonably necessary will be attached to vehicle licences on a case-by-case basis.

1.0 General

1.1 The licensee must notify the Council of the location where the vehicle is kept regularly when not in use (excluding occasional locations that may be used e.g. for servicing and holidays) and any authorised officer must be afforded such facilities as may be reasonably necessary to inspect and test the vehicle there.

1.2 If the vehicle is licensed by any other Council, the Proprietor must, immediately stop carrying out any work under their Wokingham Borough Council licence. They must then, return the licence issued by Wokingham Borough Council to the licensing department of Wokingham Borough Council within **five working days**.

2.0 Identification Plates and Cards

2.1 The identification plate, additional signage and licence cards remain the property of the Council at all times and must be returned on surrender, suspension, revocation or expiry of the licence or if the vehicle is sold, or disposed of, out of the licensed trade. If a plate is lost or stolen it must be reported to the police. A crime or lost property number must be obtained, and the Council informed within 24 hours..

2.2 The plate must be securely fixed to the rear exterior of the Vehicle using the Council’s approved backing plate and permanent fixings. **Velcro, adhesive, magnets and brackets are not acceptable**. The security of the plate will be checked as part of the scheduled vehicle test and at any spot checks. The licence plate will be fixed with security toggles under the supervision of an authorised officer of the Council. The Council reserves the right to inspect the plate at any time.

2.3 All Vehicles must display the licence cards, provided by the Council, in the front and rear windscreen at all times.

2.4 If the Proprietor has a dispensation/exemption certificate in relation to contract work, the Vehicle will still need to display the licence cards on the front and rear windscreens of Vehicle. The licence plate must be carried in the boot of the vehicle at all times, and the dispensation certificate granted by the Council must be carried in the glove compartment.

3.1 Maintenance of Vehicle

3.2 The Vehicle along with all its fittings and equipment must at all times be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements must be fully complied with. This includes (but is not limited to) the following:

The interior and exterior of the vehicle must be maintained in a clean, safe and proper manner, to the reasonable satisfaction of the council

Bodywork must be maintained to a good condition, paintwork must be sound, uniform across the vehicle, well maintained and free of corrosion, dents, scratches, chips and other signs of wear or deterioration, inferior re-spray work and 'cover up' temporary repairs.

The roof (including any sunroof or removable covering) must be watertight.

Fittings, furniture and additional equipment fitted in the vehicle must be kept in an acceptably clean condition, well maintained and in every way fit for public service. Items such as taxi-meters, radios, Sat-Nav's, PDA's, mobile phone holders and other ancillary items must be securely mounted in the vehicle in such a position as to not hinder or obstruct the driver's operation of, or view out of, the vehicle, or impede the seating of any passenger.

The seats must be properly cushioned, covered and free from cigarette burns, rips, splits, tears, stains or any other signs of excessive deterioration or wear.

The floor must be covered with carpet, mat or other suitable material, properly secured and be free from cigarette burns, rips, splits, tears, stains, excessive deterioration and wear.

The vehicle must be equipped with a suitable bulb-kit indelibly marked with the registration number or licence number of the vehicle to provide for the replacement of defective bulbs

The doors, windows and seats must function in accordance with the original manufacturer's specification.

The proprietor/driver employed to drive the vehicle must undertake a daily safety check of the vehicle. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors, seat belts and cleanliness. A written record must be made of each safety check, details of faults recorded, and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in

the vehicle for a minimum of 30 days and then for a further 6 months by the proprietor..

If required by a Police Officer or Authorised Officer the driver must produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his possession and/or those kept in the vehicle.

3.3 If a Vehicle fails a Private Hire Test the Proprietor or driver of that Vehicle must present the Vehicle for another Private Hire Test within **14 days** or return the licence plate to the Council. Until a pass certificate is issued the Vehicle cannot be used as a Private Hire Vehicle.

4 **Alternative** If a vehicle fails a private hire vehicle test, an authorised officer of the council at the test station will issue a suspension notice under section 68 of the Local Government (Miscellaneous Provisions) Act 1976 . That will immediately suspend the vehicle licence, from which point it cannot be used as a private hire vehicle. That suspension notice will be lifted when the vehicle is presented for a retest and that test is passed. If the suspension notice is not lifted within a period of 2 calendar months from the date on which it was issued, the vehicle licence will be deemed to be revoked.

4.0 The Proprietor of the Vehicle must provide a copy of all Private Hire Test certificates to the Council within **7 days** of receiving them.

4.1 If the Vehicle has been involved in an accident then the Proprietor must notify the Council within **2 days** and at the discretion of the Council, the Vehicle may have to undergo a further inspection at one of the councils nominated testing stations.

Doors

All doors designed by the manufacturer to allow the access or egress of passengers must function correctly and be capable of being opened from the inside and the outside.

Tailgates and rear doors must only to be used for loading/unloading luggage or as an emergency exit, unless the vehicle has been designed, modified or adapted to carry wheelchair bound passengers, and has the relevant M1 or M2 Type Approval Certificate, in which case the rear doors may be used for loading those passengers only.

Ventilation

The driver's window and all passenger windows must function correctly and be capable of being opened and closed by the driver or passengers.

Wheelchair Accessible Vehicles (WAV's)

The following conditions apply to all private hire vehicles which are built or adapted for the carriage of wheelchair bound passengers.

All equipment and devices used for or involved in the loading, unloading and secure transportation of wheelchair bound passengers must at all times function correctly and must be used in accordance with the manufacturers instructions.

Access to and egress from the wheelchair carrying position must not be obstructed in any manner, at any time, except by wheelchair loading apparatus.

All wheelchair internal anchorage points and equipment must be of the manufacturers design and construction and not altered or modified in any way. All such equipment must be secured in such a position as to not obstruct any emergency exit when the equipment is not in use.

The manufacturers seat belt for the wheelchair bound passenger must always be used when a wheelchair is being carried.

Access ramps or lifts must be securely fixed to the vehicle prior to and must at all times display information prescribed by other legislation and manufacturers markings.

Ramps, steps and lifts must be securely stored in the vehicle before driving off

The licensee must ensure that all drivers of wheelchair accessible vehicles have received sufficient training to be able to load/unload and convey wheelchair bound passengers in safety and comfort.

Seatbelts

Seat belts must be used in accordance with the requirements of the legislation that is applicable at the relevant time.

Tyres

All tyres on the licensed vehicle and any trailer used on the licensed vehicle must be in good condition and conform with the minimum legal requirements subject to an additional requirement that there must be at least 2 mm tread depth at all times.

Tyres must be correctly inflated to the vehicle / tyre manufacturer's recommended pressure.

The vehicle must be equipped at all times with, a spare wheel or other manufacturers standard equipment for the vehicle to deal with a punctured or damaged wheel or tyre (such as a gel or foam repair kit).

All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle), meet the vehicle manufacturers minimum specification for tyres and must have been fitted by a reputable vehicle maintenance company / contractor. Vehicle proprietors are required to retain invoices / receipts to

show that any tyre that is purchased meets this requirement.

'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before another journey carrying passengers commences.

4.0 Alteration of Vehicle

4.1 No material alteration or change in the specification, design, condition or appearance of the Vehicle can be made without the written approval of the Council at any time while the licence is in force.

4.2 No fixtures or fittings, except those approved in writing by the Council, can be attached to the outside of the Vehicle.

5 All glazing must at all times comply with The Road Vehicles (Construction and Use) Regulations 1986 regulation 32 with regards to the level of tint. The front windscreen must let at least 75% of light through and the front side windows must let at least 70% of light through. No darker tint is permitted for any glass. The application of aftermarket tinted film to any window is not permitted.

5.0

Seats and Passengers

In all licensed vehicles provided with a passenger side air bag, no child can be carried in a rear-facing carrier in the front passenger seat.

A notice must be displayed in the vehicle reminding passengers that it is a statutory requirement to wear the seat belts provided.

Any excess seating fixings which were removed or permanently capped before the vehicles licensed must not be replaced or exposed during the currency of the licence.

5.0 Any drinking vessels provided by the Proprietor or driver of the Vehicle must be made of either toughened glass or plastic.

5.1 If any passenger is under the age of 18 years no alcohol in open vessels can be carried in the Vehicle.

5.2 The Proprietor must ensure that there is sufficient means by which any person in the Vehicle may communicate with the driver.

6.0 Advertising

6.1 The Proprietor must **not** display or permit to be displayed on or from the Vehicle any sign or notice which consists of or includes the word "Taxi" or "Cab" whether in the singular or plural or "Hire" or any word of similar meaning or appearance to any of those words whether alone or as part of another word.

6.2 Advertising on the outside of the Vehicle is restricted to the name and telephone number of the Proprietor or operator of the Vehicle. Sponsored advertising of other businesses or products or services is not permitted on the outside of the Vehicle, unless written permission is obtained from the Council.

Luggage and storage areas must be kept as free space for passenger's luggage.

Luggage must be suitably secured in place and must not obstruct any exit, or emergency exit.

Vehicles with open luggage space such as estate cars must be fitted with a suitable guard between the luggage space and the passenger compartment which must be in use whenever passengers are carried.

Vehicles with no clear demarcation between the passenger and luggage areas must be fitted with suitable restraining straps or other approved devices to secure the luggage and prevent it coming into contact with any passenger at any time (including in the case of an accident). These restraining straps or devices must be used whenever passengers luggage is being carried.

Safety Equipment

Fire Extinguisher

A fire extinguisher must be provided to meet BS EN 31996 1Kg and maintained at all times and be readily available for use. The fire extinguisher must be clearly and permanently marked with the Vehicle registration and Vehicle licence number This must be securely fixed in the Vehicle and must **not** be located in the passenger compartment.. Clear signage must be displayed to alert passengers to the location of the fire extinguisher

First Aid Kit

A first aid kit must be readily available at all times. The first aid kit must be stocked to the same level and quantity as originally supplied and must be of a suitable and comprehensive type that meets the requirements of British Standard BS8599-2 (medium sized kit) and be permanently and legibly marked with the registration number or licence number of the vehicle.

Radio Equipment

The Proprietor must ensure that any radio equipment fitted to the Vehicle is at all times kept in a safe and sound condition, and maintained in proper working order.

Taximeter (if fitted)

If the private hire vehicle is fitted with a taximeter it must be of a type approved by the Council, and that meter must be kept in good repair and proper working order at all times.

All taxi meters must be so constructed, or programmed, that it is not possible for any person to manually alter the tariff rate, or otherwise alter or tamper with the meter, without breaking the affixed seals. Each meter must be set, calibrated, and sealed with a tamper-proof seal by a competent meter installer. The vehicle licence holder must obtain and retain written certification of such calibration and sealing. This certification must be provided to an authorised office of the Council upon request.

The taxi-meter must be fitted with a mechanism which will start the taximeter and make the word "HIRED" to appear on the display, and a means of stopping the taximeter from recording time and distance so that for that period no fare is recorded.

When the taxi-meter is recording a fare, that must be displayed clearly, legibly and unambiguously on the meter display which must be sufficiently illuminated to enable it to be easily read in all conditions;

The word "FARE" must be printed alongside the display;

The taxi-meter must be located so that the entire display is plainly visible to any person travelling in the vehicle.

If a fare has not been agreed between the operator and the customer then the fare charged must be that which is shown on the meter.

The Proprietor must ensure that a notice detailing the fares charged by the operator is displayed inside the Vehicle at all times and that table is not concealed from view or rendered illegible. It must also contain a statement that the council has no control over private hire fares.

Vehicle Insurance

At all times during the currency of the licence, the Proprietor must maintain a Policy of Insurance complying with the requirements of Part VI of the Road Traffic Act 1988 which covers private hire use.

8.0 The Proprietor must produce to the Council a new Certificate of Insurance or cover note within **2 working days** of the expiry of every Certificate of Insurance or cover note prior to renewal date. These must be original documents photocopies will not be accepted.

Vehicle Damage

The proprietor must, as soon as reasonably practicable, but in any case within 72 hours, notify the council, in writing on the Councils prescribed form, details of any accident involving the vehicle or, of any damage to the vehicle however caused, which affects the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. The vehicle must not be used until the council have inspected the vehicle..

A council test may be necessary to demonstrate that the vehicle is roadworthy. The cost of such a test is to be paid by the proprietor. If the council determined that the vehicle is unfit for use as a private hire vehicle, a suspension notice under section 68 will be issued.

Roof racks and roof boxes

Where a roof rack is used it must be properly secured to the roof in accordance with the manufacturer's requirements, must not carry a weight of luggage greater than that specified by the roof rack manufacturer and/or vehicle manufacturer, and all luggage must be covered with a waterproof cover.

Where a roof box is used, it must be properly secured to the roof in accordance with the manufacturer's requirements, must not carry a weight of luggage greater than that specified by the roof rack manufacturer and/or vehicle manufacturer, and must be properly closed and secured.

Deposit of Licence

The Proprietor must not allow the Vehicle to driven by any person who does not hold a current Private Hire/Dual Driver Licence issued by the Council.

If the Proprietor permits or employs any person to drive the Vehicle, he must inspect and make a copy of that person's Dual Driver Licence or Private Hire Licence and retain and safely store that copy, until such time as the driver ceases to be permitted to drive the Vehicle, at which point it must be returned to the driver.

Display of Conditions

The Proprietor must, have a copy of these conditions within the Vehicle, for inspection by passengers, at all times.

FAILURE TO ADHERE TO ANY OF THE CONDITIONS OF THIS LICENCE MAY RESULT IN ENFORCEMENT ACTION. ANY ENFORCEMENT ACTION TAKEN WILL BE IN ACCORDANCE WITH THE COUNCIL'S ENFORCEMENT POLICIES.

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Private Hire Operator Licence Conditions

In these conditions which are imposed under the provisions of section 55(3) of the Local Government (Miscellaneous Provisions) Act 1976, unless otherwise indicated; “the Council” will mean Wokingham Borough Council
“the Operator” shall mean the holder of a licence issued by Wokingham Borough Council under section 55 of the Local Government (Miscellaneous Provisions) Act 1976

1.0 General

The operator (unless a single person operator/driver/proprietor) must identify a person as the individual with day-to-day managerial responsibility (referred to in these conditions as “the manager”), and notify the council of their identity and contact details, including a mobile telephone number. That person will be the first point of contact between the council and the operator. The operator must identify another person as a deputy for holiday and sickness cover and the identity of the deputy, together with their contact details including a mobile telephone number must also be provided to the council. All references to the manager include references to the deputy when they are acting in that capacity.

DBS Checks

1. The Operator (where the operator is a partnership or limited company, all partners or directors and secretary of the company) must submit a Disclosure & Barring Service basic disclosure (dated within one month of the application) on or before the anniversary of the granting of the operator’s licence. Failure to do so will result in the licence being suspended until such time as the DBS certificate is provided.
2. The cost of these checks will be covered by the applicant/licence holder.
3.
 - a) The operator must view a basic DBS certificate (dated within one month of the check) of any staff that have access to booking records or dispatch vehicles.
 - b) The operator must maintain a register of all such staff which shall include a record of when each DBS check has been undertaken. This register must be available for inspection by an authorised officer of the Licensing Authority upon request. The register should include the following:
 - i. the date that person’s employment in that role commenced
 - ii. the date the operator checked the DBS certificate
 - iii. the name of the person that checked the DBS certificate
 - iv. the date the person ceased to perform that role

- c) The register must be retained for 6 months in line with the booking records.
 - d) Should an employee cease to be on the register and later re-enter the register a new basic DBS certificate (or use of the Update Service) should be viewed by the operator.
4. Where the applicant/operator employs or intends to employ persons involved in taking bookings or the dispatch of vehicles, the operator must produce and apply a policy on the employment of ex-offenders in those roles. This policy should be based on the council's previous convictions policy. The policy must be available for inspection on request of an authorised officer of the Licensing Authority. Failure to act in accordance with this requirement, and any subsequent engagement of a person who falls outside the council's previous convictions policy standards will lead to consideration by the council as to whether the operator remains a fit and proper person.
 5. The Operator must require that all staff employed in taking bookings or dispatching vehicles to report to them within 48 hours of any conviction, binding over, caution, warning, reprimand, fixed penalty notice, civil injunction or arrest for any criminal matter whilst they are employed in this role.
 6. The operator must make certain that any outsourced booking and dispatch functions have adequate safeguarding measures in place for the protection of children and vulnerable adults. The operator must have required evidence of this from the company before outsourcing these functions.

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Vehicle and driver licences

The operator must inspect and retain all the private hire vehicle licences and Dual Driver Licence or Private Hire Licences of vehicles and drivers operated, engaged or otherwise utilised by the operator. Those licences must be stored securely and retained for as long as the vehicle or driver is operated by that operator. At the end of that. They must be returned to the vehicle proprietor or driver as appropriate.

2.0 Records

2.1 The records required to be kept by the Operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 must be recorded in English and kept in a suitable book or in any other manner as approved by the Council.

2.2 The Operator must ensure that, the following details of every private hire booking invited or accepted by him are recorded before the commencement of each journey:

- the name of the passenger or other identifying features e.g. hotel room number;
- the time of the request;
- the time the vehicle is required
- the pick-up point;
- the destination (if known at that time);
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the vehicle licence number
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.
- if the vehicle being used is covered by a dispensation, the details of, or a reference to, the contract under which the work is undertaken.

The Operator must keep these records for a period of not less than sixcalendar months from the date of the entry.

2.3 The Operator must also keep records of all vehicles operated by him. These details shall include:

- 2.3.1 details of the proprietor(s)/licensee
- 2.3.2 registration number
- 2.3.3 any radio call sign used.
- 2.3.4 maintenance history of the vehicle.

The Operator must keep these records for a period of not less than sixcalendar months from the date the vehicle ceases to be operated by that operator.

2.4 The Operator must keep up to date records of the names and addresses of all licensed drivers who are used by the Operator. The Operator must provide the Council with a list of the following at the end of each calendar month, to

arrive within 7 working days::

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- 2.4.1 the date any driver began working for, or being available to be operated by the operator
- 2.4.2 when any driver's activity above detailed ceased
- 2.4.3 any change of address of any driver in service
- 2.4.4 when they became aware that any driver was suffering from any illness, disability or condition which may have affected the driver's ability to safely carry out their duties.

If at any time the operator does become aware of any reason which would or may prevent a driver from safely carrying out their duties (including but not limited to illness or disability) they must immediately cease using that driver until such time as the driver can demonstrate that they can drive a private hire vehicle without risk to the public.

The Operator must keep these records for a period of not less than six calendar months from the date the driver ceases to be engaged or otherwise used to drive private hire vehicles by that operator.

All records and retained licences must be available for inspection at any reasonable time by an authorised officer of the council or a police constable.

Standards of Service

The Operator must provide a prompt, efficient and reliable service to members of the public at all reasonable times.

The operator must in particular (but this is not an exhaustive list):

Ensure that all Private Hire vehicles that have been booked, attend at the appointed time and place unless delayed or prevented by reasonable cause.

Ensure the vehicle dispatched is a Wokingham Borough Council licensed private hire vehicle and the driver of the vehicle is a Wokingham Borough Council licensed private hire driver.

Keep any premises which are under the control of the Operator and which are open to the public clean, adequately heated, ventilated and lit,

Ensure that the hirer is advised that if any passenger is under the age of 18 years, no alcohol in open vessels will be allowed in the vehicle.

Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

Ensure that the correct licences are in place for any radio equipment

Ensure that it is established at the time of booking how many passengers are to be carried and that the vehicle dispatched to fulfil the booking has an adequate number of passenger seats.

Ride Sharing/Car-pooling

At the time of booking, individual hirers must be made aware of and explicitly consent to bookings that are part of a ride sharing/carpooling journey.

As part of ride sharing/car pooling schemes, operators must offer the option to hirers to only share with other passengers of the same sex. If hirers select this option passengers of the opposite sex may not be added to the same booking.

Public Service Vehicles

Public Service Vehicles (PSVs) may not be used to undertake a private hire vehicle booking, unless with the informed consent of the hirer.

Complaints

The Operator or manager must initiate an investigation into any complaint received from the public within 48 hours from receipt of the complaint.

The operator must maintain a register of complaints (digital or hard copy), which must include the following information:

- Complainant's name, address/email address
- Details of the complaint
- Time and date of the alleged incident
- Time and date the complaint was received by the operator
- How the complaint was received e.g. phone, email etc.
- Name of person that received the complaint.
- Name of the alleged perpetrator
- If the complaint was referred to the Licensing Authority – time and date of when it was referred and by whom.
- Details of the action taken to resolve the complaint and by whom
- Date the complaint was resolved

A copy of the complaints register must be available for inspection upon request of

an authorised officer of the Licensing Authority. The records must be retained for a period of 6 months.

The operator must on receipt of a complaint concerning a licensed driver, immediately notify the complainant of their right to direct their complaint to the Licensing Authority.

The Operator must ensure that details of how a customer may contact the operator in the event of any complaint relating to a booking or other contract are displayed on the operator's website, booking app or in the absence of online booking platform, at the booking office.

Where a complaint is received by the Licensing Authority, the operator must comply with any reasonable request for information and/or follow any reasonable directions/instructions made by an authorised officer or police officer in respect of the complaint

The Operator must notify the Licensing Authority within 48 hours if the operator receives a complaint about a driver operated by them when it has been identified that the complaint relates to any of the following:

- allegations of sexual misconduct (including the use of sexualised language)
- racist behaviour
- violence (including verbal aggression)
- dishonesty including theft
- Equality breaches
- any other serious misconduct (including motoring related for example dangerous driving or drink driving).

Change of Address

The Operator must notify the Council in writing of any change of his address (including any address or addresses from which he operates or otherwise conducts his business as an Operator) within **7 days** of such change taking place.

Convictions

The Operator must notify the Council in writing of any conviction, caution, fixed penalty notice, injunction, restraining order or other matter which might affect his continuing fitness and propriety imposed on him, or any criminal charge against him within **7 days**. The same requirement applies to any partners in the case of a partnership holding an operator's licence and to any directors and secretary of any limited company in the case of a limited company holding an operator's licence.

Advertising

The Operator must not display or permit to be displayed on or from his premises or from any other place, any sign or notice which consists of or includes the word "Taxi" or "CAB" whether in the singular or plural or any word of a similar meaning except where the Operator also takes bookings for Hackney Carriages.

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Insurance

Any premises that are under the control of the operator and are open to the public must be covered by Public Liability Insurance,

This insurance policy (or a summary) must be clearly displayed at the premises where it can be seen by the public.

Operators must ensure that at all times there is in force, for all private hire vehicles operated, a policy of insurance covering private hire use or such security as complies with the requirements of Part VI of the Road Traffic Act 1988.

Operators must ensure that where a vehicle is covered under a fleet insurance policy, drivers are aware of the content of the policy, including its limitations and exclusions. The operator must keep a record, signed by the driver, within each individual's record file when this has been completed. A copy of any individual's records must be produced, on request, to any authorised officer of the Licensing Authority.

Personal data

The loss of personal data by theft or otherwise (including any hacking of the operators' computer systems) must be reported to the council in writing within 24 hours, and also immediately to the police in the event of theft being suspected. The operator must also check whether any a data loss needs to be reported to the Information Commissioner's Office, for more information see: <https://ico.org.uk/for-organisations/report-a-breach/>

Working hours

The operator must take steps to ensure that drivers do not work excessively long hours. Drivers should not be permitted to drive for more than 10 hours per day and must have a break lasting at least 30 minutes after driving for 5½ hours. The driver must also have a break at the end of this period, unless it is the end of the working day.

Display of Conditions

The Operator must display a copy of these conditions in any premises which are under his control and open to the public . A copy of the conditions attached to vehicle and driver licences must be available for inspection on request by a member of the public..

Subcontracting

If the operator subcontracts any booking to another operator licensed in England (including Greater London) Wales or Scotland, the operator who initially accepted the booking remains liable under the contract.

If any booking is subcontracted to another operator, then the operator who initially accepted the booking must inform the hirer of the subcontract before the hiring commences

Informative

The Operator must understand that a booking that has been accepted by whatever means, is a contract and failure to uphold that (whether by non-attendance by the vehicle, late attendance or any other shortfall in performance) may lead to a claim for breach of contract. The accurate recording of booking details is a means of protecting the operator if such circumstances arise.

**FAILURE TO ADHERE TO ANY OF THE CONDITIONS OF THIS LICENCE
MAY RESULT IN ENFORCEMENT ACTION. ANY ENFORCEMENT
ACTION TAKEN WILL BE IN ACCORDANCE WITH THE COUNCIL'S
ENFORCEMENT POLICIES.**

Agenda Item 9.

TITLE	Licence Fees for Taxis and Private Hire Vehicles
FOR CONSIDERATION BY	Licensing and Appeals Committee on 23 June 2022
WARD	None Specific
LEAD OFFICER	Director, Place and Growth - Steve Moore

OUTCOME / BENEFITS TO THE COMMUNITY

A thriving taxi trade will contribute to carbon neutral objectives by assisting to reduce reliance on personal vehicle transport and retaining drivers and operators will a service to be provided to those who rely on it.

RECOMMENDATION

The Licensing and Appeals Committee to:

- 1) **NOTE** that reduced fees for taxi licences have been applied in 2022/23 as resolved by the Committee
- 2) **DETERMINE** whether to recommend to full Council to apply the reduction relating to licence fees charged in 2021/22 and arrange refunds to applicants who paid the higher fees
- 3) **DETERMINE** whether to have a standing item of approval of fees and charges each year in respect to the following financial year before it goes to Executive and Council.

SUMMARY OF REPORT

The report provides information on resolutions previously made at the Committee to

- a) reduce fees for taxi licences in the current financial year 2022/23 back to the level charged in 2020/21
- and
- b) apply a reduction relating to licence fees charged in 2021/22 and arrange refunds to applicants who paid the higher fees

Background

Financial Year 2022/23

1. At its meeting on 26 January 2022, the Licensing and Appeals Committee recommended that the licence fees for Hackney Carriage and Private Hire Vehicle Licences should be reduced to the 2020/21 level, in recognition of the downturn in business experienced in the taxi trade and increases in costs of fuel and maintaining vehicles.
2. [Appendix C](#) (page 38 of 44) shows the reduced fees – this was in the [Executive Report Medium Term Financial Plan 2022-25 including Revenue Budget Submission 2022/23](#) dated 17 Feb 2022 (page 2 - page 118 of report pack).
3. Executive recommended the MTFP to full Council and it approved the MTFP including the reduced fees for Hackney Carriage and Private Hire Vehicle Licences.

Financial Year 2021/22

4. The Committee resolved at its [23 June 2021 meeting](#) (Minutes Item 7 page 4) that “The fees for private hire vehicles and hackney carriage vehicles will be held at 2021 levels and any fees already paid will be refunded.”
5. The reference to “2021 fees” is taken to mean the fees set for the financial year 2020/21, during which year a £40 reduction was applied to reflect the impact of the pandemic on the taxi trade. The £40 reduction had been removed for 2021/22 in the budget setting process ([2021/22 Fees and Charges.pdf](#)) and a £2 inflation uplift applied.
6. Subsequently, the Head of Legal Services advised members that the Licensing and Appeals Committee cannot pass a resolution to reduce fees after the budget for the year has been set unless there is a mechanism for that reduction to be funded - the resolution could not take effect as only a relevant budgetary body in the Council can make the decision to fund the change. Ordinarily this would be a decision for a budget holding officer (effectively to agree to vire to this budget from any existing underspend), but the Director with financial responsibility for this service did not have funds available within his budget area and as such there was insufficient money to enact the resolution.
7. In such a case, the Executive could fund from other sources or agree a Supplementary Estimate. Council approval may be required if the cumulative estimate is greater than 2% of the existing budget. In an email to Members of the Licensing & Appeals Committee on 29 March 2022, the Head of Legal Services stated that he had been advised that the Assistant Director and Director had spoken to Lead Members for Finance and Neighbourhood and Communities who indicated that they did not wish to bring an item to the Executive. The Executive under procedural rule 5.1.11 states it will receive reports but only from a member of the Executive. A decision of Council is the only other remaining budgetary body able to authorise a change to an existing budget.

Analysis of Issues

8. In relation to Financial Years 2021/22 and the decision to reduce the fees, the Committee has the following options open to it.
9. To continue to apply the reduction relating to licence fees charged in 2021/22 and arrange refunds to applicants who paid the higher fees. This will involve the relevant officer making an equivalent saving in year to fund the reduction, an approval by Executive to agree to a Supplementary Estimate or a recommendation from this Committee to be presented to full Council.
10. To decide that 12 months have passed since the resolution, and in that time pandemic related restrictions on the public and consequently the taxi trade have eased considerably and a lower fee is being charged in 2022/23, and therefore it is not necessary to arrange refunds at this stage relating to 2021/22.
11. Although the Council has the powers to subsidise these fees from Council taxation, caselaw and guidance has been clear in the principles of budget setting for fees. The fees should be broadly cost neutral in budgetary terms and those benefitting from the licensable activities should not be subsidised from general funding. Fees should be kept under review and steps taken to avoid a surplus or deficit in successive years. Where fees result in a surplus or deficit then this should be a factor in the fee setting for subsequent years. Similarly, one element of the licensing regime should not be used to subsidise another element.
12. In addition, the Committee may wish to have a standing item of approval of fees and charges (in respect to the following financial year) in October before proposed fees and charges go to Executive.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£8,500	No, shortfall of £8,500	Revenue
Next Financial Year (Year 2)	Nil		
Following Financial Year (Year 3)	Nil		

Other financial information relevant to the Recommendation/Decision

The fees and charges for 2021/22 were set by Executive in November 2020 [2021/22 Fees and Charges.pdf](#) (page 8) and included in the budget in February 2021. The relevant fees were £290 for each category of licence, and the effect of the resolution would have been to refund £42 to each applicant for a Licence. The number of these licences issued in 2021/22 at the higher fee is:

Hackney Carriage	65
Private Hire Vehicle	98
School Transport Vehicle	48
Total	211

Refunds due (if so resolved) would be in the region of £8,500

There are a number of practical difficulties in relation to administering the refunds which would involve a significant amount of officer time and a possible additional payment to Bracknell Forest Council. This is because in 2021/22 on line card or BACS payments were made to the Public Protection Partnership using Bracknell Forest Council's on line payment system. This process would need to be reversed for card or BACS payments to make partial refunds. If cards have expired or bank account numbers changed in the meantime, payment reversal would not be possible meaning that manual BACS payments would be required to newly set up bank accounts. Some cheque payments may be required to drivers who paid in cash and / or do not have bank accounts.

A more straightforward option would be for applicants who paid the fee in 2021/22 and are still active and will make a fresh application in 2022/23, the refund could be given as a credit against this year's licence fee (in effect a double reduction). This would, however, not benefit drivers who do not apply in 2022/23.

The refund figure of £8,500 in relation to 2021/22 is not budgeted for in 2022/23. Executive will therefore need to agree a Supplementary Estimate of £8,500 if this refund is to take place.

Cross-Council Implications

Refunding part of fees already paid in the previous financial year is not budgeted for in the current financial year, so will have an impact on the Council's overall financial position. Changing fees and charges after they have been set by Council as part of the annual budget setting process could be undesirable and needs to be seen as exceptional.

Public Sector Equality Duty

A specific equalities assessment is not required in connection with this report as there is no policy change. However, it is fair to say that self-employed people of Black, Asian and Minority Ethnicity are strongly represented among drivers and operators in the taxi and private hire trade. Customers of the trade are strongly represented by young women, people with disabilities and older people, and generally by people who do not own a car. For these reasons, it is important to ensure that this remains a profitable sector and therefore retaining drivers and operators to provide the service to those who rely on it.

Climate Emergency – *This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030*

A thriving taxi trade will contribute to carbon neutral objectives by assisting to reduce reliance on personal vehicle transport.

List of Background Papers
None

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