



Communities Directorate

5 January 2017

Licensing Committee	
Date:	16 January 2017
Time:	7:00pm
Venue:	Queen Elizabeth II Room, The Shoreham Centre, Pond Road

Committee Membership: Brian Coomber (Chairman), David Simmons (Vice Chair), James Butcher, Stephen Chipp, Emma Evans, David Lambourne, Peter Metcalfe, Robin Monk, Lyn Phillips, Ben Stride

Agenda

Part A

1. Declarations of Interest / Substitute Members

Members and officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting.

2. Confirmation of Minutes

To approve the minutes of the Licensing Committee meeting of held on 7 November 2016, copies of which have been previously circulated.

3. Public Question Time

To receive any questions from Members of the public in accordance with Standing Order 11.2

Questions from the public should be submitted by 6.30pm 12 January 2017

Where relevant notice of a question has not been given, the person presiding may either choose to give a response at the meeting or respond by undertaking to provide a written response within three working days.

(Note: Public Question Time will operate for a maximum of 30 minutes.)

4. Items Raised Under Urgency Provisions

To consider any items the Chairman of the meeting considers to be urgent

5. Hackney Carriage & Private Hire Licensing Handbook

To consider a report by the Director for Communities, copy attached as item 5

6. Constitutional Provisions relating to the Councils' Licensing Function

To consider a report by the Director for Resources, copy attached as item 6

Part B - Licensing Act 2003 and Gambling Act 2005 Applications

Nil

Part C - Not for publication - Exempt Information Reports

None

Recording of this meeting: The Council will be voice recording the meeting including public question time. The recording will be available on the Council’s website as soon as practicable after the meeting. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Chris Cadman-Dando Democratic Services Officer 01903 221364 chris.cadman-dando@adur-worthing.gov.uk	Ruth Pallister Lawyer 01903 221050 ruth.pallister@adur-worthing.gov.uk

Duration of the Meeting: Four hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.

Hackney Carriage & Private Hire Licensing Handbook

Report by the Director for Communities

1. Recommendation

- 1.1 Members are invited to consider adopting the draft Hackney Carriage & Private Hire Licensing Handbook following a wide consultation exercise. Members are requested to consider the document and the representations received and adopt the document including any amendments considered required.

2. Background

- 2.1 The Handbook sets out the principles the Council will apply when carrying out its hackney carriage and private hire licensing functions. It acts as a guide to drivers, vehicle owners, operators, officers and councillors involved in the trade.
- 2.2 In preparing this Handbook the Council has consulted widely with stakeholders and members of the public.
- 2.3 Adur District Council has operated without a formal handbook for many years. However, legislation and regulation in this sector has increased and it has become increasingly obvious that a handbook would assist the trade and officers to conduct business in line with modern practice.
- 2.4 This draft policy has been drafted to meet this need. The draft has been the subject of a 12 week public and trade consultation exercise. It was drafted in accordance with the Town, Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and various other legislation that impacts directly on the industry.
- 2.5 The Handbook covers the standards and the activities of:
- Hackney Carriage Drivers
 - Hackney Carriage Vehicles
 - Private Hire Drivers
 - Private Hire Vehicles
 - Private Hire Operators licensed in the District of Adur.
- 2.6 The Handbook along with the legislation and case law provides the framework for officers' and members' decision making on applications and enforcement.

2.7 A council should review its Hackney Carriage & Private Hire Licensing Handbook as and when needed and at least every five years.

3. Consultation

3.1 From 9 May – 1 August 2016 the Policy has been the subject of an extensive consultation exercise including the public and trade. An open meeting has been held to which all licensed drivers and operators were invited to assist them with the consultation process.

3.2 The exercise has generated considerable interest and.... separate representations have been received.

4. Representations

4.1 The representations received are included in appendices A - I.

4.2 At appendix A is a copy of a representation that comments on:

- *Page 25 – CCTV requirement*
- *Page 62 – Penalty Point Scheme*

4.3 At appendix B is a copy of a representation that comments on:

- *Page 7 – Disability awareness for existing drivers*
- *Page 18 – New vehicle mileage requirements*
- *Page 25 – CCTV requirement*
- *Page 32 – Minimum engine size*
- *Page 33 – Vehicle colour schemes*

4.4 At appendix C is a copy of a representation from a Company that provides equipment to the hackney carriage and private hire industry. They have provided, unsolicited, technical advice regarding CCTV installations on licensed vehicles.

4.5 At appendix D is a copy of a representation that comments on:

- *Page 7 – Disability Awareness training funding*
- *Page 8 – Vehicle Inspections*
- *Page 8 – CCTV requirement*
- *Page 12 – Three year licences*
- *Page 18 - New vehicle mileage requirements*
- *Page 18 – Vehicle colour schemes*
- *Page 20 – Door signage*
- *Page 21 – Internal licence plate*
- *Page 22 – Fire Extinguishers & First Aid Kits*
- *Page 31 – Lost Property*
- *Page 62 – Penalty Point Scheme*

4.6 At appendix E is a copy of a representation that comments on:

- *Page 6 – Licensing Authorities’ primary function*
- *Page 8 – CCTV requirement*
- *Page 18 – Age of Vehicle*
- *Page 20 – Door signage*
- *Page 22 - Fire Extinguishers & First Aid Kits*
- *Page 31 – Lost Property*
- *Page 49 – Private Hire Driver conditions*
- *Page 62 - Penalty Point Scheme*

4.7 Appendix F is a copy of a representation that comments on:

- *Page 8 – CCTV*
- *Page 11 – Disability Awareness, Child Sexual Exploitation and other training*
- *Page 18 - Vehicle colour schemes*
- *Page 62 - Penalty Point Scheme*

4.8 Appendix G is a copy of a representation that comments on:

- *Page 37 – Roof Signage*
- *Page 38 – Door Signage*
- *Page 44 – Multiple Operators (point of clarification)*
- *Page 49 – Wearing of Drivers Badge*
- *Page 52 – Private Hire Booking (point of clarification)*
- *Page 53 – Operators Licence (point of clarification on number of vehicles)*

4.9 Appendix H is a copy of a letter from a private hire operator Car Cabs.

4.10 Appendix I is a copy of a representation that comments on:

- *Page 5 – Definitions*
- *Page 6 – Licensing Authorities’ primary function*
- *Page 7 - Disability Awareness training funding*
- *Page 8 – CCTV*
- *Page 9 – VOSA and DVSA (point of clarification)*
- *Page 11 – DVLA driver licence checks*
- *Page 11 – Disability Awareness, Child Sexual Exploitation and other training funding*
- *Page 14 – PH Operators DBS checks (point of clarification)*
- *Page 15 – PH Operators use of vehicles*
- *Page 17 – Minimum engine size*
- *Page 17 – Passenger capacity*
- *Page 18 – Vehicles in exceptional condition*
- *Page 18 – Vehicle maintenance*
- *Page 18 – Vehicle colour schemes*
- *Page 19 & 22 – Vehicle window tinting*
- *Page 19 – Rear-loading Wheelchair Accessible Vehicles*
- *Page 19 – Temporary Replacement Vehicles*
- *Page 19 – Hackney Carriage Roof Signage*
- *Page 20 – Hackney Carriage Door Signage*
- *Page 20 – Vehicle Advertising*
- *Page 20 – CCTV*

- *Page 21 – Internal Licence Plate*
- *Page 21 – Vehicle Change of Use (point of clarification)*
- *Page 21 – Provision of 24-hour manned licensing office*
- *Page 22 - Fire Extinguishers & First Aid Kits*
- *Page 23 – Hackney Carriage Meters*
- *Page 23 – Smoking & E-cigarettes*
- *Page 24 – Illumination of Roof Signs*
- *Page 24 - Door Signage*
- *Page 24 – Hackney Carriage Meter Calibration & Sealing*
- *Page 25 – Vehicle Advertising*
- *Page 25 – CCTV*
- *Page 25 – Disability Access/Side loading*
- *Page 27 – Hackney Carriage Application Procedures*
- *Page 32 – Minimum Engine Size*
- *Page 32 – Passenger Capacity*
- *Page 33 – Private Hire Vehicle Colour*
- *Page 33 – Vehicle Testing Garages*
- *Page 33 – Vehicle Advertising*
- *Page 37 – Private Hire Fare Meters*
- *Page 38 – PH Roof Signage*
- *Page 38 – PH Door Signage*
- *Page 39 – Disability Access*
- *Page 40 - Executive Plated Vehicle Definitions*
- *Page 40 – Stretched Limousines & Special Vehicles*
- *Page 41 – Alcohol*
- *Page 41 – Films & Media*
- *Page 42 – PH Renewal Application procedures*
- *Page 44 – HC & PH procedures (point for clarification)*
- *Page 45 – DSA Testing*
- *Page 45 – Knowledge Test*
- *Page 45 – Child Sexual Exploitation and Disability Awareness Training*
- *Page 46 – Need for Identification*
- *Page 48 – Offences disclosed in DBS & DVLA Checks*
- *Page 49 – Lanyards*
- *Page 49 – Offence Notification*
- *Page 50 – Sounding of Car horns*
- *Page 50 – Duty to produce licence*
- *Page 51 – Operators Licence conditions*
- *Page 52 – Operators conduct*
- *Page 53 – Operating address*
- *Page 53 – Operator trading name*
- *Page 53 – Operator’s registered premises*
- *Page 62 – Penalty Point Scheme*

5. Legal Implications

- 5.1 The Council has a statutory duty when considering applications for hackney carriage and private hire driver’s licences under the Local Government (Miscellaneous Provisions) Act 1976 to not grant a unless it is satisfied that the applicant is a fit and proper person to hold a driver’s licence.

- 5.2 The Council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary and may require any hackney carriage licensed to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.
- 5.3 The Council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless it is satisfied that the vehicle is—

- (i) suitable in type, size and design for use as a private hire vehicle;
- (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- (iii) in a suitable mechanical condition;
- (iv) safe; and
- (v) comfortable;

A district council may attach to the grant of a licence such conditions as it may consider reasonably necessary.

- 5.4 When determining licensing policies and applications, the principles of the Human Rights Act 1998 must be taken into consideration. The convention rights of both individuals and members of the public as a whole will be given due weight. The Act acknowledges that local authorities are entitled, amongst other things, to act where this is in the “general interest”.
- 5.5 Members must consider each licensing issue on its own merits, and in accordance with the principles of natural justice, as well as the provisions of the Local Government (Miscellaneous Provisions) Act 1976. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.
- 5.6 All policies, guidance and applications, before Committee, must be considered against the backdrop of anti-discriminatory legislation, such as the Equality Act 2010 and also in accordance with the Council's stated policy on Equal Opportunities
- 5.7 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all licensing matters. In giving "due regard" to these possible implications members will consider and weigh up all the information available and representations made, including those from the public and authorities particularly the Police.

6. Other Implications

- 6.1 No significant race relations or equal opportunities implications have been identified. Community and environmental implications are referred to in the Policy.

7. Recommendation

- 7.1 The Committee is asked to consider the draft Hackney Carriage & Private Hire Handbook and the representations received. Members are requested to adopt a formal handbook for use by the local industry, new applicants, council officers and members when considering Hackney Carriage & Private Hire Licensing matters.**

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Background Papers

- Adur District Council's Draft Hackney Carriage & Private Hire Licensing Handbook

Appendices

- Appendices A to I – Representations received

Adur District Council



**Hackney Carriage & Private Hire
Licensing Handbook**

Draft 3 – 8 April 2016

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Appendices

- Appendix A Hackney Carriage Vehicle Specification
- Appendix B Hackney Carriage Conditions of Licence
- Appendix C Hackney Carriage Vehicle Licensing Procedures
- Appendix D Hackney Carriage Byelaws
- Appendix E Private Hire Vehicle Specification
- Appendix F Private Hire Vehicle Conditions of Licence
- Appendix G Private Hire Limousines & Speciality Vehicles Special Conditions
- Appendix H Private Hire Vehicle Licensing Procedure
- Appendix I Hackney Carriage & Private Hire Driver Licence Procedures
- Appendix J Private Hire Driver Licence Conditions
- Appendix K Private Hire Operator's Licence Conditions
- Appendix L Enforcement

1) Executive Summary

- 1.1 This document contains the Council's policy on procedures and standards relevant to the licensing of the Hackney Carriage & Private Hire trade within the district of Adur.
- 1.2 In drafting this document, the Council has had regard to the Department for Transport Guidance and relevant legislation including the Equality Act 2010.

DRAFT

2) Definitions

Throughout this document:

- “the Council” or “the Authority” means Adur District Council
- **Authorised Officer**” means an officer of the Licensing Authority authorised to administer the licensing function under the 1847 Act and 1976 Act
- “Driver” or “Licensed Driver” means drivers of Hackney Carriage or Private Hire vehicles, unless the context indicates otherwise.
- “Vehicle” or “Licensed Vehicle” means all vehicles Hackney Carriage & Private Hire.
- “Hackney Carriage” means a vehicle licensed under the Town Police Clauses Act 1847 to ply for hire throughout the district controlled by the Council.
- “Private Hire vehicle” means a vehicle licensed under the Local Government (Miscellaneous Provisions) Act 1976 to carry passengers for hire or reward with the services of a driver.
- “Private Hire operator” means a person who in the course of business makes provision for the invitation or acceptance of bookings for Private Hire vehicles.
- “DfT” means the Department for Transport, including previous names under which that Department has been known.
- “DfT Guidance” means The Department for Transport – Hackney Carriage and Private Hire Vehicle Licensing: Best Practice Guidance, published in March 2010.
- “The Committee” will mean the Licensing Committee of the Council.
- The word “Taxi” has no meaning in law and is often used generically to describe vehicles
- The term “DVLA driving licence” means a full original GB driving licence issued by the Driver and Vehicle Licensing Agency
- Any reference to “proprietor” is a reference to the proprietor of either a Hackney Carriage or a Private Hire vehicle, unless the context indicates otherwise.
- “The Committee” will mean the Licensing Committee of the Council.
- The word “Taxi” has no meaning in law and is often used generically to describe vehicles
- The term “DVLA driving licence” means a full original GB driving licence issued by the Driver and Vehicle Licensing Agency
- Any reference to “proprietor” is a reference to the proprietor of either a Hackney Carriage or a Private Hire vehicle, unless the context indicates otherwise.

3) Introduction

- 3.1 Adur District Council is situated in the County of West Sussex which contains seven local councils in total; Adur has an estimated population of approximately 58,500. The District covers an area of 4,159 hectares and is a coastal authority and comprises light industrial, commercial and residential centres, including Brighton City Airport (formally Shoreham Airport) and part of the Port of Shoreham. The main centres being Lancing, Sompting, Shoreham-by-Sea and Southwick. Worthing Borough Council and Adur District Council are served by a single officer structure but remain separate Authorities.
- 3.2 Adur District Council (The Council) is the Licensing Authority under the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976. The Council is responsible for the administration and enforcement of taxi legislation within the District and includes, among other duties, the granting of Hackney Carriage and Private Hire licences. This handbook has been prepared in accordance with the relevant legislation and best practice. The handbook sets out the policies and conditions the Council will generally apply to promote public safety when making decisions with Hackney Carriage & Private Hire matters.
- 3.3 As the Licensing Authority the Council's primary function is protection of the public whilst providing businesses with the relevant licences & permits necessary to carry out a legitimate business. Licensing is the tool used by Government to ensure the safety of the public and enforce standards.
- 3.4 The Council has responsibility for the licensing of vehicles, drivers and operators within the district of Adur.
- 3.5 In exercising its discretion in carrying out these regulatory functions, the Council will have regard to this document.
- 3.6 Notwithstanding the existence of this handbook, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart substantially from its policy, reasons will be given for so doing.
- 3.7 This policy will take effect on and will remain in existence for a period of 5 years, during which it shall be kept under review and revised as appropriate.

4) Vehicles - Hackney Carriage & Private Hire

Limitation of Hackney Carriage Vehicles

- 4.1 The Council has a limited number of Hackney Carriage Saloon type vehicles licensed. There is no limitation on the number of Hackney Carriage vehicle licenses the council may issue. However, any new Hackney Carriage licence application will only be considered for wheelchair accessible type vehicles. The Council is seeking to maintain a mixed fleet.

Specifications and Conditions

- 4.2 The Council has adopted minimum specification standards for Hackney Carriage and Private Hire vehicles and these are set out in Appendix A for Hackney Carriages and Appendix E for Private Hire vehicles.
- 4.3 Once a licence is granted, the Council will attach conditions to a vehicle licence. A set of standard conditions for Hackney Carriage vehicle licences is set out at Appendix B, and a set of standard conditions for Private Hire vehicles is set out at Appendix F. The Council considers that it is reasonable and necessary that these conditions be attached to the grant of most licences, however, these may be amended or additional conditions attached as may be considered appropriate in individual cases.
- 4.4 Vehicles will, in general, be licensed for the carriage of up to 4 passengers, but applications in relation to larger vehicles that can accommodate up to 8 passengers will be considered, provided that there is compliance with the specifications applicable to such vehicles. Purpose-built vehicles are amongst those which the Council will licence only as Hackney Carriages in view of the possible confusion in the minds of the travelling public between the 2 types of vehicle.

Accessibility

- 4.5 The Council is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society.
- 4.6 Licensed drivers are reminded that they are placed under certain duties by law to provide assistance to people in wheelchairs, to carry them safely and not to charge extra for doing so. Failure to abide by these duties could lead to prosecution and a maximum fine of £1,000.
- 4.7 All licensed Hackney Carriage & Private Hire drivers will be required to undertake disability awareness training as prescribed in this policy. This will take effect as of the renewal date in respect of drivers already holding a licence who have not undertaken disability training before the date of the policies adoption.

Maximum Age of Vehicles

- 4.8 The Council has an age restriction on licensed vehicles, (see Appendices A and E), but all applications for the licensing of vehicles will be treated on their individual merits. The conditions set out in Appendices B and F have been placed on the licensing of vehicles. Applicants wishing to licence vehicles outside of this policy should show exceptional reason for the Council to deviate from the agreed policy.

Vehicle Testing

- 4.9 No vehicle may be used as a Hackney Carriage or Private Hire vehicle unless it has been given a Garage Inspection report following a satisfactory test, and the Council has appropriately licensed it. Responsibility for ensuring the vehicle is tested and licensed remains with the proprietor. Vehicle inspections are to be carried out by MOT approved garages within the district or at the Councils' Commerce Way workshops.

Signage & Advertising

- 4.10 Members of the public can often confuse Hackney Carriages and Private Hire vehicles. Often not realising that Private Hire vehicles are not available for immediate hire and cannot be hailed in the street. It is, therefore, important that members of the public are able to distinguish each type of vehicle easily.
- 4.11 Within the Council's area both Hackney Carriage and Private Hire vehicles are required to display a licence plate on the rear of the vehicle. The plates are different colours to distinguish one class of licensed vehicle from another. This is a key feature in helping to identify vehicles that are properly licensed. There are some exceptions to this requirement which are set out in Appendix G.
- 4.12 The Council recognises that advertising on licensed vehicles can benefit the trade as it can generate income for the proprietor. As such, the Council permits advertising on its licensed vehicles provided that the advertising for Hackney Carriage vehicles complies with the criteria set out in Appendix B and F.

Security & Closed Circuit Television (CCTV)

- 4.13 CCTV facilities are compulsory in a licensed vehicle, the proprietor will be responsible for ensuring the system conforms to the Data Protection Act and other relevant legislation, and displays the necessary informative notice for passengers.
- 4.14 CCTV equipment in the vehicles must follow the guidance as set out in Appendices B or F as appropriate to their licence.

Application Procedures

- 4.15 The application process for Hackney Carriage licences are set out in Appendix C, and the application process for Private Hire vehicle licences are set out in Appendix H. All applications must be submitted together with supporting documentation and the relevant application fee.

Consideration of Applications

- 4.16 The Council will consider each application on its own merits once it is satisfied that the appropriate criteria have been met, the application form is complete and supporting documents have been submitted.

Grant and Renewal of Licences

- 4.17 Hackney Carriage and Private Hire vehicle licences will usually be granted for 12 months. However, the Council may licence for a shorter period, should this be appropriate in the circumstances.

- 4.18 The Council sends reminder letters to taxi proprietors 4 to 6 weeks before an existing licence expires in order to assist proprietors in their prompt submission of renewal applications, however, the responsibility to ensure renewal applications are submitted on time remains with the proprietor.
- 4.19 The Council will only accept complete applications comprising of all the necessary paperwork. If an application is received late and the licence expires and if the vehicle is more thanyears old the Council, except in exceptional circumstances, will not renew the licence and the licence plate must be returned to the Council.
- 4.20 The application fees payable are usually subject to annual review.

Stretched Limousines & Specialty Vehicles

- 4.21 The licensing of limousines and speciality vehicles will be approached on the basis that these vehicles have a legitimate role to play in the trade, meeting a public demand. Therefore, licence applications for such vehicles will not be automatically rejected because they do not meet the standard licensing conditions (for example Limousines are often left-hand drive) and each application will be considered on its own merit. However, in considering any application for these types of vehicles, the Council will have regard to any relevant guidance issued by the government, such as by the Vehicle and Operator Services Agency.
- 4.22 As these vehicles may not meet the usual vehicle specification, additional documentation and inspection may be required as part of the application process so that the Council can be satisfied as to the safety and suitability of any individual vehicle. This is set out further in Appendix G.
- 4.23 The Council strongly recommends that anyone who wishes to licence a limousine (or any other non-standard specialty vehicle) contacts the Council's Licensing section before purchasing a vehicle to ensure that advice can be provided as to whether the vehicle is likely to meet the required standards, as each vehicle will be considered on its own merit.

Contract Vehicles and Courtesy Vehicles

- 4.24 The Council will have regard to the DfT's Vehicle Licensing note dated August 2011 (and any supplementary DfT guidance notes) when considering whether any particular contract vehicle requires a vehicle licence.
- 4.25 All vehicles with 8 or fewer seats that carry passengers for hire and reward must be licensed with the Council. Although there has been some legal debate regarding this particular issue, current case law supports the view that vehicles which are used as "courtesy cars", i.e. for transporting customers to and from hotels, night-clubs, etc. are being provided for hire and reward in the course of business, irrespective of whether or not a charge is made for such service. They should, accordingly be licensed with the Council, as should their "operator".
- 4.26 Those operating "courtesy cars", i.e. for transporting customers to and from hotels, nightclubs, etc. should have an operator's licence, and the vehicle and driver must be appropriately licensed.

5. Drivers - Hackney Carriage and Private Hire

Testing

- 5.1 The procedures for Hackney Carriage & Private Hire drivers are broadly parallel. Drivers will be required to undertake testing as part of the application procedure. Details of the tests are available in Appendix I and in the application packs.

Drivers of Executive Plated Vehicles, Stretched Limousine and Specialty Vehicles

- 5.2 Again the procedures are broadly parallel to the standard requirements for Hackney Carriage and Private Hire driver licences. The statutory requirements, the practical criteria and qualifications for all licensed drivers are broadly similar. The sections below, therefore, apply equally to all drivers. An exemption to the geographical section of the knowledge test may be applied for by drivers of the above speciality vehicles.

Driving Proficiency and Qualifications

- 5.3 The Driving Standards Agency (DSA) provides a driving assessment specifically designed for taxi drivers. The Council has decided that all new applicants must successfully pass this test in order to be considered for a Hackney Carriage or Private Hire driver's licence.

Medical Examination

- 5.4 All applicants are required to meet the DVLA Group 2 medical standard or equivalent. This requires all applicants undergo a medical examination by their own GP.
- 5.5 A request form for a medical examination, which may be presented to the applicant's GP, can be obtained from the Council. The applicant will be responsible for paying the fee for the examination to the relevant doctor. On completion of the examination, the report must be submitted to the Council with the other documentation that is required to accompany an application.
- 5.6 Where there is any doubt as to the medical fitness of an applicant, the Council may require the applicant to undergo and pay for a further medical examination by a doctor appointed by the Council. Where there remains any doubt about the fitness of any applicant, the Council will review the medical evidence and make any final decision.
- 5.7 Licensed drivers are required to meet the DVLA Group 2 standard every 5 years from the age of 45 until the age of 65. Thereafter the Council will require an annual medical report. The Council may also require a licensed driver to undergo more frequent checks if, in the opinion of a medical practitioner, this is necessary.
- 5.8 Licensed drivers must advise the Council of any deterioration in their health that may affect their driving capabilities.

Criminal Record Checks

- 5.9 The legislation requires the Council ensures that all licensed drivers are 'fit & proper' persons. A criminal record check on a driver is an important safety measure. The

Council requires applicants to submit an enhanced criminal records disclosure report from the Disclosure and Barring Service ('enhanced DBS report') as part of the documentation accompanying their application. All drivers licensed by the Council will then be required to obtain a further report every 3 years.

- 5.10 If an applicant has not lived continuously in the UK for 5 years, then in addition to submitting an enhanced DBS report with their application, they must submit an original authenticated certificate of good conduct (together with a translation into English if the document is in another language) obtained from the embassy for the country in which the applicant was living immediately before arriving in the UK. If the driver has lived in more than one country prior to arriving in the UK, then a report from each country in which they lived for 3 months or more during the 5 years immediately prior to their arrival in the UK is required to be submitted with their application. To be clear, any translation of the document must be from the embassy which issued the original document.
- 5.11 Licensed drivers who have lived in another country for 3 months or more since their last enhanced DBS report will also be required to submit an original authenticated certificate of good conduct from the embassy of that country with their next application to renew their licence.

Relevance of Convictions and Cautions

- 5.12 The Council has chosen to substantially adopt Annex D of the Home Office Circular 13/92 Guidance as part of its policy as to the relevance of certain convictions and cautions in its consideration of whether an applicant or existing driver is fit and property to hold a licence. The parts adopted by the Council are replicated in Appendix L.
- 5.13 Guidance in relation to the relevance of offences is given in Appendix L. In general terms, the more recent, serious and relevant to public safety the offence is, the less likely that an application will be granted.
- 5.14 Applicants for new licences and to renew existing licences will be required to provide authorisation to the Council to conduct a DVLA driver endorsement check, so the Council can ensure that the information held by the DVLA is in accordance with the information submitted by the applicant. The check will be made on an annual basis and the fees for the annual endorsement check must be paid by the applicant at the time of submitting their application.

Disability Awareness, Child Sexual Exploitation (CSE) and Other Training –

- 5.16 All applicants and existing drivers will be required to undertake Disability Awareness, CSE Training that legislation or the Council may require.
- 5.17 Disability Awareness and CSE Training will be undertaken at the Council offices and drivers will be required to pay a fee where applicable.
- 5.18 Training may be internet based and applicants and existing drivers will be issued a certificate on successful completion of the training.
- 5.19 Applicants and existing drivers who have completed a BTEC in passenger transport or any other training which includes a module for disability awareness will not be

required to undertake further disability awareness training, however written evidence must be provided. The Council reserves the right to require additional training if required.

Application Procedure

- 5.20 An application for a driver's licence must be made in accordance with the procedure set out in Appendix I and must be accompanied by the relevant supporting documentation and application fee.

Consideration of Applications

- 5.21 The Council will consider all applications on their own merits once it is satisfied that the appropriate criteria have been met, the application form is complete and supporting documents have been submitted.
- 5.22 The Council will usually send a reminder letter to drivers around 6 weeks before their existing licence expires in order to assist applicants in the prompt submission of their renewal applications. However, the responsibility to submit a renewal application in good time prior to the expiry of any existing licence is always the responsibility of the licence holder. Drivers should ensure renewal applications forms, together with any supporting documents, are received by the Council before their existing licence expires as this will ensure that in most cases applications are processed and new licences issued before expiry of the existing licence.
- 5.23 Where a driver does not submit their application to renew their licence before their existing licence expires, and in the absence of providing evidence of exceptional circumstances, in most cases the Council will require they undergo the new licence procedure as set out at Appendix I.

Duration of Licences

- 5.24 Applicants for new and renewed licences can apply for a 3 year licence. The Council will usually grant a licence for the duration requested, but may grant a licence for a shorter period than is requested where this is considered appropriate in a particular case.

Conditions of Licence

- 5.25 The Council is not permitted to attach conditions to a Hackney Carriage driver's licence. However, drivers are subject to the Council's byelaws which are replicated in Appendix D.
- 5.26 A set of standard conditions for Private Hire driver licences is set out at Appendix J and the Council considers that it is reasonable and necessary that these be attached to the grant of most licences. However, these may be amended or additional conditions attached as may be considered reasonably necessary in any individual case.

Fares - prescribed rates

- 5.27 The Hackney Carriage tariff is set by the Council. Private Hire fares are not set by the council but are at the discretion of the Private Hire Operator.

- 5.28 The driver of a Hackney Carriage vehicle, whether by agreement or otherwise, must not charge any fare greater than the rate prescribed by the Council.
- 5.29 Fares rates are reviewed no more than once per year with any proposed change advertised in the legal section of the local press and considered and agreed by the Licensing Committee subject to any objections received during the objection period.

Receipts

- 5.30 A driver must, if requested by the passenger, provide them with a written receipt for the fare paid.

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6. Operators – Private Hire

Requirements and Obligations

- 6.1 Any person who operates a service must apply to the Council for an operator's licence.
- 6.2 A vehicle may only be dispatched to a customer by an operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a vehicle with a driver. Operators must ensure that every vehicle is driven by a person who holds a valid driver's licence.
- 6.3 An application for an operator's must be made in accordance with the procedure set out below and accompanied by the relevant supporting document and application fee.

Criminal Record Checks

- 6.4 A criminal record check on operators is an important safety measure. It will depend on the individual applicant as to what criminal record checks will be required. These are set out below.
- 6.5 Where the applicant is an individual person, the Council requires the applicant to submit the following as part of the application process:
 - a standard criminal records disclosure report from the Disclosure and Baring Services ('standard DBS report') relating to the applicant; and
 - a declaration as to whether any company of which they have been a director or secretary has been convicted of any offences.
- 6.6 Where the applicant is a company, the Council requires the applicant to submit following documentation as part of the application process:
 - a declaration as to whether the company has been convicted of any offences at any time; and
 - a standard DBS report for each director and secretary of the company.
- 6.7 Where the applicant is a partnership, the Council requires a standard DBS report for each partner to be submitted as part of the application process.
- 6.8 Further declarations and standard DBS reports will be required every 3 years.
- 6.9 If an applicant has not lived continuously in the UK for 5 years, then in addition to submitting a standard DBS report with their application, they must submit an original authenticated certificate of good conduct (together with a translation into English if the document is in another language) obtained from the embassy for the country in which the applicant was living immediately before arriving in the UK. If the driver has lived in more than one country prior to arriving in the UK, then a report from each country in which they lived for 3 months or more during the 5 years immediately prior to their arrival in the UK is required to be submitted with their application. To be clear, any translation of the document must be from the embassy which issued the original document. This will also apply to individual applicants, each partner of a partnership applicant and the directors and secretaries of company applicants.

Conditions

- 6.10 A set of standard conditions for operator's licences is set out at Appendix K. The Council considers it reasonable and necessary that these be attached to an Operator's licence. However, these may be amended or additional conditions attached as may be considered reasonably necessary in any individual case.

Licence Duration

- 6.11 Operators' licences is granted for 5 years, however, the Council may grant a licence for a shorter period should this be considered appropriate in the circumstances.
- 6.12 An operator can apply for a licence for the number of vehicles that they have at the time of application. An operator's licence authorises vehicles up to the number stated on the licence. If an operator wishes to add to his or her fleet above that number then the operator must apply for a variation to the licence before they start operating more than the number of vehicles as is specified in their existing licence.
- 6.13 The Council will send a reminder letter to licensed operators around 6 weeks before their existing licence expires in order to assist them in their prompt submission of renewal applications; however the responsibility to submit a renewal application in good time prior to the expiry of any existing licence is solely the responsibility of the applicant. Licensed operators should ensure renewal applications forms, together with any supporting documents, are received by the Council before their existing licence expires as this will ensure that in most cases applications are processed and new licences issued before expiry of the existing licence.

Operating address

- 6.14 The Council will only grant an Operator's licence if the applicant proposes to operate from an address within the District of Adur. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade.
- 6.15 Upon the grant of an Operator's licence, the Council will specify the address from which the operator may operate. This will be the premises where the booking records are kept and where bookings are made.
- 6.16 The operator must notify the Council in writing of any change of his/her address, (whether this is a home address or the address from where he/she operates) during the period of the licence, within 7 days of such a change taking place or, preferably, before this takes place.
- 6.17 It will be the responsibility of the operator to ensure that appropriate planning consent exists for the operational address to be used for that purpose. Any licence granted cannot override any planning restrictions on a premise nor any restrictions that may be attached to the lease of a premise. Accordingly the applicant should address all planning considerations.
- 6.18 Operators are required to only use licensed private hire vehicles that have been licensed by the District Council or they may pass bookings on to another licensed operator. When using Hackney Carriages to meet their bookings such vehicles must meet the council's Private Hire Vehicle Licence conditions. Private Hire vehicles that

have been licensed outside the district cannot legally work directly for the operator under the District Council's Operator's licence.

7. Disciplinary and Enforcement Measures

Enforcement

- 7.1 With a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, the Council will only intervene where it is appropriate and proportionate to do so.
- 7.2 The Council's General Enforcement Policy will be used to ensure that the Council's enforcement effort is proportionate, transparent and well directed.

Disciplinary

- 7.3 Disciplinary matters, except in the case of breaches of vehicle requirements, will ordinarily be referred to the Authorised Officer or dealt with by Officers. One of the functions of the Authorised Officer is to consider the impact of any misconduct on the fitness of an individual to hold a licence and to take the action appropriate to the circumstances. In cases that involve serious misconduct the Authorised Officer may refer the matter to the Licensing Committee for consideration if deemed appropriate.

Appendix A

Hackney Carriage Vehicle Specification

1. Vehicle Specification

- 1.1 When licensing vehicles the Council has to consider the need for safety, convenience, and comfort of passengers in vehicles that operate in rural, urban and motorway environments. The size and engine capacity have also to be considered given that all vehicles are required to carry their licensed number of passengers together with their luggage. The Council considers that a vehicle should be of manufacturers' original specification and shall be as constructed and designed:
- a) For the Carriage of not more than 8 passengers with the provision of a seatbelt for each passenger.
 - b) With the seat provided for each passenger having a minimum width of 405 millimetres (16 inches) measured across its narrowest part.
 - c) Not to be left-hand drive. Right hand drive passenger vehicles offer the driver clearer and safer vision in an overtaking manoeuvre, and also eliminate the need for a front seat passenger to alight from the vehicle into the road.
 - d) With an engine having a capacity of at least 1600 cc. including vehicles badged by the manufacturer as 1.6 models.
 - e) To have windows to the side and rear providing natural light to passenger compartment.
- 1.2 In the interest of safety each vehicle should have a minimum 4 doors, which are capable of being opened from the inside.
- 1.3 The passenger carrying capacity will be at the discretion of the Council.
- 1.4 The vehicle seats must have these specifications:
- a) The rear seat of the vehicle must be a minimum of 1.22 meters long (405 mm or 16 inches per person) with no mouldings restricting the seating capacity. The driver's seat fully pushed back there must be a gap of 1.77 mm (7 inches) between the front of the rear seat and the back of the front seat and an 863 mm (34 inch) gap in height from the lowest part of the seat pad to the roof.
 - b) All seats must be fitted with fully operational seat belts
 - c) In no circumstances will any vehicle be licensed which would require any passengers to move or tip any seats to enter or egress from any seat they may occupy or that would require them to climb over any seat or luggage in the vehicle
 - d) The number of passenger seats must remain as stated on the vehicle licence
 - e) There must be no alteration to the approved seating configuration without notifying the Council
 - f) All seats must be forward or rear facing
 - g) All vehicles must be able to seat all passengers in comfort with sufficient legroom for all passengers
 - h) The seat covering must be clean and in a good state of repair.

2. Age of vehicle

- 2.1 In the case of first application for a vehicle licence not more than 7 years from the first date of registration and thereafter not more than 10 years in the case of a renewal application.
- 2.2 The maximum age limits described may only be exceeded if the vehicle presented is in exceptional condition.
- 2.3 A vehicle will be considered to be in exceptional condition if all of the following apply:
- a) Mileage for the vehicle is no higher than the average mileage that could be expected for a similar vehicle if that vehicle was used solely for social, domestic and pleasure purposes.
 - b) The vehicle passes the Council's vehicle inspection.
 - c) Bodywork is in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips, or rust or any other abrasions that may detract from the overall appearance of the vehicle.
 - d) General paint condition should show no signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.
 - e) Interior trim, panels, seating and carpets and upholstery are in excellent condition, clean and free from damage and discolouration.
 - f) The boot or luggage compartment is in good condition, clean and undamaged.
 - g) Passenger areas are free from damp or any other odours that may cause passenger discomfort.
 - h) The vehicle must be in excellent mechanical condition and in all respects safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or body work.
 - i) The vehicle must have a service record to show that it has been properly serviced and maintained in accordance with the manufacturer's service specification. The vehicle must be any single manufactures
- 2.4 The vehicle and its fittings must, when being presented for inspection and at all times during when it is licensed and available for hire:
- a) Be Safe
 - b) Be Tidy
 - c) Be Clean
 - d) Comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the Motor Vehicle (Construction and Use) Regulations which currently apply.
- 2.5 The vehicle must be maintained throughout the term of the vehicle licence to a high standard of appearance to the complete satisfaction of the Council.
- 2.6 The licensed vehicle shall be Black and no other colour. A transitional period in accordance with the rolling vehicle replacement programme will be permitted for existing licensed vehicles.
- 2.7 All paintwork will be professionally finished and the vehicle free from dents and damage to either bodywork or fittings. Bare metal, primer paint, visible rust and perforations will not be permitted.

- 2.8 In the interests of safety and reassurance of passengers, tinted glass or mirrored glass that restricts all view into the passenger compartment will not be accepted on vehicles which are presented for licensing. Where a vehicle is licensed and subsequently the proprietor wants to affix tinting to the windows, one of the standard conditions of licence (see Appendix B) provides that they must first apply to and be given approval by the Council to affix the tinting. A transitional period in accordance with the rolling vehicle replacement programme will be permitted for existing licensed vehicles. This is so the Council can ensure that any tinting applied to a licensed vehicle's windows is consistent with these specifications.

3. Wheelchair Accessible Vehicles

- 3.1 In the case of all Hackney vehicles that are built or adapted for disabled passengers, the design of the vehicle should ensure that any wheelchair is loaded from the side of the vehicle.
- 3.2 If a vehicle is off the road due to accident or damage and a replacement vehicle is supplied, this vehicle must also comply with 2.8 above.
- 3.3 The Council will only consider licensing vehicles converted or adapted to carry wheelchairs if the conversion is approved by an Institute of Automotive Engineers Assessor. The licence applicant must produce the original certificate from the approved Institute of Automotive Engineers Assessor as part of their licence application.
- 3.4 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307) and the original testing certificate must be presented to the Licensing Office as part of the licence application.

4. Roof signage

- 4.1 Roof signs must comply with the following criteria. The sign must:
- a) Measure 76cm in width x 15cm in length x 16cm in height.
 - b) Be of "Aero" type design
 - c) Include the Borough Council logo in colour on the left hand side of the front face the sign.
 - d) The logo must measure not less than 13cm in height by 13cm in width.
 - e) Display in the middle of the front face of the sign the following words in the prescribed format:
 - Hackney Carriages the word Taxi
 - Private Hire Vehicles the name of the operator
 - f) The letters comprising the word 'shall be not less than 3cm in height, and the letters comprising the 'word' shall be not less than 7cm in height.
 - g) Include the proprietor's licence number on the right hand side of the front face in numbers measuring not less than 6 cm in height.
 - h) The rear face of the sign there shall be displayed only the telephone number of the operator or proprietor of the vehicle, in digits measuring not less than 9cm in height. The rear face of the sign may be left blank if the operator or proprietor does not wish to display his/her telephone number.

- i) All letters and numbers displayed must be solid black in colour and be in Flute B font.
- j) The sign must be white on the front face. The sign may be red or white on the rear face but must be red at the rear when illuminated.
- k) No words or numbers may be displayed on the sign except as set out above.

4.2 Vehicles which have a built-in roof sign or light may be exempt from displaying the standard roof light if the Licensing Officer is satisfied that the built-in roof light is an acceptable alternative.

5. Door signage

- 5.1 The front door panels of the vehicle may display the words Hackney Carriage and below the operator name and telephone number.
- 5.2 The external plate number issued by the council will be displayed on the rear door panels of the vehicle by the door handle.

6. Advertising

6.1 One of the standard conditions of licence is that the proprietor may affix advertising if they have first applied for and obtained the Council's permission. The Council will generally require that advertising complies with the following specifications before approval will be given for it to be affixed to the vehicle:

- a) Display screens on the rear of headrests are permitted.
- b) Advertising may be displayed on the external sides of the rear panels providing the advertisement complies with the following criteria:
 - Purpose-built s (that is London-style black cab vehicles) may advertise inside the vehicle on the base of the occasional seats or along the bulkhead on top of the passenger/ driver partition.
 - Any advertisements shall not exceed 30 inches by 15 inches.
 - Advertisements must be of such a form as not to become easily soiled or detached.
 - Advertisements shall not contain matters relating to alcohol, smoking, or products or services likely to give offence to the public.

7. CCTV

7.1 CCTV equipment must be installed and operated. The system must

- a) be either only capable of recording images and not sound, or if the system is able to record sound, the proprietor must ensure that the sound recording function of the system is disable so that only images are recorded.
- b) Not have a video display screen (VDU) screen inside the vehicle.
- c) Be designed and capable of adequately recording after dark.
- d) Ensure that any recorded data is encrypted and access to the data is password protected or locked and only authorised persons can view any recordings.

Appendix B

Hackney Carriage Vehicle Licence Conditions

Where the proprietor permits another person to drive the licensed vehicle, they must ensure that that person has a valid Hackney Carriage driver's licence and they must draw the following conditions of the vehicle licence to that person's attention. The proprietor is responsible for ensuring that any person who drives their licensed vehicle complies with these licence conditions.

1. Internal and External Licence Plates

- 1.1 The proprietor must ensure that the external licence plate and the door plates provided by the Council are maintained in a clear and legible condition and are securely affixed to the outside of the Carriage. The licence plate on or adjacent to the rear bumper and the door plates on the rear passenger doors near or adjacent to the door handles. Easily removable licence plates and door plates using magnets, double sided tape or Velcro are not acceptable.
- 1.2 The Council must be informed as soon as practicable should the external licence plate or door plates be lost, stolen, broken or defaced.
- 1.3 The proprietor shall not cause or permit the vehicle to be used or operated with the external licence plate so defaced that any figure or material particular is illegible.
- 1.4 The internal licence plate issued by the Council must be affixed to the nearside part of the windscreen in such a position where the telephone number on the rear of the plate can be clearly seen by passengers and must be displayed at all times.

2. Change of Use

- 2.1 The proprietor must notify the Council of any intended change in use of the specified vehicle, or any change in the particulars supplied at the time of application for the licence and of any modifications made to the vehicle, including seating arrangements.

3. Vehicle Licence

- 3.1 In the event of loss or damage to any licence the Council must be informed immediately so that a replacement can be issued.
- 3.2 On revocation, expiry or suspension of the licence, the licence and the internal and external licence plates issued in respect of the vehicle must be immediately returned to the Council.
- 3.3 A proprietor shall advise the Council in writing within 14 days of any change of their home address, contact telephone number or email address.

4. Insurance

- 4.1 The proprietor shall ensure that there is in force a policy of insurance complying with the requirements of the Road Traffic Acts and which covers the vehicle for the carriage of passengers for public hire during the currency of the licence.
- 4.2 A copy of a vehicle's current insurance document must be kept with the vehicle and the proprietor must make it available for inspection by any Worthing Borough Council officer or any Police Officer upon request.
- 4.3 If, during the currency of this licence a new policy of insurance is obtained in relation to the licensed vehicle, a copy of the new policy or insurance cover note must be lodged with the Council within 7 days of the new insurance policy coming into effect.

5. Interior Appearance

- 5.1 The interior of the vehicle should always be in a clean and tidy state.
 - a) Carpets, upholstery and cloth trim are to be kept clean and undamaged. Good quality seat covers and carpet mats may be used, provided that each is a matching set, of a colour co-ordinating with the vehicle and kept in good condition.
 - b) All plastic fascia, door linings, roof linings and trim are to be kept free from marks, stains and damage.
 - c) All interior lights and fascia illumination are to be in full working order and in good condition.
 - d) Boot space/luggage areas are to be kept clean and any vehicle equipment properly stowed.
- 5.2 All doors, locks and windows are to be in full working order and in good condition.
- 5.3 All windows are to be kept free of dirt, grime and marks.

6. Tinted Windows

- 6.1 A proprietor must not affix, or allow to be affixed, window tinting to the licensed vehicle without first applying for and obtaining permission from the Council to do so.

7. Fire Extinguisher and First Aid Kit

- 7.1 The proprietor must ensure that a sterile standard motorist's first aid kit is carried in the vehicle at all times.
- 7.2 The proprietor must ensure that a fire extinguisher suitable for use on vehicle fires is carried in the vehicle at all times. The proprietor must ensure that the contents of the extinguisher remain in date at all times. Where there is an expiry date on the extinguisher (instead of a colour gauge), the date is clearly visible and not tampered with.

8. Accidents

- 8.1 The proprietor must inform the Council the next available working day of any accident causing damage affecting the safety, performance or appearance of the vehicle or which may affect the comfort or convenience of passengers.

9. Luggage storage

- 9.1 The boot area must be capable of carrying the appropriate volume of luggage for the number of passengers on the licence.
- 9.2 If the licensed vehicle is either an estate car or multi-passenger vehicle, there must be luggage restraints kept in the vehicle so that passengers' luggage can be securely stowed, and the restraints must be kept in good working order.

10. Taximeters

- 10.1 The proprietor must ensure the vehicle is fitted with a taximeter approved by the Council at all times the vehicle is available for hire. The meter must be maintained and kept in a good working order at all times.
- 10.2 The taximeter must be set for up to the current maximum tariff agreed by the Council and the proprietor must ensure that no adjustment to the meter is made without the Council's prior permission.
- 10.3 The proprietor must ensure the "For Hire" sign or other illuminated sign on the roof of the vehicle is linked to the taximeter or a means is provided to switch off the for hire sign so that when the meter is switched on at the commencement of any individual hire, the roof sign is extinguished.
- 10.4 The taximeter must be kept clean and in good working order and positioned so that the fare recorded on the taximeter is plainly visible to passengers in the vehicle.
- 10.5 The taximeter must be sealed at all times and if a seal is broken the proprietor must notify the Council's Licensing Office on the next available working day.

11. Fare Table

- 11.1 The proprietor must ensure that a copy of the current fare table supplied by the Council is on display inside the Hackney Carriage at all times and that the table is kept clean and undamaged and is positioned so that it is plainly visible to passengers in the vehicle.
- 11.2 A driver must, if requested by the passenger, provide them with a written receipt for the fare paid.

12. Smoking

- 12.1 The proprietor must ensure that the prescribed 'no smoking' signage required to be displayed under the relevant legislation (the Health Act 2006 and the Smoke-free (Signs) Regulations 2007 – or any subsequent enactment), is affixed to the interior of the vehicle.
- 12.2 E-Cigarettes and other similar must not be used within the licensed vehicle in line with the requirements of other public transport

M13. Roof Sign

- 13.1 Each Hackney Carriage vehicle (with the exception of those vehicles with a built-in roof light) shall display at all times an illuminated white roof sign approved by the Council, regardless whether the vehicle is working for public hire or personal use.
- 13.2 A proprietor must not alter the sign without first applying for and obtaining permission from the Council to do so.
- 13.3 The illumination mechanism of the roof sign shall not be operated during any period for which the vehicle is hired.

14. Door Signage

- 14.1 If at any time the signs become damaged or lost, the proprietor must notify the Council as soon as possible so that the Council can order replacement signs. The cost of the replacement door signs is the responsibility of the proprietor.
- 14.2 If at any time the signs become damaged or lost, the proprietor must ensure that the vehicle is not used for hire until the replacement door signs are affixed.

15. Pre-Booked Fares

A Hackney Carriage may be used for a pre-booked shared journey providing they comply with the criteria below.

- 15.1 The vehicle's proprietor must notify the Council in writing that the vehicle is to be used for pre-booked shared journeys prior to commencement.
- 15.2 The taximeter must be calibrated for the calculation of separate fees for separate journeys and has been tested and sealed by the Council.
- 15.3 The proprietor must ensure that a record of all pre-booked shared journeys undertaken in the vehicle shall be kept by the proprietor and stored for a period of 6 months.
- 15.4 A Hackney Carriage may be used for a pre-booked shared journey only where the hirers have consented to the journey when booking in advance and where the consent of the hirer has been recorded as to the conditions in appendix K 3.0 Records.

16. Garage Inspection Report

- 16.1 The proprietor must ensure the vehicle has a current Garage Inspection Report from a MOT approved garage at all times whilst the vehicle is licensed.
- 16.2 If a vehicle fails its Garage Inspection Report or its Garage Inspection Report expires the vehicle cannot be used as licensed Hackney Carriage (irrespective of whether it still has a valid MOT Certificate) until a valid Garage Inspection Report has been issued.

17. Advertising

- 17.1 The approval of the Council must be sought and obtained before any adverts (or modifications to existing advertising) are affixed to the vehicle.

18. CCTV Installation in Hackney Carriage Vehicles

- 18.1 When CCTV has been installed in the vehicle with the Council's approval, the following conditions apply to the licence:
- a) The proprietor must not interfere, or try to interfere, with the workings of the device.
 - b) The proprietor must ensure that operation of the CCTV complies with the 'CCTV Code of Practice' published by the Information Commissioner's Office (www.ico.org.uk), including the affixing of appropriate signs notifying the public that CCTV is in use in the vehicle.
 - c) Upon a request being made by an officer of the Council or a police officer for access to the data recorded by the CCTV system, the proprietor must present the Hackney Carriage within 48 hours of the request being made to the person who requested access and allow the Council's Officer or Police officer, as the case may be, to extract data from it.

19. Disability Access

The following conditions will apply to vehicles adapted to carry wheelchairs

- 19.1 Where a vehicle is designed or adapted for the carriage of passengers in a wheelchair, the following conditions shall apply:
- a) Loading of the wheelchair must be undertaken through the side of the vehicle.
 - b) Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.
 - c) Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit.
- 19.2 If, after the licence is granted the vehicle is converted or adapted to carry wheelchairs, the proprietor must:
- a) within 7 days of the conversion/adaptation provide a Certificate from an approved converter, and
 - b) notify their insurance company of the fact that the vehicle has been so adapted/converted.
- 19.3 A suitable restraint must be available for the occupant of a wheelchair at all times and kept in good working order.
- 19.4 If, after the licence is granted any equipment is fitted to the vehicle for the purpose of lifting a wheelchair into it, this must be tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307) and the original testing certificate must be presented to the Council's Licensing Office before the lifting equipment is used in respect of any passenger. A copy of the certificate should also be kept in vehicle at all times and be presented to any Licensing Officer or Police Officer upon request.

- 19.5 There must be kept in the vehicle at all times either access ramps or a lift so assist the wheelchair into the vehicle. Any access ramps or lifts must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper.
- 19.6 Ramps and lifts must be securely stored in the vehicle before it may move off. Any such equipment must be maintained in good working order.
- 19.7 Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to load and convey wheelchair-bound passengers.
- 19.8 There must be no alteration to the seating configuration without notifying the Council

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Appendix C

Hackney Carriage Vehicle Licensing Procedure

Application Process for Hackney Carriage Vehicle Licence

1. Applications for a Hackney Carriage proprietor's licence must be submitted on the prescribed form
2. Applications for renewal together with the supporting documents should be submitted prior to expiry of the current licence.
3. Once a decision has been made to grant the licence, an internal licence plate will be issued together with the new licence and conditions of licence.

Appendix D

Hackney Carriage Byelaws

1. Hackney Carriage Byelaws

- 1.1 Byelaws made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the District of Adur with respect to hackney carriages in the District.

2. Interpretation

- 2.1 Throughout these byelaws “the Council” means the District of Adur and “the District” means the District of Adur.
- 2.2 Provisions regulating the manner in which the number of each Hackney Carriage, corresponding with the number of its licence, shall be displayed.
- a) The proprietor of a Hackney Carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.
 - b) A proprietor or driver of a Hackney Carriage shall not:
 - wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

3. Provisions regulating how Hackney Carriages are to be furnished or provided.

- 3.1 The proprietor of a Hackney Carriage shall;
- a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - b) cause the roof or covering to be kept water-tight;
 - c) provide any necessary windows and a means of opening and closing not less than one window on each side;
 - d) cause the seats to be properly cushioned or covered;
 - e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
 - f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
 - i) provide at least 2 doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

- 3.2 The proprietor of a Hackney Carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say,
- a) the taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
 - b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taxi meter is not in action and that no fare is recorded on the face of the taximeter;
 - c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
 - d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figured shall be capable of being suitably illuminated during any period of hiring;
 - f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

4. Conduct

Provisions regulating the conduct of the proprietors and drivers of Hackney Carriages plying within the District in their several employments, and determining whether such drivers shall wear any and what badges.

- 4.1 The driver of a Hackney Carriage shall
- a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - b) as soon as the carriage is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
 - c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Transport Lighting Act 1957, and also at any other time at the request of the hirer.
- 4.2 A proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
- 4.3 The driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired,

- a) proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf; (or rank designated under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976)
 - b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
 - d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
- 4.4 A proprietor or driver of a Hackney Carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
- 4.5 The driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 4.6 The proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
- 4.7 The driver of a Hackney Carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
- 4.8 A proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
- 4.9 If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
- 4.10 The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage,
- a) convey a reasonable quantity of luggage;
 - b) afford reasonable assistance in loading and unloading;
 - c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

5. Provisions fixing the stands of Hackney Carriages

- 5.1 No longer applicable (replaced by section 63 of the Local Government (Miscellaneous Provisions) Act 1976)

6. Fares

Provisions fixing the rates of fares to be paid for Hackney Carriages within the district and securing the due publication of such fares.

- 6.1 No longer applicable (replaced by section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

7. Lost Property

Provisions securing the safe custody and re-delivery of any property accidentally left in Hackney Carriages and fixing the charges to be made in respect thereof.

- 7.1 The proprietor or driver of a Hackney Carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
- 7.2 The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:
- a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a police station in the District and leave it in the custody of the officer in charge of the office on his giving a receipt for it.
 - b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to 5p in the pound of its estimated value, (or the fare for the distance from the place of finding to the Police Station, whichever be the greater) but not more than £5.

8. Penalties

- 8.1 Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine.

These byelaws were made on 25th September 1974. A copy of the original byelaws is available upon request from the Licensing Office.

Appendix E

Private Hire Vehicle Specifications

1. Vehicle Specification

- 1.1 When licensing Private Hire vehicles the Council has to consider the need for safety, convenience, and comfort of passengers in vehicles that operate in rural, urban and motorway environments. The size and engine capacity have also to be considered given that all vehicles are required to carry their licensed number of passengers together with their luggage. The Council considers that a vehicle should be of manufacturers' original specification and shall be constructed and designed:
- a) For the Carriage of not less than 4 and not more than 8 passengers with the provision of a seatbelt for each passenger.
 - b) With the seat provided for each passenger having a minimum width of 405mm (16 inches) measured across its narrowest part.
 - c) Not to be left-hand drive. Right hand drive passenger vehicles offer the driver clearer and safer vision in an overtaking manoeuvre, and also eliminate the need for a front seat passenger to alight from the vehicle into the road.
 - d) With an engine having a capacity of at least 1600 cc. including vehicles badged by the manufacturer as "1.6" models.
 - e) To have windows to the side and rear providing natural light to passenger compartment.
- 1.2 In the interest of safety each vehicle should have a minimum 4 doors, which are capable of being opened from the inside.
- 1.3 The passenger carrying capacity will be at the discretion of the Council.
- 1.4 The vehicle seats must have these specifications:
- a) The rear seat of the vehicle must be a minimum of 1.22 meters long (405 mm or 16 inches per person) with no mouldings restricting the seating capacity. The driver's seat fully pushed back there must be a minimum gap of 1.77m (7 inches) between the front of the rear seat and the back of the front seat and a 863 mm (34 inch) gap in height from the lowest part of the seat pad to the roof.
 - b) All seats must be fitted with fully operational seat belts.
 - c) No passenger should have to climb over or move seats.
 - d) The number of passenger seats must remain as stated on the vehicle licence.
 - e) There must be no alteration to the seating configuration without notifying the Council.
 - f) All seats must be forward or rear facing.
 - g) All vehicles must be able to seat all passengers in comfort with sufficient legroom for all passengers.
 - h) The seat covering must be clean and in a good state of repair.

- 1.5 The vehicle and its fittings must, when being presented for inspection and at all times during when it is licensed and available for hire:
- Be safe
 - Be tidy
 - Be clean
 - Comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the Motor Vehicle (Construction and Use) Regulations which currently apply.
- 1.6 The vehicle must be maintained throughout the term of the vehicle licence to a high standard of appearance to the complete satisfaction of the Council.
- 1.7 The licensed vehicle shall be not be coloured black, white, silver or similar unless it is approved by the Council.
- 1.8 All paintwork will be professionally finished and the vehicle free from dents and damage to either bodywork or fittings. Bare metal, primer paint, visible rust and perforations will not be permitted.
- 1.9 The Councils Garage test must be carried out by an approved MOT testing station within the District or the Councils' Commerce Way Workshops.
- 1.10 In the interests of safety and reassurance of passengers, tinted glass or mirrored glass that restricts all view into the passenger compartment will not be accepted on vehicles which are presented for licensing. Where a vehicle is licensed and subsequently the proprietor wants to affix tinting to the windows, one of the standard conditions of licence (see Appendix F) provides that they must first apply to and be given approval by the Council to affix the tinting. A transitional period in accordance with the rolling vehicle replacement programme will be permitted for existing licensed vehicles. This is so the Council can ensure that any tinting applied to a licensed vehicle's windows is consistent with these specifications.

2. Private Hire Vehicles Exempt

- 2.1 Some Private Hire operators may be exempt from displaying roof sign, door signs and licence plate. The reason for this can be found in Appendix E of this policy.

3. Advertising on Private Hire Vehicles

- 3.1 One of the standard conditions of licence for Private Hire vehicles is that the proprietor may affix advertising if they have first applied for and obtained the Council's permission. The Council will generally require that advertising complies with the following specifications before approval will be given for it to be affixed to the vehicle:
- a) Display screens on the rear of headrests is permitted
 - b) Advertising may be displayed on the external sides of the rear wing panels providing the advertisement complies with the following criteria:
 - c) Any advertisements shall not exceed 30 inches by 15 inches.
 - d) Advertisements must be of such a form as not to become easily soiled or detached.
 - e) Advertisements shall not contain matters relating to alcohol, smoking, or products or services likely to give offence to the public.

4. CCTV Installation in Private Hire Vehicles

4.1 CCTV equipment must be installed and operated

- a) The CCTV system must be either only capable of recording images and not sound, or if the system is able to record sound, the proprietor must ensure that the sound recording function of the system is disabled so that only images are recorded.
- b) The CCTV system must not have a video display screen (VDU) screen inside the vehicle.
- c) The CCTV system must be designed and capable of adequately recording after dark.
- d) The CCTV system must be one where any recorded data is encrypted and access to the data is password protected or locked and only authorised persons can view any recordings.
- e) The proprietor must not interfere, or try to interfere, with the workings of the device.
- f) The proprietor must ensure that operation of the CCTV complies with the *CCTV Code of Practice* published by the Information Commissioner's Office (www.ico.org.uk), including the affixing of appropriate signs notifying the public that CCTV is in use in the vehicle.
- g) Upon a request being made by an officer of the Council or a police officer for access to the recordings within 24 hours following a request by any law enforcing agency at no charge to that agency.

Vehicles are manufactured and produced with window glass in various tints or film coatings from clear to jet-black, the latter making it impossible to view into the passenger compartment. The removal of film coating from windows is far less expensive than the changing of glass. These heavily tinted windows may be of concern to women passengers travelling alone, and parents of children travelling unaccompanied. Many of the vehicles supplied with tinted glass are acceptable, however in the interests of safety and reassurance of passengers, tinted glass or mirrored glass that restricts all view into the passenger compartment will not be accepted on licensed vehicles.

Appendix F

Private Hire Vehicle Conditions of Licence

1. Licence Plate

- 1.1 The proprietor must ensure that the licence plate provided and allocated to him by the Council is maintained in a clear and legible condition and is securely affixed on the outside of the Carriage, on or adjacent to the rear bumper. Magnets, double sided tape and Velcro are not acceptable for securing the plate.
- 1.2 The Council must be informed as soon as practicable should the licence plate be lost broken or defaced.
- 1.3 The proprietor shall not cause or permit the vehicle to be used or operated with the said plate so defaced that any figure or material particular is illegible.
- 1.4 The internal licence plate issued by the Council must be affixed to the nearside part of the windscreen in such a position where the telephone number on the rear of the internal licence plate can be clearly seen by passengers and must be displayed at all times.

2. Vehicle Change of Use

- 2.1 The proprietor must notify the Council of any intended change in use of the specified vehicle, or any change in the particulars supplied at the time of application for the licence and of any modifications made to the vehicle, including seating arrangements immediately and shall not use the vehicle for the purposes of carrying fare paying passengers until approved by the Council.

3. Vehicle Licence

- 3.1 In the event of loss of or damage to this licence the Council must be informed immediately so that a replacement can be issued.
- 3.2 On revocation, expiry, or suspension of the licence, the licence and the plate issued in respect of the vehicle must be returned to the Council forthwith upon the Council giving such a demand in writing to the proprietor.
- 3.3 The proprietor shall advise the Council in writing within 14 days of any change of their home address, contact telephone number or email address.
- 3.4 The proprietor shall give 7 days' notice of his/her intention to transfer the licence to another vehicle and shall not permit that vehicle to be used as a licensed vehicle until the licence has been endorsed by the Council.

4. Insurance

- 4.1 The proprietor shall ensure that there is in force a policy of insurance with the requirements of the Road Traffic Acts and which covers the vehicle for the carriage of passengers for public hire during the currency of the licence.
- 4.2 A copy of a vehicle's current valid insurance document must be kept with the vehicle and the proprietor must make it available for inspection by any Worthing Borough Council officer or any Police Officer upon request.
- 4.3 If, during the currency of this licence, a new policy of insurance is obtained in relation to the licensed vehicle, a copy of the new policy or insurance cover note must be lodged with the Council within 7 days of the new insurance policy coming into effect.

5. Interior Appearance

- 5.1 The interior of the vehicle should always be in a clean and tidy state.
- a) Carpets, upholstery and cloth trim are to be kept clean and undamaged. Good quality seat covers and carpet mats may be used, provided that each is a matching set, of a colour co-ordinating with the vehicle and kept in good condition.
 - b) All plastic fascia, door linings, roof linings and trim are to be kept free from marks, stains and damage.
 - c) All interior lights and fascia illumination are to be in full working order and in good condition.
 - d) Boot space/luggage areas are to be kept clean and any vehicle equipment properly stowed.
- 5.2 All doors, locks and windows are to be in full working order and in good condition.
- 5.3 All windows are to be kept free of dirt, grime and marks.

6. Tinted Windows

- 6.1 A proprietor must not affix, or allow to be affixed, window tinting to the licensed vehicle without first applying for and obtaining permission from the council to do so.

7. Fire Extinguisher & First Aid Kit

- 7.1 The proprietor must ensure that a sterile standard motorist's first aid kit is carried in the vehicle at all times.
- 7.2 The proprietor must ensure that a fire extinguisher suitable for use on vehicle fires is carried in the vehicle at all times. The proprietor must ensure that the contents of the extinguisher remain in date at all times. Where there is an expiry date on the extinguisher (instead of a colour gauge), the date is clearly visible and not tampered with.

8. Accidents

- 8.1 The proprietor must inform the Council the next available working day of any accident causing damage affecting the safety, performance or appearance of the vehicle or which may affect the comfort or convenience of passengers.

9. Luggage in Estate Cars and Multi-Purpose Vehicles

- 9.1 The boot area must be capable of carrying luggage for the number of passengers on the licence.
- 9.2 Luggage stowed in the boot should not be stacked above the height of the rear seats unless the vehicle is fitted with suitable luggage restraints or covers to prevent luggage from entering the passenger compartment.

10. Taximeters

- 10.1 All taximeters must be approved by the Council and the proprietor of a Private Hire vehicle which has been fitted with a taximeter must ensure that meter is maintained in a sound working condition at all times.
- 10.2 The taximeter shall be of the clock calendar type or a Council approved taximeter.
- 10.3 The taximeter must not be altered or tampered with except with the approval of the Council and must be retested by the Council if it is altered.
- 10.4 Show the fare recorded on the taximeter in plainly legible figures and the word "FARE" shall be clearly displayed.
- 10.5 Be kept surely fixed in such a position so that the fare recorded is visible to all passengers within the vehicle at all times, and the figures shall be illuminated for this purpose whenever necessary.
- 10.6 The taximeter must be sealed at all times and if a seal is broken the Licensing Office must be notified as soon as possible.

11. Two Way Radios

- 11.1 The proprietor must ensure that any radio equipment fitted to the licensed vehicle is kept in good working order at all times.

12. Smoking

- 12.1 The proprietor must ensure that the prescribed 'no smoking' signage required to be displayed under the relevant legislation (the Health Act 2006 and the Smoke-free (Signs) Regulations 2007 – or any subsequent enactment), is affixed to the interior of the vehicle.

13. Roof Sign

- 13.1 Each Private Hire vehicle shall display at all times a non-illuminated roof sign approved by the Council. The signs will be in yellow unless authorisation has been approved for roof signs to be a different colours.
- 13.2 A proprietor must not alter the sign without first applying for and obtaining permission from the Council to do so.

13.3 The roof light must comply with the following criteria:

- a) be 'point' type design
- b) be 46cm in width x 16cm in length x 14cm in height.
- c) all letters and numbers displayed must be solid black in colour and in Flute B font
- d) the words 'ADVANCE BOOKINGS ONLY' must be displayed on the front of the sign at the top in letters not less than 2.5cm in height.
- e) the company name must be displayed underneath in letters not less than 5cm in height.
- f) the rear of the sign should display only the word 'WORTHING' in letters not less than 2.5cm in height and underneath, the telephone number of the company or Private Hire operator through whom the vehicle can be booked, displayed in numbers not less than 5cm in height.
- g) the sign shall not include the words 'hire', 'cab', 'taxi', 'hackney' or any other word which would lead a person to believe that the vehicle is a Hackney Carriage (even if these words form part of the company name) or any other words or numbers except those set out above.

14. Door Signage

14.1 Each Private Hire vehicle shall display a sign on front door in accordance with the criteria laid out below:

- a) the sign shall be constructed of vinyl, and shall be applied directly to the door. Licence holders should note that magnetic door signs are not acceptable in fulfilment of this condition.
- b) the words 'Advance booking only' shall be displayed at the top of the sign in letters of 4cm in height.
- c) the operator or company name shall be displayed in the middle of the sign in letters of 8cm in height if on one line or 4cm in height if on 2 lines.
- d) the telephone number of the operator through which the vehicle is operating shall be displayed at the bottom of the sign in numbers of 4cm in height.
- e) the overall dimensions of the sign shall be 23cm in height by 45cm in width.
- f) all numbers and letters displayed on the sign must be laid out in Flute B font and shall be solid black or solid white, as required by the Licensing Officer. The colour required will be dependent on the colour of the vehicle and will be chosen to ensure maximum visibility against the vehicle's paintwork.

14.2 These door signs must be displayed at all times. Failure to display these door signs may result in the suspension of the vehicle licence.

15. Certificate of Compliance

15.1 Upon notification from the council that a compliance test must be carried out, the proprietor must ensure that the vehicle is submitted for a compliance test and provide the original certificate of compliance to the Council by the date required. Compliance Testing is required every 12 months for vehicles under 10 years old and every 6 months for vehicles more than 10 years old.

15.2 The proprietor must ensure the vehicle has a Certificate of Compliance from a MOT approved garage in the District of Adur at all times whilst the vehicle is licensed.

- 15.3 If a vehicle fails the Certificate of Compliance test and the vehicle still has a valid MOT Certificate the vehicle cannot be used as a licensed vehicle until a valid Certificate of Compliance has been issued.

16. Advertising

- 16.1 The approval of the Council must be sought and obtained before any advertising (or modifications to existing advertising) is affixed to the vehicle

17. Disability Access

The following conditions will apply to vehicles adapted or carry wheelchairs

- 17.1 Where a vehicle is designed or adapted for the carriage of passengers in a wheelchair, the following conditions shall apply:
- 17.2 Loading of the wheelchair must be undertaken through the side or rear of the vehicle.
- 17.3 Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.
- 17.4 Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit.
- 17.5 If, after the licence is granted the vehicle is converted or adapted to carry wheelchairs, the proprietor must: within 7 days of the conversion/adaptation provide a Certificate from an approved converter, and notify their insurance company of the fact that the vehicle has been so adapted/converted.
- 17.6 A suitable restraint must be available for the occupant of a wheelchair at all times and kept in good working order.
- 17.7 If, after the licence is granted any equipment is fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle, this must tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307) and the original testing certificate must be presented to the Council's Licensing Office before the lifting equipment is used in respect of any passenger. A copy of the certificate should also be kept in vehicle at all times and be presented to any Licensing Officer of police officer upon request.
- 17.8 There must be kept in the vehicle at all times either access ramps or a lift so assist the wheelchair into the vehicle. Any access ramps or lifts must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper.
- 17.9 Ramps and lifts must be securely stored in the vehicle before it may move off. Any such equipment must be maintained in good working order.
- 17.10 Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to load and convey wheelchair-bound passengers.
- 17.11 There must be no alteration to the seating configuration without further approval from the Licensing Officer

Appendix G

Private Hire Executive Plated Vehicles, Limousines & Speciality Vehicles Special Conditions

The following are a pool of standard conditions relating to speciality vehicles. The Council may decide to attach all or any of the following standard conditions (which may be in addition to some of all of the conditions in Appendix F) to the grant of a Private Hire vehicle licence in respect of a speciality vehicle, as may be considered appropriate in any individual case.

1. Additional Conditions for Private Hire Executive Plated Vehicles, Limousines & Speciality Vehicles

- 1.1 The Executive vehicle or Limousine to be exempted has to be of a high quality both in terms of brand and condition.
- a) Vehicles will normally be the accepted luxury brands such as Mercedes Benz, BMW, Jaguar, Rolls Royce, Bentley and Lexus.
 - b) The vehicle must have no visible defects, dents or blemishes to the external bodywork or internal trim.

2. Types of Vehicles

- 2.1 The vehicle must have one of the following:
- a) A UK Single Vehicle Approval Certificate
 - b) A European Whole Vehicle Approval Certificate
 - c) UK Low Volume Type Approval Certificate Specification
- 2.2 If the vehicle has a UK Single Vehicle Approval Certificate, the Council will expect that the vehicle will have been modified in accordance with a program approved by the original vehicle manufacturer and have appropriate documentary proof. The licensee must produce a copy of the IVA certificate at time of licensing.

3. Vehicle and Safety Equipment

- 3.1 The proprietor of a vehicle shall:
- a) Ensure that the vehicle and all its fittings and equipment are at all times kept in a fit, serviceable, safe and clean condition.
 - b) Ensure the vehicle is fitted with tyres that meet both the manufacturer's size and weight specification for that vehicle.
- 3.2 Vehicles may be granted an exemption from the requirement under the conditions of licence for Private Hire vehicles to be right hand drive.
- 3.4 Vehicles with sideways facing seating may be considered for Private Hire licensing.
- 3.5 The passenger compartment of the vehicle may be fitted with darkened or blackened glass if approved by the Council.

4. Use of Vehicle

4.1 The proprietor of a vehicle shall:

- a) Not permit to be conveyed in the vehicle more than the number of persons for which the vehicle is licensed, regardless of the age or size of the passengers
- b) Ensure that in any advertisement publicising their business, the vehicle is not stated to carry any more than 8 passengers.
- c) Not convey any passengers in the front compartment with the driver.
- d) Not supply alcohol to passengers unless there is in force an appropriate authorisation under the Licensing Act 2003 permitting the sale or supply of the same

4.2 If the occupants are below the age of 18, there should be no alcohol carried in the passenger compartment.

4.3 Any glassware in the vehicle must be made of either shatterproof glass or plastic.

4.4 The driver shall not play or permit the performance of any film, video or similar media where any passenger in the vehicle is below the age permitted by the age classification to view the particular film etc.

Appendix H

Private Hire Vehicle Licence Procedures

1. Application Process for Private Hire Vehicle - New Licence

- 1.1 The vehicle must accord with the specifications in Appendix E.
- 1.2 Applicants must telephone the licensing office to make an appointment to have their vehicle licensed.
- 1.3 Applications for a Private Hire vehicle licence must be submitted on form PHV/1
- 1.4 Applicants attending the appointment must bring all their documents relating to the vehicle, which include:-
 - Insurance for Hire and Reward
 - Registration Document or Bill of Sale
 - Certificate of Compliance
 - MOT
 - Garage Certificate
 - Applicants must pay the appropriate fee before the licence can be issued.
- 1.6 Applicants must ensure that they bring the vehicle to the appointment

2. Application Process for Private Hire Vehicle - Licence Renewal

- 2.1 Applications for renewal should be submitted at least 10 days prior to the vehicle licence expiring. Applicants must telephone the licensing office to make an appointment to have their licence renewed.
- 2.2 The fee must accompany the application for renewal.
- 2.3 An internal licence plate will be issued and placed in the front windscreen and given to the applicant
- 2.4 Applicants who fail to renew their vehicle licence on time will be required to submit a new application and will be also be required to comply with the conditions set out in Appendix D. Licence holders should note that depending on the age of the vehicle it could be deemed to be too old to re-licence.

3. Application Process for Private Hire Vehicle Licence - Transfer of vehicle

- 3.1 Applicants must telephone the licensing office to make an appointment to transfer the licence to another vehicle.
- 3.2 Vehicles must comply with the conditions of licence outlined in Appendix D.

- 3.3 Applications for a Private Hire vehicle licence transfer must be submitted on the designated form.
- 3.4 Applicants must bring all their documents relating to the vehicle which includes:-
- Insurance for Hire and Reward
 - Registration Document or Bill of Sale
 - Certificate of Compliance
 - Valid MOT
- 3.6 An internal licence plate will be issued and placed in the holder provided on the windscreen. This will clearly display the expiry date so it can be seen from the outside of the vehicle.
- 3.7 An external licence plate will be issued and fixed to the rear of the vehicle by the Council
- 3.8 A paper licence will be issued.
- 3.9 Applicants must bring their vehicle to the Councils' Taxi Office for an officer of the Council to:
- Check for the Council approved door signs (where applicable)
 - Check for the Council approved roof sign (where applicable)
 - To fix an external plate to the rear of the vehicle

4. Application Process for Private Hire Vehicle Licence - Transfer of ownership

- 4.1 Applicants must telephone the licensing office to make an appointment to transfer the licence to another person.
- 4.2 Vehicles must comply with the conditions of licence outlined in Appendix D above
- 4.3 Applications for a vehicle licence transfer of ownership must be submitted on designated form.
- 4.4 Applicants must bring all their documents relating to the vehicle which includes:-
- Insurance for Hire and Reward
 - Registration Document or Bill of Sale
 - Certificate of Compliance.
 - A signed transfer form from the existing licence holder authorising the transfer of the licence
 - The Council will determine whether a replacement plate is required.

Appendix I

Hackney Carriage & Private Hire Driver Licence Procedures

1. Basic Principles

- 1.1 In determining an application for a Hackney Carriage or Private Hire Driver Licence applicants are required to declare all convictions / cautions / offences. The Council as Licensing Authority is entitled to consider all convictions whether or not they may be considered “spent” for other purposes.
- 1.2 An Adur District Council Hackney Carriage or Private Hire Driver (PHD) must:
 - a) drive a vehicle licensed by this Authority
 - b) have the required insurance
- 1.3 Adur licensed Private Hire Drivers must drive on a circuit for an Adur District Council licensed ‘Operator’, whilst on this circuit, all ‘hire and/or reward’ passengers must be pre- booked through the ‘operator’. A PHD may not use or park a vehicle on or near (plying for hire) any appointed ‘taxi’ rank. A PHD may not drop-off or pick-up any passenger on or near an appointed ‘taxi’ rank and may not be ‘hailed’ in the street.
- 1.4 Following the grant of a licence, any breach of condition or action(s) contrary to the relevant legislation, any criminal or motoring record will be given due consideration by the Council and may result in the suspension, revocation or refusal to renew any such licence.
- 1.5 All applicants for the grant of a driver's licence must satisfy the criteria set out below.

2. Driving History

- 2.1 Applicants must have held or be in possession of a full UK or EU driving licence for at least 12 months and present same for inspection at the time of application. If the licence consists of a photo card and counterpart, both parts must be provided.
- 2.2 The applicant must submit a completed DVLA driving licence disclosure form which will be provided and can be completed at the time of application.
- 2.3 If a licence driver has his/her DVLA licence revoked or is disqualified for any reason, the Council may automatically revoke their Private Hire or Hackney Carriage Driver's Licence.

3.0 Medical Certificate

- 3.1 A medical must be carried out on the Council's prescribed form by the applicant's own GP. The medical test will be carried out to PSV DVLA Group 2 specification. This medical must be completed to the satisfaction of the Council before a licence can be issued. The Council will only accept a medical certificate produced on the Council's prescribed form. No other form of certificate will be accepted. The Medical Form will be provided at time of application. A medical is required on initial

application. Further medicals are required every 5 years from the age 45. Then annually after age 65.

5. Photographs

5.1 Two recent original passport sized photographs are required with application.

6. Driving Standards Agency Test(s)

6.1 Private Hire Driver applicants will be required to pass the DSA Taxi/Private Hire assessment and provide certificated proof, before the issue of the licence.

6.2 Hackney Carriage Driver applicants will be required to pass the DSA Taxi/ Private Hire assessment and DSA Wheelchair Accessibility Test and provide certificated proof of both before the issue of the licence.

6.3 Contact details for the DSA will be provided.

7. Knowledge Test

7.1 All applicants are required to pass the Council's knowledge test which will in addition to local geography and taxi regulations will require an applicant demonstrate competency in English and numeracy. Applicants who wish to be exempt from sitting the Council's knowledge test must provide detailed information why the Council should deviate from this policy.

7.2 Hackney Carriage Geographical Knowledge Test

The test consists of 40 questions. The test is advanced and requires an excellent knowledge of Worthing's streets, roads, closes, courts, terraces, walks, major buildings, pubs, hotels, public buildings etc. and the shortest route between such points. Applicants for Hackney Carriage driver licences will need to know all of the above and achieve a pass mark of 37 correct answers from 40 questions. A route test will also need to be taken where the applicant will need to answer 8 out of 10 routes correctly by naming the roads as a shortest route between 2 points in the Borough.

7.3 Private Hire Geographical Knowledge Test

This test consists of 40 questions; an applicant must achieve 30 correct answers in order to pass. If there are any difficulties anticipated with the knowledge test, applicants must make the Licensing Section aware within sufficient time prior to the actual date to the test.

7.4 Child Sexual Exploitation (CSE) and Disability Awareness Training

All applicants are required to undergo CSE and Disability Awareness Training. Applicants who wish to undertake the CSE and Disability Awareness Training after their knowledge test must inform the Licensing section 48 hours prior to their appointment for a knowledge test. Applicants who fail the CSE and Disability Awareness Training will be required to re-sit the training and pass before a licence can be issued.

8. Knowledge Test - General Information

- 8.1 No mechanical/electrical devices or other means of assistance will be allowed into the test.
- 8.2 Applicants are required to provide photographic identification on the day of the test. (e.g. passport or photographic DVLA licence). If an applicant fails to bring photographic ID his/her test will be cancelled.
- 8.3 The cost for the first knowledge test is included in the initial fee; subsequent tests are charged for. Tests cancelled because of failure to provide the required ID on the day are charged for.
- 8.4 The cost of the CSE and Disability Awareness Training is charged to the applicant and must be paid at the time the application is submitted. If applicants fail the CSE and Disability Awareness Training they must pay for their next training session in advance
- 8.5 Tests are be conducted and controlled by Officers of the Council at the Licensing Office. The applicant will be informed of the results of a test as soon as possible but the Licensing Office has up to 10 days to inform an applicant when there is high demand or IT issues. Providing all other criteria has been met and there are no outstanding issues, an appointment may be made to arrange for the issue of the Licence.

9. Proof of Identity

- 9.1 Applicants must submit 2 forms of photo identification, one of which must be a Passport (or for EU/EEA Member States a National Identity Card is acceptable). The following documents may also help to support proof of identity; however, they will not be accepted as an alternative to adequate photographic identification (Please note only original documents/certified copies will be accepted).
- Birth Certificate
 - P45/P60
 - Photo/Paper driving licence
 - Marriage Certificate
 - Applicants must submit 2 forms of proof of address, from the list below. Please note these documents must be no more than 3 months older than the date of issue.
 - Utility bill (not mobile phone bill)
 - Credit Card Statement, Bank Statement or Mortgage Statement
 - Rent Account or Council Tax Record
- 9.2 Please ensure that the name, date of birth and address corresponds on all forms of identification provided. If names are not identical on each document the application will not be accepted until all the documents show the same name.
- 9.3 Applicants must provide printed proof of their National Insurance Number. E.g. Wage slip or P60.

10. Fees and Charges

- 10.1 The cost of the Council's Hackney Carriage & Private Hire licence fees and charges can be obtained from the licensing office.

11. Border and Immigration

- 11.1 Applicants must satisfy Border & Immigration that the conditions of the applicant's passport and residency permission are compatible with the licence applied for.
- 11.2 Applicants are advised that it is the Council's policy to consult with Border & Immigration if it deems necessary, to ensure that the applicant's rights of residency are compatible with the licence applied for.
- 11.3 At the current time, applicants who reside in the UK on the strength of a Student Visa cannot work on a self-employed basis. They must provide written confirmation that they intend to be employed and plan to work no more than 20 hours per week. They will also be required to provide details in writing of the Private Hire Operator intending to act as their employer, who will be required to complete the appropriate form. Copies of both forms are then forwarded to HM Revenue & Customs or any other organisations that the Council deems relevant.

12. General Guidance

- 12.1 Upon completion of an application for either a Hackney Carriage or Private Hire drivers licence the Licensing staff will check through the application to ensure that it has been completed correctly and in full. If the applicant does not complete the application fully then it will not be processed and the application will be returned.
- 12.2 When issued, the Enhanced DBS disclosure will detail all known offences to the Licensing Authority, any disclosed information may be used by the Council to determine whether an applicant is a 'fit and proper' person to be issued a Private Hire or Hackney Carriage driving licence.
- 12.3 The Council will give due consideration to the merits of each individual case and if further investigation is required, the 'disclosure form' certificate' may be retained on the applicants file until the outcome of the case or for a maximum period of 6 months. All files are kept in a secure area and are only available to the appropriate staff. If no offences are disclosed the 'form' certificate' is destroyed.
- 12.4 Once all the forms have been completed and have been checked by the Licensing staff the DBS, DVLA and Border & Immigration checks will be sent off ASAP for processing by the relevant agencies.
- 12.5 On return of the DVLA driving licence check and any feedback from Border & Immigration, the Licensing Officer will review each response. The DBS disclosure will be returned to the applicant and must be submitted as soon as possible at the Licensing office. If the Officer considers the records revealed to be acceptable and the DSA certificate has been submitted satisfactorily the applicant may apply for a knowledge test date.

- 12.6 If the DBS or DVLA checks reveal relevant cautions, convictions, fixed penalties, or Border & Immigration have concerns, the Licensing Officer may contact the applicant to arrange for an interview. The interview will allow the Council to discuss the full circumstances concerning the incidents revealed. The applicant will then be offered the opportunity to put all explanations of such cautions, convictions or incidents in writing, to support the application. After the interview has been completed, a report will be submitted for the consideration of the Head of Service or it may be referred to the Licensing Committee for consideration at hearing. The applicant will be notified in writing of the Council's decision.
- 12.7 The Licence will be issued subject to the laws governing the licence and Council's own standard conditions. A copy of these conditions is included in the application pack and will be supplied on the grant of any licence issued.
- 12.8 The licence will usually be issued for 3 years, but may be issued for a lesser period if so decided by the Head of Service or Licensing Committee in extenuating circumstances.
- 12.9 Applicants are also required to advise the Council's Licensing Section of any change(s) to their circumstances i.e. medical condition, criminal incidents, driving licence, address etc., from the time the application is submitted, to the time of issue.

Appendix J

Private Hire Driver Conditions of Licence

1. A licensed driver shall behave in a civil and orderly manner and shall take reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the licensed vehicle.
2. A licensed driver who has agreed to be in attendance at a certain time at a specified place or whose operator has informed him he/she must be in attendance at a certain time at a specified place shall, unless delayed or prevented by unpreventable circumstances, punctually attend with a licensed vehicle at the appointed time and place.
3. A licensed driver must:
 - carry in the vehicle any luggage which a passenger requests be carried in the vehicle provided that it can be properly secured with the luggage restraints fitted to the vehicle;
 - provide reasonable assistance in loading and unloading such luggage;
 - provide reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down a passenger.
 - provide reasonable assistance to any passenger in alighting or entering the vehicle.
4. The licensed driver of a vehicle equipped with a taxi meter shall set the meter into operation at the point at which the hirer commences his journey unless the hirer expresses at the time of hiring his desire to engage by time.
5. The licence holder shall at all times when acting as a Private Hire driver wear the badge issued by the Council around his/her neck on the lanyard supplied by the Council.
6. Where any property is left in the vehicle by a passenger, the licence holder must take it to a police station in the borough of Worthing within 48 hours and deposit it with a police officer unless before he/she can do so the owner claims the property.
7. The licence holder must not allow a passenger into their vehicle unless they have first confirmed that there is a booking in place for that passenger made by their operator.
8. Where the licence holder is issued with a fixed penalty by a police officer for a driving-related offence, his/she must notify the Council's Licensing Office of this fact in writing (or by email to taxi.licensing@adur-worthing.gov.uk). The licence holder must ensure that the notification is delivered to the Council by the next working day.
9. Where any of the following occur, the licensed driver must notify the Council of this fact and must do so in writing (or by email) so that the notification is delivered to the Council within 7 days:

10. Any change to the licence holder's personal details including home address, contact telephone number or email address.
11. If the licence holder is charged with any criminal offence including any motoring offence.
12. Any convictions or police cautions given for any criminal offence, including any motoring offence.
13. If they change from one Private Hire operator to another.
14. A licensed driver shall not at any time permit the noise from any radio or sound system in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle. The licensed driver must turn off their radio/stereo if requested by a passenger.
15. A licensed driver shall not between the hours of 23:30 and 07:00 sound his horn to notify the hirer of his presence.
16. A licensed driver shall not, without the consent of the hirer, convey any other person in the vehicle other than the hirer.
17. A licensed driver shall, if requested by the hirer, provide him or her with a written receipt for the fare paid.
18. A licensed driver must supply on request his badge number or plate number to any person who requires it.
19. Any occupied wheelchair being transported in a wheelchair accessible vehicle must be safely secured using the restraint system carried in the vehicle, provided such system is compatible with the wheelchair being transported.
20. The operator must notify the Council in writing of any change of his/her address, (whether this is a home address or the address from where he/she operates) during the period of the licence, within 7 days of such a change taking place or, preferably, before this takes place.
21. A licence holder stopped by a Police or Licensing Officer, must be able to produce their licence on demand.

Appendix K

Private Hire Operator's Licence Conditions

1. Provision and Furnishings of Private Hire Vehicles

- 1.2 Should it come to the operator's attention that a vehicle on his/her/its circuit is not in a clean and tidy condition, he shall notify the proprietor and/or the driver and ensure that no jobs are given to the driver of that vehicle until the operator is satisfied that the vehicle is in a clean and tidy state.

2. Display of Licence Plates, Signs and Advertising

- 2.1 The operator shall ensure that the licence plate issued and allocated by the Council is affixed to the outside of the carriage, on or adjacent to the rear bumper, or in such other position as may be approved by the Licensing Officer.
- 2.2 The operator shall ensure maintenance of such licence plate in a clean and legible condition and shall inform the Council immediately should it be lost or broken or become defaced.

The operator may display on the outside or inside of the vehicle the following:

- Private Hire car sign (which may be issued by the Council) on the windscreen
- Vehicle Licence plate
- Approved West Sussex County Council School Transport Sign when operating in conjunction with school contracts and
- Anything else that is required to be displayed by law
- But may not without first applying for and obtaining the council's permission, allow any other sign to be affixed to any part of a vehicle.

3. Records

- 3.1 The operator shall keep a permanent record of every booking of a Private Hire vehicle invited and accepted by him, whether direct from the hirer or by undertaking the bookings at the request of another operator. The records shall be made available for inspection by a Council Officer or Police officer upon request. The record entries must be made before the commencement of each journey and shall include:
- Time and date of the booking
 - Time and date of the pickup point
 - Details of the destination
 - Name and contact details of the hirer
 - Registration number of the vehicle and
 - Name of the driver allocated for the journey and the driver's Call sign.
- 3.2 All records kept by the operator pursuant to Condition 3.1 above shall be preserved for a period of at least 12 months from the date of the journey.

- 3.3 The operator shall keep written records of the particulars of all Private Hire vehicles operated by him and shall include a copy of the licensed driver's Private Hire licence, details of the proprietor of each vehicle, the registration number of each vehicle and driver/s of each vehicle together with any radio call sign used.
- 3.4 The operator shall ensure that each driver is allocated their own unique call sign.
- 3.5 The Operator will securely retain a copy of the licenses of all drivers (whether Private Hire or Hackney Carriage) engaged to work for them and make them available for inspection by a Council officer or Police officer upon request.
- 3.6 The operator must ensure that every driver that works on his circuit holds a current Private Hire driver's licence at all times the driver is undertaking work on the circuit.
- 3.7 During all times that a vehicle is being operated by the licence holder under this licence, the licence holder must ensure that the vehicle has:
- a valid certificate of insurance for the vehicle to be used for hire and reward for those vehicles licensed as Private Hire vehicles or a valid public hire insurance policy for those vehicles with a Hackney Carriage vehicle licence.
 - a valid Certificate of Compliance
 - a valid Private Hire vehicle Licence or Hackney Carriage proprietor licence.
 - a valid road fund licence

The operator is required to keep a record of all the above and allow a Council officer or Police officer to inspect them upon request.

- 3.8 If any documents (as above in condition number 3.7) expire the operator must ensure the driver does not work on the circuit until valid documents have been submitted to the operator.

4. Conduct of Operator

- 4.1 The licence holder must not accept a booking by any person to hire a Private Hire vehicle unless the passenger or someone on his behalf previously requested the hiring by telephone, letter, email, text or personal call to the office or business premises of the licence holder.
- 4.2 The licence holder must not accept a request for hire (a booking) which has been communicated to them via a driver operating a Private Hire vehicle. To be clear: the licence holder must not accept a booking from a potential passenger made on that person's behalf by a driver in circumstances where the person approached the driver in the street seeking to hire the vehicle.
- 4.3 The operator must ensure that none of his office staff or agents touts for business on the street whether or not this is nearby the operator's offices. In this context, 'tout for business' means approaching any person on the street and asking if they want to book a vehicle where that person has not approached the operator's staff first.

5. Complaints

- 5.1 The operator shall notify the Council in writing of any complaints concerning a contract for hire arising from his business that he feels prudent to do so, for example for his own protection against frivolous or vexatious complaints. Such notification must include the action taken, or proposed, as a result of the complaint.

6. Miscellaneous

- 6.1 The operator may only operate from an address within the district of Adur.
- 6.2 The licence holder must notify the Council at least 7 days prior to any intended change of address from which the licence holder intends to operate under this licence.
- 6.3 The licence holder may only trade under this licence using one of the following names:
- (a) his/her/its own name, or
 - (b) the trading name or one of the names which the licence holder included on the licence application form; or
 - (c) another trading name provided that the operator notifies the Council at least 14 days prior to the intended change to name under which the operator intends to trade.
- 6.4 This licence must be kept in the possession of the operator and must be produced when requested by a Council officer or any police officer.
- 6.5 In the event of loss or damage to this licence the Council's Licensing Section Office must be informed immediately so that a replacement licence can be issued.
- 6.6 This licence must not be altered or defaced in any way.
- 6.7 The operator must take all reasonable steps to ensure that there is no radio scanning equipment in the vehicles at any time.
- 6.8 The operator must not refuse a booking because the person wishing to make the booking proposes that his/her guide dog is to travel in the vehicle with them. The operator must not make an additional charge for the carriage of a passenger's assistance dog.
- 6.9 The operator must not operate more vehicles than the number specified in their licence.
- 6.10 Upon the grant of an operator's licence, the Council will specify the address from which the operator may operate. This will be the registered premises where the records are kept and where bookings are accepted.
- 6.11 Where the licence holder is a person, he/she must notify the Council in writing (or by email to: taxi.licensing@adur-worthing.gov.uk) if any of the following occur, and must do so within 7 days of the event occurring

- Any change to the licence holder's personal details including home address (or where the licence holder is a company, the registered address), contact telephone number or email address.
- If the licence holder is charged with any criminal offence including any motoring offence.
- Any convictions or police cautions given for any criminal offence, including any motoring offence.

6.12 Where the licence holder is a company, a director or the secretary, they must notify the Council in writing (or by email: taxi.licensing@adur-worthing.gov.uk) if any of the following occur, and must do so within 7 days of the event occurring

- Any change to the licence holder's personal details including the registered address, contact telephone number or email address.
- If the licence holder is charged with any criminal offence.
- If any director or the company secretary is charged with any criminal offence or motoring offence.
- If any director or the company secretary is convicted or given a police caution for any criminal offence or motoring offence.
- The details, including full name, home address and telephone contact number, of any director or company secretary appointed after the licence was granted.

Appendix L

Enforcement

In most cases where there are reasons to believe that enforcement action against a licence holder may be required the procedure to be followed is that set out in the Council's Environmental Health Enforcement Policy (available on the Council's website at www.adur-worthing.gov.uk), in particular the procedure relating to enforcement reviews. The following should therefore be read in conjunction with, and is in addition to, the Council's General Enforcement Policy.

Private Hire & Hackney Carriage Drivers and Private Hire Operators

The Council has considered the Department for Transport's 2010 Best Practice Guidance and in particular notes that in paragraph 59 councils are encouraged to have a clear policy for the consideration of criminal records.

Set out below are the factors, both in relation to criminal activity other types of unacceptable behaviour and factors of concern, which will be considered when the delegated officer is considering whether or not they are satisfied that a person is a fit and proper person to hold a licence.

1. General matters

1.1 Each case will be decided on its own merits.

1.2 Relevance of convictions

1.21 A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application will be entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the Council's overriding consideration should be the protection of the public.

1.22 Remaining free from convictions will not generally be regarded as sufficient evidence that a person is a 'fit and proper' person to hold a licence. The Council does not confine itself to convictions but also takes into account non-convictions etc. (in line with Leeds City Council v Hussain). Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public. The following examples afford a general guide on the actions to be taken where convictions are admitted or discovered.

2. Dishonesty

2.1 It is essential for the public to have trust in Hackney Carriage and Private Hire drivers. The practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. However, there is scope for a dishonest driver to defraud a passenger by demanding more than the legal or agreed

fare or by taking a longer route to a destination. Visitors are particularly at risk from an unscrupulous driver. For this reason, the Council will take a serious view of any offences involving dishonesty. The Council will generally not consider an application until a period of at least 3 years free from convictions has elapsed. More than one conviction for this type of offence within the last 5 years will raise serious doubts about the applicant's fitness to hold a licence. In such cases, the Council may reject the application.

2.2 In the case of a licensed driver convicted of an offence involving dishonesty, the Council, may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 3 years free from convictions of this type has elapsed.

2.3 Offences of dishonesty include:

- Theft
- Burglary
- Fraud including benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception

3. Violence

3.1 The Council will take a serious view of any applicant convicted of an offence involving violence.

3.2 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for one or more of the following offences:

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

In the case of a licensed driver convicted of any of the above offences, unless there are exceptional circumstances, the Council will normally revoke the licence immediately.

3.3 A licence will not normally be granted where the applicant has a conviction for one of the following offences in the 10 years immediately prior to the date of application:

- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm
- Robbery
- Possession of firearm
- Riot
- Assault on Police
- Racially aggravated offences

- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit offences), which replace the above.

3.4 In the case of a licensed driver convicted of any of the above offences, the Council may suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 10 years free from convictions of this type has elapsed.

3.4 A licence will not normally be granted where the applicant has a conviction for one of the following offences in the 5 years immediately prior to the date of application:

- Assault occasioning actual bodily harm
- Common assault
- Affray
- Criminal damage
- Harassment
- Or any similar offences (including attempted or conspiracy to commit offences), or offences which replace the above

3.5 In the case of a licensed driver convicted of any of the above offences, the Council may suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 5 years free from convictions of this type has elapsed.

3.5 A licence will not normally be granted where the applicant has a conviction for one of the following offences in the 3 years immediately prior to the date of application:

- S.5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Possession of a weapon (other than a firearm)
- Obstruction
- Or any similar offences (including attempted or conspiracy to commit offences), or offences which replace the above

3.6 In the case of a licensed driver convicted of any of the above offences, the Council may suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 3 years free from convictions of this type has elapsed.

4.0 **Drugs**

4.1 The Council will take a serious view of convictions for drug related offences.

- a) An application will normally be refused when an applicant has a conviction related to the supply of drugs and the conviction is less than 5 to ten years prior to the date of application. After 5 years have elapsed, consideration will be given if an applicant can provide evidence that they can be considered a 'fit and proper' person.
- b) In the case of a licensed driver who is convicted of an offence linked to the supply of drugs, the Council may suspend or revoke the licence. If a

licence is revoked, no further application will normally be considered until a period of at least 5 years free from convictions of this type has elapsed.

- 4.2 An application will generally be refused where the applicant has more than one conviction relating to the possession of drugs and the last conviction was less than 5 years prior to the date of application.
- 4.3 An application from an applicant who has an isolated conviction for possession of drugs within the last 3 to 5 years will require serious consideration before a decision is made regarding their suitability. The Council may require the applicant to produce additional information in order to satisfy the Council that they are a fit and proper person to be granted a licence.
- 4.4 The Council will take a serious view of a licensed driver convicted of an offence for possession of drugs. An isolated incident will result in a strict warning about future conduct. More than one conviction for this type of offence in the last 5 years will raise serious doubts about the person's fitness to hold a licence. In such cases, the Council may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 5 years free from convictions has elapsed, and the Council may require that the person submit a medical examination report from their own GP addressing their drug-use problems when they re-apply for a licence.
- 4.5 See below for offences relating to driving under the influence of drugs and/or alcohol.

5.0 **Sexual and indecency offences**

- 5.1 Hackney Carriage and Private Hire drivers frequently carry unaccompanied and/or vulnerable passengers. The Council will therefore take a serious view of any convictions for a sexual offence. A licence will not normally be granted if an applicant has more than one conviction for a sexual offence.
- 5.2 Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:
- Rape
 - Assault by penetration
 - Sexual offences involving children or vulnerable adults
 - Or any similar offences (including attempted or conspiracy to commit offences), or offences which replace the above

In the case of a licensed driver convicted of any of the above offences, unless there are exceptional circumstances, the Council will in most cases immediately revoke the licence.

- 5.3 A licence will not normally be granted where the applicant has a conviction for any of the following offences in the 10 years immediately prior to the date of application:
- Sexual assault
 - Indecent assault
 - Possession of indecent photographs, child pornography etc.
 - Exploitation of prostitution
 - Trafficking for sexual exploitation

- Or any similar offences (including attempted or conspiracy to commit offences), or offences which replace the above.

In the case of a licensed driver convicted of any of the above offences, the Council may suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 10 years free from convictions of this type has elapsed.

- 5.4 A licence will not normally be granted where the applicant has a conviction for any of the following offences in the 5 years immediately prior to the date of application:
- Indecent exposure
 - Soliciting (kerb crawling)
 - Or any similar offences (including attempted or conspiracy to commit offences), or offences which replace the above.

In the case of a licensed driver convicted of any of the above offences, the Council may suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 5 years free from convictions of this type has elapsed.

- 5.5 Applications will be refused where the applicant is on the Sex Offenders Register or is subject to a Sexual Offences Prevention Order (SOPO) or any similar order which may in the future replace SOPOs.

6. **Alcohol Related Offences**

- 6.1 With motor vehicle:

The Council will take a serious view of an applicant convicted for driving or attempting to drive a vehicle with levels of alcohol in blood, breath or urine in excess of the permitted limit. A single conviction for any alcohol-related driving offence will normally preclude an application from being granted a licence for a period of 5 years from the time the person's DVLA licence is restored.

More than one conviction for any alcohol-related driving offence represents an unacceptable risk to the public and an application will normally be refused.

If there is any suggestion that the applicant suffers clinical alcohol dependence, the Council may require a medical examination to be undertaken and a report submitted to the Council to consider as part of the application process. If the applicant is found to be suffering from clinical alcohol dependence, an application will not normally be considered until a period of at least 5 years has elapsed after completion of treatment of the condition. The cost of any medical examination and report must be paid for by the applicant/driver.

The Council will take a serious view of a licensed driver convicted of driving or attempting to drive a vehicle with levels of alcohol in excess of the permitted limit as this will raise serious doubts about the person's fitness to hold a licence. In such cases, the Council may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 5 years free from convictions of this type has elapsed.

If a licensed driver is convicted of driving or attempting to drive a vehicle with levels of alcohol in excess of the permitted limit where he/she was driving (or attempting to drive as the case may be) a licensed vehicle (whether Hackney Carriage or Private Hire vehicle), the Council will view this especially seriously and treat this as an aggravating factor.

6.2 Without motor vehicle:

An isolated alcohol-related offence (not involving driving) will not necessarily prevent an applicant being granted a licence, and similarly an isolated alcohol-related offence (not involving driving) committed by a licensed driver will not usually lead to the suspension or revocation of the driver's licence.

However, where an applicant has a number of convictions for alcohol-related offences may indicate a medical problem. In such cases, the Council may require a medical examination to be undertaken and a report submitted to the Council to consider as part of the application process. The cost of any medical examination must be paid for by the applicant.

7. **Minor traffic offences**

7.1 Convictions for minor traffic offences, for example obstruction, waiting in a restricted street, etc., will not necessarily prevent a person from being considered for a licence. If a new applicant has 6 live penalty points on their driving licence for such offences then the application may be granted subject to a strong written warning. If an applicant has more than 6 penalty points on their licence then the application will normally be refused and no further application will normally be considered until a period of at least 12 months free from convictions of this type has elapsed.

7.2 In the case of a licensed driver accumulating nine or more penalty points the Council may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 12 months free from convictions of this type has elapsed.

8. **Major traffic offences**

8.1 If an applicant has live endorsements or has been disqualified from driving in respect of one or more major traffic offences, for example reckless driving or driving without due care and attention etc., then the application will be normally be refused until at least 5 years after the most recent such conviction.

9. **Offences by licensed drivers, proprietors or operators**

9.1 Where a licensed driver is convicted of more than one offence for alcohol-related offence this will raise doubts about the person's fitness to hold a licence. In such cases, the Council may refuse to renew, suspend or revoke the licence. If a licence is revoked, the Council may require a medical examination to be undertaken and a report submitted to the Council to consider as part of a future re-application process.

9.2 Any conviction resulting from an offence committed by any person whilst working as a Hackney Carriage or Private Hire driver or operator, or when driving a Hackney Carriage or Private Hire vehicle even if not working as a professional driver, is

regarded as extremely serious and may lead to a licence being suspended or revoked or an application to renew the licence being refused.

9.3 The Council also regards as extremely serious offences by licensed drivers and operators who commit licensing- related offences, especially the offence of illegally plying for hire, and may lead to a licence being suspended or revoked or an application to renew the licence being refused. Licensing-related offences in this context include any offences contrary to the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 or any breach of licence conditions or byelaws made under the relevant legislation, but especially the offence of illegally plying for hire.

9.4 More than one conviction for the above would almost certainly lead to the Council revoking the licence.

10.0 **Cautions and Endorsable Fixed Penalties**

10.1 For the purpose of these guidelines simple cautions and endorsable fixed penalty notices will be taken into consideration when deciding an applicant is fit and proper.

DRAFT

Appendix M

Penalty Points Scheme

1. The Scheme

- 1.1 Any breach of legislation or the requirements of this Licensing handbook will be fully considered by authorised officers when determining the use of the penalty point system. Where it is decided that the penalty point system is appropriate, the points will be issued in accordance to this appendix. If this appendix allows a range of points for the particular incident, the authorised officer will determine the appropriate number of points proportionate to the offence.
- 1.2 Before penalty points are issued, there must be sufficient evidence to prove, on the balance of probabilities, the offence or breach of licensing requirements. The licence holder will be given the opportunity to provide any mitigating circumstances to be considered. The issuing of penalty points is not a formal sanction in its own right; it is merely an open and transparent method of how a driver will be assessed in terms of the 'fit and proper person' test. The points system is predominately an internal management tool for ensuring that licence holders who repeatedly contravene regulations and/or this Policy are assessed.
- 1.3 Points issued will be confirmed in writing within ten working days from the discovery of the contravention or the conclusion of an investigation into a complaint.
- 1.4 The maximum number of points that can be imposed in respect of any particular matter is 10 but it is possible for one incident or inspection to result in more than one set of points being issued.
- 1.5 If a licence holder accumulates 10 points or more within a rolling period of 12 months then their licence will be subject to a review by the Licensing Committee.
- 1.6 The penalty point system will operate without prejudice to the Council's ability to take other action under appropriate legislation
- 1.7 There is no right of appeal against the award of penalty points by an Authorised Officer of the Council as this is not a formal sanction in its own right. As stated in paragraph 1.2 above, the licence holder's penalty offences will be considered in light of any mitigating circumstances that the licence holder wishes to offer.
- 1.8 The following tables list the breaches of legislation, bye laws and conditions of licence that attract penalty points.

Reference to HC is Hackney Carriage and to PH, Private Hire.

Private Hire

A Offences under the Local Government (Miscellaneous Provisions) Act 1976		Points
1	Vehicle not displaying plates. (Sec.48(6)(a))	5
2	Failure to notify vehicle transfer. (Sec.49(1))	5
3	Failure to present vehicle for inspection. (Sec.50(1))	5
4	Failure to inform Authority where the vehicle is stored. (Sec.50(2))	5
5	Failure to report an accident.(Sec.50(3))	5
6	Failure to produce a vehicle licence and insurance certificate.(Sec50(4))	5
7	Failure to produce a vehicle licence and insurance certificate.(Sec50(4))	5
8	Failure to wear driver badge.(Sec.54(2))	10
9	Failure by Operator to keep records of bookings.(Sec.56(2))	10
10	Failure by Operator to keep records of vehicles.(Sec.56(3))	10
11	Failure to produce a PH Operators licence.(Sec56(4))	5
12	Making false statement or withholding information to obtain a licence.(Sec.57(2))	10
13	Failure to return vehicle plate after notice given.(Sec.58(2))	5
14	Failure to surrender driver licence after suspension.(Sec.61(2))	5
15	Charging more than the meter fare when HC used as a PH.(Sec.67)	10
16	Unnecessarily prolonging a journey.(Sec.69)	10
17	Obstruction of an authorised officer or constable.(Sec.73(1)(a))	10
18	Failure to comply with requirement of an authorised officer or constable.(Sec73(1)(b))	10
19	Failure to give information or assistance to an authorised officer or constable.(Sec.73(1)(c))	10
B Offences under the Transport Act 1980		Points
Section		
64 (2) (a)	Driving a vehicle with a sign above its roof which consists or includes the word "taxi" or "cab" whether alone or part of another word	10
64	Causes or permits a vehicle to have a sign above its roof which consists or includes	

(2) (b)	the word "taxi" or "cab" whether alone or part of another word.	10
C Conditions of licence		
All breaches of licence conditions shall attract 5 penalty points.		

Hackney Carriage

A	Offences under the Local Government (Miscellaneous Provisions) Act 1976	Points
1	Failure to notify vehicle transfer (Sec.49(1))	5
2	Failure to present vehicle for inspection. (Sec.50(1))	5
3	Failure to inform Authority where the vehicle is stored. (Sec.50(2))	5
4	Failure to report an accident.(Sec.50(3))	5
5	Failure to produce a vehicle licence and insurance certificate.(Sec50(4))	5
6	Failure to produce HC driver licence.(Sec.53(3))	5
7	Making false statement or withholding information to obtain a licence.(Sec.57(2))	10
8	Failure to return vehicle plate after notice given.(Sec.58(2))	5
9	Failure to surrender driver licence after suspension.(Sec.61(2))	5
10	Charging more than the fare shown on the meter for a journey ending outside the district without prior agreement	10
11	Charging more than the meter fare when HC used as a PH.(Sec.67)	10
12	Unnecessarily prolonging a journey.(Sec.69)	10
13	Obstruction of an authorised officer or constable.(Sec.73(1)(a))	10
14	Failure to comply with requirement of an authorised officer or constable.(Sec73(1)(b))	10
15	Failure to give information or assistance to an authorised officer or constable.(Sec.73(1)(c))	10
B Offences under the town Police Clauses Act 1847		
Section	Offence	Points
48	Failure by HC Proprietor to hold a copy of HC driver licences of persons who use the vehicle	10

59	Carrying other person than the hirer without consent	10
C Offences under the Byelaws		
All breaches of hackney carriage byelaws shall attract 5 penalty points.		
D Conditions of Licence		
Equalities Act 2010		
Section	Offence	Points
168	Refusal to carry a guide, hearing, or other assistance dog in a hackney carriage without a valid certificate of exemption	10
168	Charging an additional cost for the carrying of an assistance dog in a hackney carriage	10
170	Refusal to carry a guide, hearing, or other assistance dog in a private hire vehicle without a valid certificate of exemption	10
170	Charging an additional cost for the carrying of an assistance dog in a private hire vehicle	10
Hackney Carriage and Private Hire Licensing Policy		
Breach of policy requirement		Points
Failure to wear a driver's badge		4
Failure to ensure the safety of passengers		4
Concealing or defacing a vehicle Licence Plate		4
Failure to attend on time for a pre-arranged booking without reasonable cause		3
Conveying a greater number of passengers than permitted		6
Failure to give reasonable assistance with passenger's luggage		3
Private hire vehicle soliciting for hire or accepting a fare that is not pre-booked		6 - 10
Operating a vehicle that is not clean and tidy		2
Driving without the consent of the proprietor		5
Drinking or eating in the vehicle whilst carrying passengers		3
Smoking in a licensed vehicle at any time		4
Cause excessive noise from any radio or sound-reproducing equipment		3
Allowing a private hire vehicle to stand in such a position as to suggest that it is plying for hire or using a hackney carriage stand		6
Using a non-hands free mobile telephone whilst driving		4
Failure to advise of a relevant medical condition		6 - 10
Failure to provide a receipt for a fare when requested		2
Failure to operate the meter from the commencement of the journey and/or charging more than the fixed charge for hire of hackney carriages		6 - 10
Failure to notify the Council of any amendment to the details of a licence within fourteen days		3
Failure to surrender a driver's licence, badge or plate upon request		6
Failure of a licence holder to disclose pending prosecution or convictions within seven days		

of notification	6
Failure to take found property to the Police	3
Failure to report an accident within seventy two hours	3
Failure to comply with the requirements for the safe carrying of a wheelchair	6
Operating a vehicle which is not maintained in a sound and roadworthy condition	6 - 10
Failure to carry an approved fire extinguisher	3
Failure to carry an approved first aid kit	3
Operating a vehicle which is not maintained in a clean and/or safe condition internally or externally	3
Breach of policy requirement	Points
Modifying a vehicle without the consent of the Council	4
Displaying a sign or advertisement on a licensed vehicle contrary to the Policy requirements or has not been approved by the Council	4
Driving with no insurance or inadequate insurance for the vehicle	10
Failure of a private hire operator to ensure that all vehicles operated by him are adequately insured	6
Any other contravention of the Policy not covered above	2

Worthing Hackney Carriage and Private Hire Handbook Consultation

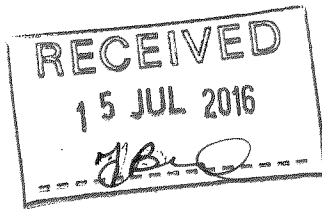
Please provide as much information by using the titles as guidance

Name Phil Cheal

Address 6 Willowbrook Court, Old Salsford Rd ^{BANKING} Post Code BN15 8GS

Page Number	Number point on page	Comment
8	4.13	I agree to CCTV with audio.
62	Penalty points.	Do not agree to the penalty points system





AJS Taxis Lancing Ltd
3 Coleridge Road
Goring by Sea
Worthing
West Sussex
BN12 6LR

The Taxi Licensing Team
Adur & Worthing Councils
9 Commerce Way
Lancing
BN15 8TA

Dear Sir or Madam,

I would like to submit my comments in relation to the proposed new handbook.

Pg 33
1.7
The new rules would suggest that the Council would like all Hackney Carriages to be coloured black. I can understand that you wish to standardise the colour of all the vehicles but would submit that black would have a detrimental effect on our wedding trade. Why has silver or white been ruled out. Worthing already has white. When Hove and Brighton were separate they all had white cars but with different colour bonnets. It worked for them and although the two taxi areas have not merged it maybe that it may happen in the future. If this was to happen then there would be no need to replace all the vehicles, at great expense to drivers, once again. Please rethink.

Pg 32
1.1 d
It is suggested that all vehicles will have a minimum engine size although you have not given any specification. As a driver who drives a car with a turbo-charged 1400 modern engine, which gives me more brake horsepower than my previous 1900, I would urge the Council to consider this issue carefully. Modern engines are developing rapidly along with Hybrids and Electric vehicles. To set the level to high is to deny the trade the opportunity to capitalise on profitability by saving on fuel costs.

Pg 18
2.1
The Council are suggesting that a taxi's mileage should be no higher than the average mileage of a similar vehicle if it was only used for social domestic and pleasure. This is a completely unrealistic expectation. I currently average about 35/40 thousand miles a year. Based on the average household vehicles 12000 miles, I am doing 3 years worth in 1 year. Are the Council saying that although I have my vehicle serviced 4 times every year, I am now going to have to have a new vehicle every 1 or 2 years. Not realistic, I do not know anyone in the local trade who can afford to do this.

2.3
c
Vehicle damage from stone chips could possibly result in vehicles being taken of the

road. Considering that a large amount of road mileage within our area has been surface dressed this year including the A259 into Worthing, and allowing for the fact that it will be other drivers causing the chips to fly and cause damage to our vehicles, Is the Council suggesting that in order that we avoid any likelihood of damage to our vehicles(which as I say will be no fault of our own) we refuse to carry passengers along such roads, or even worse take a long detour with the inevitable increase in cost to the passenger. We all know that this is not how the trade should operate but if you put in these regulations, that are going to be down to the Licensing Officers discretion it will happen.


CCTV over the last 20 years in the trade I have had no need or desire to have this in my vehicle.

25
18.1
I have a lot of concerns over privacy issues when I am off duty and carrying my family, grandchildren and think that there will be Human Rights issues over recording them without their consent. A simple on off switch will sort this.

Py 7 /
4.7
Training courses are useful to the trade but please bear in mind that if you try to force drivers who have been in the trade for over 20 years and you start insisting that they do a Disability Awareness course you risk losing experienced drivers who may be like me over 60 and may decide to leave, rather than lose time and money sitting in classrooms.

?
Are you really telling me that as a self employed driver, that I cannot call on the radio and check that I am available if the client asks when I am dropping them of, or if I am sitting at the Taxi Rank and I am asked to book a job. To tell them that they must phone in, will make me look an idiot, and inefficient. People look out for me in order to ask if I can take them. It is all part of a service that we try to give the public.

I believe that this handbook in its current form should not be proceeded with and that a proper consultation with the trade should take place. This should not be rushed into being as it will have huge implications to the trade, which have not been properly considered.



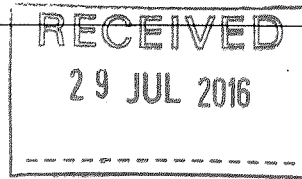
Alan Murrell

Chairman
AJ'S Taxis Lancing Ltd.

Re: Adur and Worthing Handbook proposal

1 message

Stuart Webster <Stuart@radiorelay.co.uk>
To: Teresa Bowley <teresa.bowley@adur-worthing.gov.uk>



19 July 2016 at 11:55

Hello Teresa,

I have read through the proposed regulations and have a few thoughts as follows;

I think making it compulsory to NOT allow monitors (screen in vehicle), is a bad idea as from experience over the years most councils, if anything, recommend to have a viewing screen fitted and a lot of drivers prefer to have this as it is a good deterrent. However to find some common ground maybe state in regulations that if a viewing monitor is fitted it should have an independent switch fitted which will enable the driver to switch the monitor on and off upon request from customer, that way we have the best of both worlds and it keeps the customer and driver happy.

Audio; this is a very important key factor for CCTV as again from years of experience working in line within various other councils it is a hugely beneficial component to have. Time and time again we have had incidents that have been verbal abuse usually at the driver from, for example a drunken passenger or even racial abuse, sexual abuse etc, and nothing could have been resolved as there was no audio so these people get away with it. Ideally therefore should be decided by the drivers themselves individually whether they should have audio or not.

With the system we provide it is completely tamper proof as the images/ recording and audio are held on SD cards, which is fully encrypted and password protected and also locked securely into the recording unit so they can only be accessed by ourselves.

A very important regulation that was brought in recently in the Brighton and Hove regulations is that ONLY a 3rd party independent company like ourselves can be data controller of the CCTV system. As in past years an individual driver could become their own data controller, but this had obviously caused issues as there is always a possibility of tampering of footage and unnecessary viewing of captured pictures and footage recorded by said individual.

Also I would strongly recommend that the CCTV does NOT have an independent kill switch, so it will permanently be recording the whole time the vehicle is on, so it would be wired up to an ignition supply. There are many reasons why this is important for example; having a kill switch drivers 'forget' to switch the CCTV system on. Having it wired to the ignition ensures that the CCTV will always be recording whilst a customer is in the vehicle. Time and time again we have had a CCTV footage request from various councils wanting to view a particular incident that has been reported by a member of public and then when the driver has come in for the download, there is no images recorded as the CCTV wasn't switched on.

Another key point is to ensure the CCTV footage records for a certain period of time I would recommend a minimum of 14 days, most popular regulations state 28 days recording time. Again this is beneficial for a number of reasons. Customer complaints mainly where the incident has occurred a few weeks prior to the request day of footage, so this will ensure the footage will still be held on the recording system without being overwritten.

I would also strongly recommend that the CCTV system fitted to the vehicles should be either an SD Card system or an SSD (solid state drive) system, as proven in recent years they are a lot more reliable than a hard drive system, reason being there are no moving parts in an SD card system, where as a hard drive system has a hard disk that is constantly running (like a CD) now this can go faulty time and time again and corrupt the drive which will cause loss of all images, as they are not really designed for working in a moving vehicle. This is because when a vehicle is moving, it is constantly vibrating and even bouncing to an extent which will cause the disk to scratch which will result in recording failure.

I hope this information will help you as we are always here to help and give advise as we have years of experience regarding this subject.

Please don't hesitate to give me a call or drop me an email if you require any advice at all as I am happy to help and assist where I can.

Please find attached a copy of our price list for purchase and hire of CCTV equipment as promised.

Many Thanks

Stuart

Radio Relay

01273 476456

On 19/07/2016 09:43, Teresa Bowley wrote:

Hi Stuart

It was good to chat with you this morning, I have attached the handbook for Worthing the Adur handbook is mirrored on the parts that you would be interested in.

The consultation ends on the 1st August and it is anticipated to be before the licensing committees in September 2016 for a final decision.

Look forward to receiving your response and I will keep informed of the consultation and the decision

Kind regards

Teresa

--

Teresa Bowley | Licensing Officer | Adur & Worthing Councils
01273 263146

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This email and any attachments are confidential and intended solely for the persons addressed. If it has come to you in error please send it back to us, and immediately and permanently delete it. Do not use, copy or disclose the information contained in this message or in any attachment. Whilst every care has been taken to check this e-mail for viruses, it is your responsibility to carry out checks upon receipt.

The image shows a table with multiple columns and rows, likely representing a price list for CCTV equipment. The text is too small to read accurately, but it appears to be a standard spreadsheet format with headers and data rows.

CCTV price list.jpeg
209K

Radio Relay CCTV (July 2016)

EQUIPMENT							
	Hire: £/wk (excl. VAT)	Hire: £/month (incl. VAT)	Purchase (excl. VAT)	Installation (excl. VAT)	Fitted price (inc. vat)	Hire: £/wk inc. initial installation (excl. VAT)	Hire: £/month incl initial installation (incl. VAT)
CCTV 2 CAMERA SYSTEM	£3.99	£20.75	£330.00	£65.00	£474.00	£5.00	£26.00
Additional Upgrades							
Microphone	N/A	N/A	£15.00	£0.00	£18.00	N/A	
Front Facing camera	£0.50	£2.60	£45.00	£10.00	£66.00	£0.80	
IR Camera	£0.50	£2.60	£70.00	£10.00	£96.00	£0.80	
5" LCD MONITOR	£0.50	£2.60	£45.00	£10.00	£66.00	£0.80	
7" LCD MONITOR	£0.75	£3.90	£60.00	£10.00	£84.00	£0.90	
CCTV 2 CAM + 5" MONITOR	£4.49	£23.35	£375.00	£75.00	£540.00	£5.80	£30.16
CCTV 2 CAM + 7" MONITOR	£4.74	£24.65	£390.00	£75.00	£558.00	£5.90	£30.68
CCTV 3 CAMERA SYSTEM	£4.49	£23.35	£400.00	£85.00	£582.00	£5.80	£30.16
CCTV 3 CAM + 5" MON	£4.99	£25.95	£445.00	£95.00	£648.00	£6.60	£34.32
CCTV 3 CAM + 7" MON	£5.24	£27.25	£460.00	£95.00	£666.00	£6.70	£34.84
CCTV 4 CAMERA SYSTEM	£4.99	£25.95	£470.00	£95.00	£678.00	£6.60	£34.32
CCTV 4 CAM + 5" MON	£5.49	£28.55	£515.00	£105.00	£744.00	£7.40	£38.48
CCTV 4 CAM + 7" MON	£5.74	£29.85	£530.00	£105.00	£762.00	£7.50	£39.00

Non-hire customers - £10+VAT for each incident retrieval. Free to hire customers
 Please note - Hired equipment is covered by our 24 hour backup service

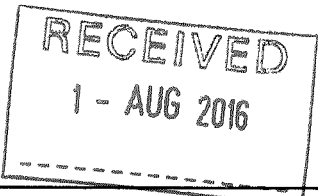
Single SD System 32GB Capacity (Ideal for 1-2 cameras)
 Twin SD System 128GB Capacity (recommend for 1-4 cameras)

Call now to book in your installation 01273 476456 - Radio Relay, Brighton Road, Lewes, BN7 3JL

Adur Hackney Carriage and Private Hire Handbook Consultation

Name: Jonathan Campfield

Address: 4 The Street, Shoreham by Sea BN43 5NJ



Page Number	Number point on page	Comments
7	4.7	Disability Awareness Training should be paid for by the relevant government body or council. Reason: Another charge put upon drivers that they have to pay for, unfair as have not had fare rise for nearly 8 years.
8	4.9	Garage Inspection Report, should be allowed the first test to be done by garage you purchased vehicle from. Reason: If you buy a vehicle from a garage say in Manchester, they usually have MOT station and can do form and MOT on site and it saves the fee at a very expensive time, plus ensures vehicle is in top condition.
8	4.15	CCTV facilities should be optional. Reasons: 1. Cost of equipment, another cost to the driver. 2. In 25 years have had no need for CCTV, as can handle tricky situations by talking to customer(s) firmly and fairly. 3. More clutter in cab. 4. Lack of privacy when camera is on.
12	5.24	3 Year license needs to be cheaper than 3 x £90 Reason: Charges to licences is high, council has amalgamated their offices with no reduction in our costs. A one off fee of £90 for 3 years would be a good way in reducing our fees and to show faith in the trade.
Appendix 18	A 2.3A	Mileage for the vehicle is no higher than average mileage for similar vehicles used solely for social, domestic or pleasure. Reason: This is totally unworkable as taxi's are used as a business, so accrue high mileage up to 60,000 miles a year in extreme cases, so this is wrong and unworkable.
18	2.6	Colour of vehicle should be any colour. Reason: When buying a vehicle it will limit your choice, you might find the right vehicle perfect in every way to be a cab, but wrong colour.
20	5.1	Door plates are totally unnecessary as have plate on rear of vehicle. Reason: 1. People will not register number on rear doors. 2. Clutter vehicle with more signage. 3. Drivers like to do upmarket work, chauffeur work etc., so plates on rear of vehicle suffice.
Appendix 21	B 1.4	Internal licence plate Reason: Internal plate in vehicle is going back to the old days of a small plate visible to all the customers to see and is a good idea plus will register with passengers during their journey, more that door plates on outside of vehicle. Agree internal plate good idea.

Page Number	Number point on page	Comments
22	7.1 7.2	<p>First Aid Kit is carried in vehicle at all times. Reason: Do away with, people who have no First Aid training may do more harm than good. Call 999 or take to A&E as have done in past.</p> <p>Fire Extinguisher in vehicle Reason: Do away with, has not been used in 25 years and if car catches fire, move away from vehicle and call 999.</p>
Appendix 31	C 7.2	<p>Lost Property If lost property has been left in vehicle, which is usually mobile phones, the owner usually rings and you return it. If keys or anything else take to Police Station. Fee open to debate.</p>
Appendix 62	M 1	<p>The Scheme Totally against this scheme.</p> <ol style="list-style-type: none"> 1. The Traffic Police are sufficient in policing taxis and any offence i.e. speeding is dealt with by them, with penalty points issued and a fine. If a driver has 6 points they are very careful to not get any more. 2. The Points are unfair and petty and can be ambiguous, misconstrued and doubtful in some cases. 3. If a driver is not liked could be picked on. 4. Infringement of Right To Work. 5. One offence i.e. not wearing badge 10 points and you are unable to work, utterly ridiculous and totally wrong. 6. You will end up soon with no one wanting to be a taxi driver. 7. 100% against any points system, leave to Licensed Inspectors and Police

Please provide as much information by using the titles as guidance

Name STEPHEN V FLEMING

Address 26 BEACH GREEN S-BY-SEA Post Code BN43 5YQ

RECEIVED
1 - AUG 2016

Page Number	Number point on page	Comment
6	3.3.	<p>"Licences and permits permits" should be amended to "licences, permits and tariffs hackney tariffs".</p> <p>This is necessary because successive committees have failed, even on their own terms, to approve to a tariff "necessary to carry out a legitimate business."</p>
	3.3.	<p>The following should be added:</p> <p>"It is recognised that a duty of care is owed by the council to all licensed drivers."</p> <p>This is unnecessary because, throughout the document, licensed drivers are treated as wrong at fault ^{fault} before the fact.</p>
8	4.13.	<p>CCCTV should be optional not compulsory ^{choice} on the grounds of cost, the individual of the owner. Licensed vehicles are used for prestige hire, weddings, etc. where the hires do not want themselves recorded. In a small area like Adur CCTV isn't really a safety issue.</p>
18	2.1. 2.2. 2.3.	<p>Not more than 10 years etc.</p> <p>This is unnecessary over-complication. The current condition for a license is essentially the "taxi test": It determines ^{see page 2}</p>

whether or not a vehicle is fit for purpose. However, if a vehicle is, if it ~~meets~~ passes the taxi test, that should be enough. Mid SX district do this. In any event after a certain time the economics of repair bills will ensure an owner replaces the vehicle.

The whole of 2.1. through 2.3. should

read only: "~~In the case of a~~ first application for a vehicle licence the vehicle must not be more than 7 years from the date of first registration."

18. 2.6. There doesn't need to be a consistent colour. The light on the top of the car taxi does the job.

If it is decided there should be a colour silver is the best compromise because it shows the dirt least. Many taxis are already silver.

2. 5.1. Signage on the side of a hackney carriage is not necessary. The top light and plate no, and registration number do the job. If customers have a complaint they will record the rear no. the side of the car will have moved off.

Independent, and executive work is inhibited by side signs. This is particularly true for "independents."

22. 7.1 / 7.2. This condition should be abolished.

a) If the car catches fire everyone should get off and run away.

b) Without qualifications people should not administer first aid for fear of causing further injury.

31.7. The world has moved on. With the ubiquity of mobile phones (the most common article left behind.) people who ~~would not~~ believe they have left something behind ring up. The police do not want to lock up their property. It's a waste of their time. Drivers are fundamentally honest and make reasonable ~~efforts~~ efforts to contact the owner. For example if a wallet is left behind with cards in it. It can take the bank a week far quicker than bothering the police. "Sp in the pound" is insulting. The whole section should be abolished. Any gross breach would be covered by "fit and proper person". Further whose responsibility is it to look after one's belongings?

49 Appendix J. (4)

"commences his journey" should be replaced by "makes contact with the hire". Otherwise waiting time is a non sense. If the wording appears anywhere else it should be amended too.

Appendix M page 62

This is not necessary. My objections are the same as Sean Rodley + B+H Radio Cabs.

~~***~~ The licensing officer's have the power and should use it where necessary by suspending drivers for disciplinary matters. Nothing hurts more than not being able to earn money.

Alan Clark H173

54 Boundstone Lane,

Lancing. BN159QP.

Page 8

4.13 CCTV. This I feel the owner driver should be left to judge as an individual. To many it adds an unwanted cost and more equipment to maintain, with little or no advantage in a low risk area where we mostly work.

Page11

5.16/17/18/19. CSE training as a compulsory need is surely an overkill. If any person is of a mind to exploit another for any reason, training will not change that.

With regard to wheelchair training for those with the appropriate vehicles, it makes sense.

Page18.

Colour of Hackney Vehicles. Whilst not keen on a colour code, black is the least acceptable as it is difficult to see on a dark night when many of us work.

Lighter colours are better suited and easier to keep looking presentable as is required.

Apendix M.

Page 62

Penalty Points Scheme. Many 'offenses' listed are covered by the law of the land which leads to a situation of a double punishment for the same offense.

I have serious concerns that the Licencing Officers, whilst they have a sometimes difficult job, could become judge, jury and possibly executioners of the business of a taxi driver.

Appendix F – Page 37/8 13.1 & 13.3

Roof signs.

I believe that roof signs are one of the key identifiers that the travelling public look for in a taxi or private hire vehicle.

I endorse the proposal to have a coloured roof sign for Private Hire to distinguish PH from Hackney Carriage vehicles.

However it is critical in my view that the signs continue to be illuminated, as in the dark (and there is a lot of that in the winter months!) it makes the Private Hire Vehicle easy for the booking customer to identify as it pulls up outside, for example, a pub or restaurant as well as a domestic address.

The sign should also be of a different style and position on the roof to the Hackney Carriage.

I would suggest similar to the current rooflight used by the majority of PHVs in Adur District and also mounted still on the nearside of the roof.

These can be obtained locally in white or yellow as per the links below

The most commonly used 'mini' rooflight

<http://www.radiorelay.co.uk/#!/product/prd12/2104736055/mini-style-led-roof-light>

The following 'standard' rooflight is wider

<http://www.radiorelay.co.uk/#!/product/prd12/2580890651/standard-style-led-rooflight>

Appendix F – Page 38 14.1

Door Signage

This seems overly dogmatic.

I consider the current doorsigns in use by Tlink 595959 and the coloured ones by 414141 to be useful for the booking customer to quickly identify the PHV as it pulls up, and I see no added value in changing letter sizes, fonts and wording for these. I propose that they are left fundamentally unchanged.

The only possible useful addition from the proposal would be the working 'ADVANCE BOOKING ONLY' at the top of the sign.

Appendix J – Page 49 - 5

Method of wearing PHD badge

Page 49

I see no value in prescribing lanyard only. I prefer the clip method to attach my badge, and would like to see this allowed within the conditions.

Appendix I – Page 44 – 1.3

Clarification re affiliation of PHD to PH Operator

Is a PHD able to be affiliated to more than one PH Operator at any one time?

Appendix I – Page 53 – 6.9

Clarification re number of PH vehicles allocable to an Operator's Licence

I believe there is some confusion as to whether the number of vehicles specified in the PH Operator's licence (particularly the low number of vehicle ones) refer to concurrently booked vehicles at any particular point in time versus the overall number of vehicles registered as affiliated to the PH Operator.

I consider that further clarification, with examples, would be useful.

Appendix I – Page 52 – 4.2

Communication of bookings from drivers to PH Operators by radio

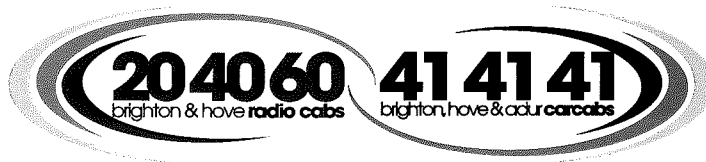
The travelling public find it totally bizarre that a PHD who is communicating with his PH Operator base by radio refuses to communicate by radio.

I personally have experienced a significant degree of anger from a member of the public when I have explained that although I may be speaking to the operator on the radio, which they can clearly hear, I am not able to make a booking for them, but they must phone the operator themselves. When the battery on their mobile has run out of charge and their alcohol level is high, this puts us as drivers as well as our vehicles in a vulnerable position.

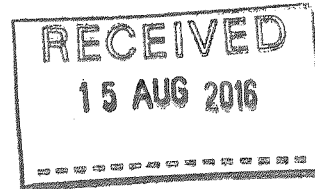
I would ask that this condition is reconsidered.

Additionally members of the public also request that the PHD makes a booking over the radio for a return journey or a booking next day. These need to be accommodated to provide a good service to the public.

*** End of comments ***



Carcabs Limited
19 Victoria Road
Portslade
East Sussex
BN41 7EH



Ms Teresa Bowley
Licensing Officer
Adur District Council
9 Commerce Way
Lancing
West Sussex
BN15 8TA

12 August 2016

First Class Post and by E-mail: teresa.bowley@adur-worthing.gov.uk

Dear Ms Bowley

Re: Carcabs Limited: Private Hire Operator's Licence

We write as the Directors of Carcabs Limited and as licensed private hire operators by Adur District Council. We do so in relation to the proposed redrafting of the District Council's Hackney Carriage and Private Hire Licensing Handbook and specifically in relation to the operator's licence currently held by Carcabs Limited. In doing so, we trust it will be appreciated that the private hire operator's licence was granted to Carcabs Limited more than 20 years ago and in respect of which its operator's address has been that of 19 Victoria Road, Portslade, East Sussex.

We believe that Carcabs Limited has now for more than 20 years served the demand (both residential and commercial) for private hire vehicles within the district of Adur and which it is hoped the Council would want to continue to be the case. However, with regard to the proposed redrafting of the licensing handbook, it would appear that the operating address, it is suggested that this would then have to be by an operator whose address will have to be within the district of Adur. We would respectfully submit for the reasons already detailed, that this would not be beneficial to the residents and businesses of the district requiring service of private hire vehicles. We would respectfully submit that the same may be overcome if the proposed draft licensing handbook reflects that an "operating address" could be defined as:

"Council will only grant an operator's licence if the applicant proposes to operate and addressed within the district of Adur or within 3 miles of its district."

The foregoing would take into account not only the current longstanding operating address of Carcabs Limited but would of course also reflect that the private hire vehicle service to the residents of Adur reflects its geographical location and close proximity in the west to Worthing and in the east to of Portslade.

We would respectfully submit that Parliament in its legislation relating to licensed private hire operators, primarily that of the Local Government (Miscellaneous Provisions) Act 1976 made no requirement for the operating address of a licensed operator necessarily to be within the district. Such legislation makes reference to the Council taking into consideration any previous application for an operator's licence and in turn, any such licence then granted. As already stated, Carcabs Limited has served the community of the district of Adur for more than 20 years.

Further or in addition to the foregoing, we would respectfully submit that any provision relating to the operating address of a licensed private hire operator should be within conditions to be attached to a licence rather than the course

of a "licensing handbook" and in its primary function, that of the protection of the public which no way would be impeded by Carcabs Limited's operating address being and remaining at 19 Victoria Road, Portslade. We would further submit that the position we are suggesting would in no way affect the Council's requirement to carry out its regulatory functions.

It may be that following on from the renewal of the licence as a private hire operator on 11 July 2016, with its two licensed office locations including that at Brighton (Shoreham) Airport, the Council would consider our concern to be unwarranted. We would of course request clarification but do maintain our view that the currently drafted provision within the proposed redrafted "licensing handbook" is too onerous.

Whilst writing and in addition to the representations we have made with regard to the licensed operator's operating address, we would also make representations in relation to the proposed provision for a "penalty point scheme" which would appear to relate to any breach of legislation or the requirements of the "licensing handbook". We would initially respectfully submit that it is duplication for such a penalty point scheme to be based upon a breach of legislation when the statutes relating to licensed private hire operators (and indeed drivers) already provides sanctions which Parliament considered adequate the protection of the public. So far as the proposed penalty points for a breach of the licensing handbook is concerned by an operator, all would appear to attract the maximum 10 penalty points is inconsistent with the apparently unfettered discretion given to the Council's authorised officers determining the use of that penalty point system. Moreover, we would respectfully submit the narrative relating to the operation of the "penalty point system" would appear to confer upon the Council's authorised officers unfettered discretion in the application of such penalty points. Whilst it is suggested that before issuing such penalty points, there must be sufficient evidence to prove on the balance of probabilities the offence or breach of licensing requirements, the current drafting presupposes the commission of an offence or breach of licensing requirements. With there being no right of appeal against the award of penalty points by an authorised officer, we would suggest the same as a breach of the rules of natural justice, let alone far too onerous and as already stated, confers excessive power upon such authorised officers of the Council.

Again, the licensing legislation more than fully provides the appropriate sanctions and so those relating to a licensed private hire operator should in our respectful submission be removed altogether.

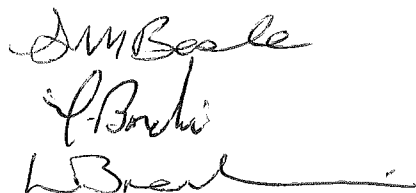
We should be more than pleased to be of further assistance to you and/or to the Council's licensing committee in its review of the draft "licensing handbook" and/or should be more than pleased to meet with you and/or the relevant councillors in this respect. We would be grateful if you would confirm when the licensing handbook will be placed before the licensing subcommittee and as to whether we may attend and make further written and oral representations at such a meeting if held in public.

We would be grateful if you would acknowledge receipt of this letter which we are sending by way of post and e-mail.

Yours sincerely,

Andrew Beale
Tony Breslin
Lesley Breslin

Directors

The image shows three handwritten signatures in black ink. The first signature is 'A M Beale', the second is 'T Breslin', and the third is 'L Breslin'. The signatures are written in a cursive, flowing style.

Hackney Carriage & Private Hire Licensing Handbook Draft 3 – 8 April 2016



1) Executive Summary

1.1 This document contains the Council's policy on procedures and standards relevant to the licensing of the Hackney Carriage & Private Hire trade within the district of Adur.

1.2 In drafting this document, the Council has had regard to the Department for Transport Guidance and relevant legislation including the Equality Act 2010.

2) Definitions

Throughout this document:

- "the Council" or "the Authority" means Adur District Council
- **Authorised Officer**" means an officer of the Licensing Authority authorised to administer the licensing function under the 1847 Act and 1976 Act
- "Driver" or "Licensed Driver" means drivers of Hackney Carriage or Private Hire vehicles, unless the context indicates otherwise.
- "Vehicle" or "Licensed Vehicle" means all vehicles Hackney Carriage & Private Hire.
- "Hackney Carriage" means a vehicle licensed under the Town Police Clauses Act 1847 to ply for hire throughout the district controlled by the Council.

- “Private Hire vehicle” means a vehicle licensed under the Local Government (Miscellaneous Provisions) Act 1976 to carry passengers for hire or reward with the services of a driver.

- “Private Hire operator” means a person who in the course of business makes provision for the invitation or acceptance of bookings for Private Hire vehicles.

- “DfT” means the Department for Transport, including previous names under which that Department has been known.

- “DfT Guidance” means The Department for Transport – Hackney Carriage and Private Hire Vehicle Licensing: Best Practice Guidance, published in March 2010.

- “The Committee” will mean the Licensing Committee of the Council.

- The word “Taxi” has no meaning in law and is often used generically to describe vehicles

Page 5

Section 64 of the Transport Act 1980 provides the legal definition and meaning thus;

‘...’

64 Roof-signs on vehicle other than taxis.

(1) There shall not, in any part of England and Wales outside the metropolitan police district and the City of London, be displayed on or above the roof of any vehicle which is used for carrying passengers for hire or reward but which is not a taxi—

(a) any sign 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; or

(b) any sign, notice, mark, illumination or other feature which may suggest that the vehicle is a taxi.

(2) Any person who knowingly—

(a) drives a vehicle in respect of which subsection (1) is contravened; or

(b) causes or permits that subsection to be contravened in respect of any vehicle,

shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) In this section “taxi” means a vehicle licensed under section 37 of the Town Police Clauses Act 1847, section 6 of the Metropolitan Carriage Act 1869, section 10 of the Civic Government (Scotland) Act 1982 or any similar local enactment.

...'

The 'Department For Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance', also makes reference to "Taxis" being "Hackney Carriages".

- The term “DVLA driving licence” means a full original GB driving licence issued by the Driver and Vehicle Licensing Agency
- Any reference to “proprietor” is a reference to the proprietor of either a Hackney Carriage or a Private Hire vehicle, unless the context indicates otherwise.
- “The Committee” will mean the Licensing Committee of the Council.

- The word “Taxi” has no meaning in law and is often used generically to describe vehicles

As above!

- The term “DVLA driving licence” means a full original GB driving licence issued by the Driver and Vehicle Licensing Agency.
- Any reference to “proprietor” is a reference to the proprietor of either a Hackney Carriage or a Private Hire vehicle, unless the context indicates otherwise.

3) Introduction

3.1 Adur District Council is situated in the County of West Sussex which contains seven local councils in total; Adur has an estimated population of approximately 58,500. The District covers an area of 4,159 hectares and is a coastal authority and comprises light industrial, commercial and residential centres, including Brighton City Airport (formally Shoreham Airport) and part of the Port of Shoreham. The main centres being Lancing, Sompting, Shoreham-by-Sea and Southwick. Worthing Borough Council and Adur District Council are served by a single officer structure but remain separate Authorities.

3.2 Adur District Council (The Council) is the Licensing Authority under the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976. The Council is responsible for the administration and enforcement of taxi legislation within the District and includes, among other duties, the granting of Hackney Carriage and Private Hire licences. This handbook has been prepared in accordance with the relevant legislation and best practice. The handbook sets out the policies and conditions the Council will generally apply to promote public safety when making decisions with Hackney Carriage & Private Hire matters.

3.3 As the Licensing Authority the Council's primary function is protection of the public whilst providing businesses with the relevant licences & permits necessary to carry out a legitimate business. Licensing is the tool used by Government to ensure the safety of the public and enforce standards.

Page 6

We also believe that the Council has a duty of care to act in the best interests of the trade!

3.4 The Council has responsibility for the licensing of vehicles, drivers and operators within the district of Adur.

3.5 In exercising its discretion in carrying out these regulatory functions, the Council will have regard to this document.

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

3.7 This policy will take effect on and will remain in existence for a period of 5 years, during which it shall be kept under review and revised as appropriate.

4) Vehicles - Hackney Carriage & Private Hire

Limitation of Hackney Carriage Vehicles

4.1 The Council has a limited number of Hackney Carriage Saloon type vehicles licensed. There is no limitation on the number of Hackney Carriage vehicle licenses the council may issue. However, any new Hackney Carriage licence application will only be considered for wheelchair accessible type vehicles. The Council is seeking to maintain a mixed fleet.

Specifications and Conditions

4.2 The Council has adopted minimum specification standards for Hackney Carriage and Private Hire vehicles and these are set out in Appendix A for Hackney Carriages and Appendix E for Private Hire vehicles.

4.3 Once a licence is granted, the Council will attach conditions to a vehicle licence. A set of standard conditions for Hackney Carriage vehicle licences is set out at Appendix B, and a set of standard conditions for Private Hire vehicles is set out at Appendix F. The Council considers that it is reasonable and necessary that these conditions be attached to the grant of most licences, however, these may be amended or additional conditions attached as may be considered appropriate in individual cases.

4.4 Vehicles will, in general, be licensed for the carriage of up to 4 passengers, but applications in relation to larger vehicles that can accommodate up to 8 passengers will be considered, provided that there is compliance with the specifications applicable to such vehicles. Purpose-built vehicles are amongst those which the Council will licence only as Hackney Carriages in view of the possible confusion in the minds of the travelling public between the 2 types of vehicle.

Accessibility

4.5 The Council is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society.

4.6 Licensed drivers are reminded that they are placed under certain duties by law to provide assistance to people in wheelchairs, to carry them safely and not to charge extra for doing so. Failure to abide by these duties could lead to prosecution and a maximum fine of £1,000.

4.7 All licensed Hackney Carriage & Private Hire drivers will be required to undertake disability awareness training as prescribed in this policy. This will take effect as of the renewal date in respect of drivers already holding a licence who have not undertaken disability training before the date of the policies adoption.

How much will this cost and will the Council be subsidising this? Are bursaries or grants available?

Maximum Age of Vehicles

4.8 The Council has an age restriction on licensed vehicles, (see Appendices A and E), but all applications for the licensing of vehicles will be treated on their individual merits. The conditions set out in Appendices B and F have been placed on the licensing of vehicles. Applicants wishing to licence vehicles outside of this policy should show exceptional reason for the Council to deviate from the agreed policy.

Vehicle Testing PAGE 8

4.9 No vehicle may be used as a Hackney Carriage or Private Hire vehicle unless it has been given a Garage Inspection report following a satisfactory test, and the Council has appropriately licensed it. Responsibility for ensuring the vehicle is tested and licensed remains with the proprietor. Vehicle inspections are to be carried out by MOT approved garages within the district or at the Councils' Commerce Way workshops.

Why is the trade being restricted to Testing Stations within the Adur District? Why not any DVSA Approved 'MOT' Testing Station? This will potentially allow Adur Garages to 'Cartel' with reference to the Fee for a 'Hackney Test'! You have no legally recognised right to inspect or regulate DVSA MOT Stations either within the Adur District or elsewhere! Therefore, why the restriction? We would prefer a policy similar to: '... By way of promoting free-market competition, MOT tests may be undertaken at any MOT testing station authorised by DVSA....'

Signage & Advertising

4.10 Members of the public can often confuse Hackney Carriages and Private Hire vehicles. Often not realising that Private Hire vehicles are not available for immediate hire and cannot be hailed in the street. It is, therefore, important that members of the public are able to distinguish each type of vehicle easily.

4.11 Within the Council's area both Hackney Carriage and Private Hire vehicles are required to display a licence plate on the rear of the vehicle. The plates are different colours to distinguish one class of licensed vehicle from another. This is a key feature in helping to identify vehicles that are properly licensed. There are some exceptions to this requirement which are set out in Appendix G.

4.12 The Council recognises that advertising on licensed vehicles can benefit the trade as it can generate income for the proprietor. As such, the Council permits advertising on its licensed vehicles provided that the advertising for Hackney Carriage vehicles complies with the criteria set out in Appendix B and F.

PAGE 8

Security & Closed Circuit Television (CCTV)

4.13 CCTV facilities are compulsory in a licensed vehicle, the proprietor will be responsible for ensuring the system conforms to the Data Protection Act and other relevant legislation, and displays the necessary informative notice for passengers.

What evidence is there of a problem(s) requiring CCTV or is this, "just in case" legislation? Will the Council contribute to the considerable cost of installing CCTV as in Bournemouth & Southampton? Some companies locally have said that if CCTV is mandatory then they will cease to use Taxis for transport (i.e. Ricardos).

We do not accept a requirement for mandatory CCTV in Taxis, given the absence of historical problems or complaints. However, we would prefer a policy similar to:

'...As it considers it best left to the judgement of individual vehicle drivers/proprietors, the licensing authority will generally not require specific security measures (e.g. CCTV systems) to be installed within licensed vehicles.

In recognition of their lone worker status, together with the risks to which they can be exposed in providing a public service, the licensing authority will, subject to all other requirements being met, generally look sympathetically on the installation and use of in-vehicle security measures that provide some personal protection for vehicle drivers. It will therefore, subject to conditions, where these may be appropriate, normally allow one or more of the following (or similar) modifications to vehicles -

- (a) Installation and use of a suitable bulkhead (where not otherwise required);
- (b) Installation and use of a suitable CCTV camera system;
- (c) Systems that provide for a secure driver cell;
- (d) Installation and use of a GPS tracking system;
- (e) Installation of a panic alarm system (or similar)...

4.14 CCTV equipment in the vehicles must follow the guidance as set out in Appendices B or F as appropriate to their licence.

Application Procedures

4.15 The application process for Hackney Carriage licences are set out in Appendix C, and the application process for Private Hire vehicle licences are set out in Appendix H. All applications must be submitted together with supporting documentation and the relevant application fee.

Consideration of Applications

4.16 The Council will consider each application on its own merits once it is satisfied that the appropriate criteria have been met, the application form is complete and supporting documents have been submitted.

Grant and Renewal of Licences

4.17 Hackney Carriage and Private Hire vehicle licences will usually be granted for 12 months. However, the Council may licence for a shorter period, should this be appropriate in the circumstances.

4.18 The Council sends reminder letters to taxi proprietors 4 to 6 weeks before an existing licence expires in order to assist proprietors in their prompt submission of renewal applications, however, the responsibility to ensure renewal applications are submitted on time remains with the proprietor.

4.19 The Council will only accept complete applications comprising of all the necessary paperwork. If an application is received late and the licence expires and if the vehicle is more thanyears old the Council, except in exceptional circumstances, will not renew the licence and the licence plate must be returned to the Council.

4.20 The application fees payable are usually subject to annual review.

Stretched Limousines & Specialty Vehicles

4.21 The licensing of limousines and speciality vehicles will be approached on the basis that these vehicles have a legitimate role to play in the trade, meeting a public demand. Therefore, licence applications for such vehicles will not be automatically rejected because they do not meet the standard licensing conditions (for example Limousines are often left-hand drive) and each application will be considered on its own merit. However, in considering any application for these types of vehicles, the Council will have regard to any relevant guidance issued by the government, such as by the Vehicle and Operator Services Agency.

VOSA no longer exists (was abolished on 31 March 2014) and has been replaced by the DVSA!

5.11 Licensed drivers who have lived in another country for 3 months or more since their last enhanced DBS report will also be required to submit an original authenticated certificate of good conduct from the embassy of that country with their next application to renew their licence.

Relevance of Convictions and Cautions

5.12 The Council has chosen to substantially adopt Annex D of the Home Office Circular 13/92 Guidance as part of its policy as to the relevance of certain convictions and cautions in its consideration of whether an applicant or existing driver is fit and property to hold a licence. The parts adopted by the Council are replicated in Appendix L.

5.13 Guidance in relation to the relevance of offences is given in Appendix L. In general terms, the more recent, serious and relevant to public safety the offence is, the less likely that an application will be granted.

5.14 Applicants for new licences and to renew existing licences will be required to provide authorisation to the Council to conduct a DVLA driver endorsement check, so the Council can ensure that the information held by the DVLA is in accordance with the information submitted by the applicant. The check will be made on an annual basis and the fees for the annual endorsement check must be paid by the applicant at the time of submitting their application.

Page 11 **An endorsement check can be carried out via the internet, free of any charge, by the driver supplying the Council with a one-use code that will allow sight (via the DVLA Server) of any endorsements or DVLA penalty points recorded to their DVLA Licence. What fees are you referring to?**

Disability Awareness, Child Sexual Exploitation (CSE) and Other Training –

5.16 All applicants and existing drivers will be required to undertake Disability Awareness, CSE Training that legislation or the Council may require.

5.17 Disability Awareness and CSE Training will be undertaken at the Council offices and drivers will be required to pay a fee where applicable.

PAGE 11

What are the fees? Will the Council be subsidising this? Are bursaries or grants available?

5.18 Training may be internet based and applicants and existing drivers will be issued a certificate on successful completion of the training.

5.19 Applicants and existing drivers who have completed a BTEC in passenger transport or any other training which includes a module for disability awareness will not be required to undertake further disability awareness training, however written evidence must be provided. The Council reserves the right to require additional training if required.

This is an 'open-ended' and dangerous discretionary open cheque for the Council to require "Extra Training" merely on a whim or as a 'knee jerk' reaction without any reference to the trade or the effect that such changes (Additional Training) would have, in particular financially on the local trade! We would like this removed and replaced by proper consultation with the trade on such matters.

Application Procedure

5.20 An application for a driver's licence must be made in accordance with the procedure set out in Appendix I and must be accompanied by the relevant supporting documentation and application fee.

5.26 A set of standard conditions for Private Hire driver licences is set out at Appendix J and the Council considers that it is reasonable and necessary that these be attached to the grant of most licences. However, these may be amended or additional conditions attached as may be considered reasonably necessary in any individual case.

Fares - prescribed rates

5.27 The Hackney Carriage tariff is set by the Council. Private Hire fares are not set by the council but are at the discretion of the Private Hire Operator.

Page 12

But any Private Hire vehicle fitted with a Taximeter must be tested and approved by the licensing authority pursuant to Section 73 of Local Government (Miscellaneous Provisions) Act 1976.

5.28 The driver of a Hackney Carriage vehicle, whether by agreement or otherwise, must not charge any fare greater than the rate prescribed by the Council.

5.29 Fares rates are reviewed no more than once per year with any proposed change advertised in the legal section of the local press and considered and agreed by the Licensing Committee subject to any objections received during the objection period.

Receipts

5.30 A driver must, if requested by the passenger, provide them with a written receipt for the fare paid.

6. Operators - Private Hire

Requirements and Obligations

6.1 Any person who operates a service must apply to the Council for an operator's licence.

6.2 A vehicle may only be dispatched to a customer by an operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a vehicle with a driver. Operators must ensure that every vehicle is driven by a person who holds a valid driver's licence.

6.3 An application for an operator's must be made in accordance with the procedure set out below and accompanied by the relevant supporting document and application fee.

Criminal Record Checks

6.4 A criminal record check on operators is an important safety measure. It will depend on the individual applicant as to what criminal record checks will be required. These are set out below.

6.5 Where the applicant is an individual person, the Council requires the applicant to submit the following as part of the application process:

- a standard criminal records disclosure report from the Disclosure and Baring Services ('standard DBS report') relating to the applicant; and

Why only a 'Standard' report, why not an 'Enhanced Report'?

- a declaration as to whether any company of which they have been a director or secretary has been convicted of any offences.

Page 14

6.16 The operator must notify the Council in writing of any change of his/her address, (whether this is a home address or the address from where he/she operates) during the period of the licence, within 7 days of such a change taking place or, preferably, before this takes place.

6.17 It will be the responsibility of the operator to ensure that appropriate planning consent exists for the operational address to be used for that purpose. Any licence granted cannot override any planning restrictions on a premise nor any restrictions that may be attached to the lease of a premise. Accordingly the applicant should address all planning considerations.

6.18 Operators are required to only use licensed private hire vehicles that have been licensed by the District Council or they may pass bookings on to another licensed operator. **When using Hackney Carriages to meet their bookings such vehicles must meet the council's Private Hire Vehicle Licence conditions.**

Private Hire vehicles that have been licensed outside the district cannot legally work directly for the operator under the District Council's Operator's licence.

Page 15.

This is impossible! This would require a Hackney Carriage vehicle to change colour (Private Hire vehicles not allowed to be Black) and to be also fitted with Private Hire signage including a PH Roofsign (presumably in addition to the Hackney Roofsign)!? Also, Hackney Carriages with the words "Advance Booking Only", an unusual idea to say the very least! What about Hackney Carriages from other areas sub-contracting to "Adur" Operators? Please remove this nonsensical provision!

7. Disciplinary and Enforcement Measures

Enforcement

7.1 With a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, the Council will only intervene where it is appropriate and proportionate to do so.

d) With an engine having a capacity of at least 1600 cc. including vehicles badged by the manufacturer as 1.6 models.

Page 17

This will preclude some models of Toyota Prius 'ULEC' & Hybrid models in stark contrast to and inconsistent with Current Government Policy on emissions!

e) To have windows to the side and rear providing natural light to passenger compartment.

1.2 In the interest of safety each vehicle should have a minimum 4 doors, which are capable of being opened from the inside.

1.3 The passenger carrying capacity will be at the discretion of the Council.

Page 17

Why discretionary, why not subject to clear specification???

In the case of the "Volkswagen Sharan" portfolio of vehicles (re-badged as "Ford Galaxy" & "Seat Alhambra") to name but one example, we have seen the passenger capacity previously reduced to 5 passengers and now to 4 passengers for no apparent reason. This is despite numerous Licensing Authorities licensing these vehicles for the carriage of 6 passengers. The most notable example being "Transport For London", where in excess of 4000 of these vehicles are currently licensed for "6" and in daily use by companies such as "Addison Lee". Please specify why these vehicles seem "safe" and "fit for purpose" in numerous other areas including the "Capital", whilst Adur District Council feel they are not fit for purpose as a "6 Seater" vehicle. Just one of many inconsistencies within this document with other more experienced areas and Licensing Authorities!!!

2.3 A vehicle will be considered to be in exceptional condition if all of the following apply:

a) Mileage for the vehicle is no higher than the average mileage that could be expected for a similar vehicle if that vehicle was used solely for social, domestic and pleasure purposes.

Page 18

This is nonsense, as working vehicles are serviced and maintained to a higher spec than 'Domestic' vehicles. Purpose built (Taxis) vehicles are also commercially engineered. This would potentially make all vehicles obsolete after just three years of 'Taxi' use from new! It is impossible to come to a sensible maximum mileage computation, therefore this provision should be (as in London) that as long as the vehicle passes the mechanical fitness test (which includes an emissions test) and complies in all other ways with the vehicle specifications then it is licensable. Providing vehicles meet the requirements of licensing they can be licensed.

b) The vehicle passes the Council's vehicle inspection.

c) Bodywork is in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips, or rust or any other abrasions that may detract from the overall appearance of the vehicle.

No stone chips!? To achieve compliance here, all working vehicles would permanently be 'in the spray shop' having stone chips attended to, given the atrocious state of repair of local (Adur District) roads.

d) General paint condition should show no signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.

e) Interior trim, panels, seating and carpets and upholstery are in excellent condition, clean and free from damage and discolouration.

'Excellent condition' is subjective! What about fair and reasonable 'wear & tear'? No vehicle will ever remain in excellent condition!

f) The boot or luggage compartment is in good condition, clean and undamaged.

g) Passenger areas are free from damp or any other odours that may cause passenger discomfort.

h) The vehicle must be in excellent mechanical condition and in all respects safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or body work.

i) The vehicle must have a service record to show that it has been properly serviced and maintained in accordance with the manufacturer's service specification. The vehicle must be any single manufactures

This provision is clearly unfinished!!!??? What does it mean???

2.4 The vehicle and its fittings must, when being presented for inspection and at all times during when it is licensed and available for hire:

a) Be Safe

b) Be Tidy

c) Be Clean

d) Comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the Motor Vehicle (Construction and Use) Regulations which currently apply.

2.5 The vehicle must be maintained throughout the term of the vehicle licence to a high standard of appearance to the complete satisfaction of the Council.

Page 18

What does this mean with respect to, 'the satisfaction of the the Council'??? Another subjective and discretionary piece of nonsense!

2.6 The licensed vehicle shall be Black and no other colour. A transitional period in accordance with the rolling vehicle replacement programme will be permitted for existing licensed vehicles.

Page 18

This is unacceptable not only for the reason that 'Black' is synonymous with Funeral Vehicles and 'shows every mark'. Also, almost every other dark colour looks 'Black' at night, so this policy is self defeating! Add to this, Private Hire vehicles in neighbouring districts/areas are allowed to be 'Black' so again this is a non-starter and serves no useful purpose!

What evidence can the Council produce that a single colour policy increases safety vis-à-vis a well thought out signage policy with perhaps Council Logo on the front doors of Hackney Carriages???

We would prefer a policy such as: '... . Due to the clear distinction between hackney and private hire vehicles, the licensing authority does not consider a vehicle livery (i.e. a defined colour and/or marking of vehicles) to be necessary at the present time...'

2.7 All paintwork will be professionally finished and the vehicle free from dents and damage to either bodywork or fittings. Bare metal, primer paint, visible rust and perforations will not be permitted.

2.8 In the interests of safety and reassurance of passengers, tinted glass or mirrored glass that restricts all view into the passenger compartment will not be accepted on vehicles which are presented for licensing. Where a vehicle is licensed and subsequently the proprietor wants to affix tinting to the windows, one of the standard conditions of licence (see Appendix B) provides that they must first apply to and be given approval by the Council to affix the tinting. A transitional period in accordance with the rolling vehicle replacement programme will be permitted for existing licensed vehicles. This is so the Council can ensure that any tinting applied to a licensed vehicle's windows is consistent with these specifications.

What evidence is there that 'Tinted' windows lower safety in the passenger carriage? Tinted windows in fact heighten safety as far as the drivers' view is concerned in times of bright sunshine. This provision needs to be sensible and workable. What about the minimum light transmission for glass of, 70%???

3. Wheelchair Accessible Vehicles

3.1 In the case of all Hackney vehicles that are built or adapted for disabled passengers, the design of the vehicle should ensure that any wheelchair is loaded from the side of the vehicle.

Page 19

What is the reason for this policy, given that neighbouring areas (Brighton & Hove) allow licensing of both rear or side loading WAV's and WSCC is moving towards precluding side-loading vehicles!!!???

3.2 If a vehicle is off the road due to accident or damage and a replacement vehicle is supplied, this vehicle must also comply with 2.8 above.

Given the onerous nature of these provisions, it is highly unlikely that ANY replacement vehicle company or "Crash Club" would possibly offer or have a vehicle to comply in full for a "Temporary" hire. Therefore these unnecessarily overcomplicated provisions will potentially preclude "Adur" proprietors from the services of a temporary replacement vehicle in the event of a crash. Flexibility is required for "Temporary" Replacement Vehicles!

3.3 The Council will only consider licensing vehicles converted or adapted to carry wheelchairs if the conversion is approved by an Institute of Automotive Engineers Assessor. The licence applicant must produce the original certificate from the approved Institute of Automotive Engineers Assessor as part of their licence application.

3.4 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307) and the original testing certificate must be presented to the Licensing Office as part of the licence application.

4. Roof signage

4.1 Roof signs must comply with the following criteria. The sign must:

- a) Measure 76cm in width x 15cm in length x 16cm in height.
- b) Be of "Aero" type design

Page 19

Why are roofsigns being changed to a discretionary type chosen by the Council without consultation with the trade, prior to authoring this document. What evidence does the Council have that this change will improve safety. Many drivers have purchased new roofsigns, will there be any compensation for money recently spent (Circa. £100 in some cases) on new signage!? What is wrong with our current signage???

- c) Include the Borough Council logo in colour on the left hand side of the front face the sign.
- d) The logo must measure not less than 13cm in height by 13cm in width.
- e) Display in the middle of the front face of the sign the following words in the prescribed format:
 - Hackney Carriages the word Taxi
 - Private Hire Vehicles the name of the operator

What about the name of the "Licensing" area, such as "ADUR" on Hackney roofsigns??? Are these the dimensions for a "Hackney" roofsign or a "Private Hire" roofsign or both???

f) The letters comprising the word 'shall be not less than 3cm in height, and the letters comprising the 'word' shall be not less than 7cm in height.

g) Include the proprietor's licence number on the right hand side of the front face in numbers measuring not less than 6 cm in height.

h) The rear face of the sign there shall be displayed only the telephone number of the operator or proprietor of the vehicle, in digits measuring not less than 9cm in height. The rear face of the sign may be left blank if the operator or proprietor does not wish to display his/her telephone number.

Page 19

Why not the word "TAXI" on the rear???

i) All letters and numbers displayed must be solid black in colour and be in Flute B font.

j) The sign must be white on the front face. The sign may be red or white on the rear face but must be red at the rear when illuminated.

k) No words or numbers may be displayed on the sign except as set out above.

4.2 Vehicles which have a built-in roof sign or light may be exempt from displaying the standard roof light if the Licensing Officer is satisfied that the built-in roof light is an acceptable alternative.

Page 20

Another discretionary, subjective clause on the part of the Council. What about 'begging' lights and London 'Blue' lights, what are the specifications for all of these?

5. Door signage

5.1 The front door panels of the vehicle may display the words Hackney Carriage and below the operator name and telephone number.

5.2 The external plate number issued by the council will be displayed on the rear door panels of the vehicle by the door handle.

Page 20

Why the words "Hackney Carriage" on the front doors in addition to repeater plates on the rear doors and the licence number on the roofsign and a plate on the rear? This is financially unnecessary and represents over-regulation! Mandatory markings of this nature will restrict and curtail the local trade's business in 'Wedding' and 'Funeral' bookings.

6. Advertising

6.1 One of the standard conditions of licence is that the proprietor may affix advertising if they have first applied for and obtained the Council's permission. The Council will generally require that advertising complies with the following specifications before approval will be given for it to be affixed to the vehicle:

Page 20

Again, another subjective discretionary decision to be made by officers! Why not require adverts to comply with the provisions of the 'advertising standards authority' and conform with the rules of the British Code of Advertising Practice ???

a) Display screens on the rear of headrests are permitted.

b) Advertising may be displayed on the external sides of the rear panels providing the advertisement complies with the following criteria:

- Purpose-built s (that is London-style black cab vehicles) may advertise inside the vehicle on the base of the occasional seats or along the bulkhead on top of the passenger/ driver partition.
- Any advertisements shall not exceed 30 inches by 15 inches.
- Advertisements must be of such a form as not to become easily soiled or detached.
- Advertisements shall not contain matters relating to alcohol, smoking, or products or services likely to give offence to the public.

What is offensive to the public???

7. CCTV

7.1 CCTV equipment must be installed and operated. The system must

a) be either only capable of recording images and not sound, or if the system is able to record sound, the proprietor must ensure that the sound recording function of the system is disable so that only images are recorded.

Page 20

This should not be mandatory. We are aware of the "Southampton" case regarding the recording of audio actuality, however we would expect the Author/Council to have been aware of the "5 minutes exclusion" included in the judgement. This allows for a "Panic Switch" to be fitted to allow the recording of audio in a "Panic" situation up to 5 minutes in duration. Why has this not been included in the specification.

b) Not have a video display screen (VDU) screen inside the vehicle.

Why??? This is the single largest deterrent to the General Public, i.e. seeing live images including their identity as it is being recorded. Why has this been banned? Reason Please???

c) Be designed and capable of adequately recording after dark.

d) Ensure that any recorded data is encrypted and access to the data is password protected or locked and only authorised persons can view any recordings.

Appendix B

Hackney Carriage Vehicle Licence Conditions

Where the proprietor permits another person to drive the licensed vehicle, they must ensure that that person has a valid Hackney Carriage driver's licence and they must draw the following conditions of the vehicle licence to that person's attention. The proprietor is responsible for ensuring that any person who drives their licensed vehicle complies with these licence conditions.

1. Internal and External Licence Plates

1.1 The proprietor must ensure that the external licence plate and the door plates provided by the Council are maintained in a clear and legible condition and are securely affixed to the outside of the Carriage. The licence plate on or adjacent to the rear bumper and the door plates on the rear passenger doors near or adjacent to the door handles. Easily removable licence plates and door plates using magnets, double sided tape or Velcro are not acceptable.

Page 21

We agree with an internal licence plate in addition to the one on the rear outside of the vehicle. We do not agree with the requirement for countless others!

1.2 The Council must be informed as soon as practicable should the external licence plate or door plates be lost, stolen, broken or defaced.

1.3 The proprietor shall not cause or permit the vehicle to be used or operated with the external licence plate so defaced that any figure or material particular is illegible.

1.4 The internal licence plate issued by the Council must be affixed to the nearside part of the windscreen in such a position where the telephone number on the rear of the plate can be clearly seen by passengers and must be displayed at all times.

How many licence plates are required on a single vehicle and who is expected to pay for this, it is unnecessary over regulation!?

2. Change of Use

2.1 The proprietor must notify the Council of any intended change in use of the specified vehicle, or any change in the particulars supplied at the time of application for the licence and of any modifications made to the vehicle, including seating arrangements.

Page 21

What constitutes a 'change in use'???

3. Vehicle Licence

3.1 In the event of loss or damage to any licence the Council must be informed immediately so that a replacement can be issued.

Page 21

Will there be an out of hours manned help line in order for a driver to report the potential loss or theft of a licence plate at say 0300Hrs on a Saturday morning!? These provisions must be workable!

3.2 On revocation, expiry or suspension of the licence, the licence and the internal and external licence plates issued in respect of the vehicle must be immediately returned to the Council.

3.3 A proprietor shall advise the Council in writing within 14 days of any change of their home address, contact telephone number or email address.

4. Insurance

4.1 The proprietor shall ensure that there is in force a policy of insurance complying with the requirements of the Road Traffic Acts and which covers the vehicle for the carriage of passengers for public hire during the currency of the licence.

4.2 A copy of a vehicle's current insurance document must be kept with the vehicle and the proprietor must make it available for inspection by any Worthing Borough Council officer or any Police Officer upon request.

Page 22

How about an officer of our Council "Adur District Council"?

4.3 If, during the currency of this licence a new policy of insurance is obtained in relation to the licensed vehicle, a copy of the new policy or insurance cover note must be lodged with the Council within 7 days of the new insurance policy coming into effect.

Page 22

This has already been covered in the preceding provision and is again, over regulation!

5. Interior Appearance

5.1 The interior of the vehicle should always be in a clean and tidy state.

a) Carpets, upholstery and cloth trim are to be kept clean and undamaged. Good quality seat covers and carpet mats may be used, provided that each is a matching set, of a colour co-ordinating with the vehicle and kept in good condition.

b) All plastic fascia, door linings, roof linings and trim are to be kept free from marks, stains and damage.

c) All interior lights and fascia illumination are to be in full working order and in good condition.

d) Boot space/luggage areas are to be kept clean and any vehicle equipment properly stowed.

5.2 All doors, locks and windows are to be in full working order and in good condition.

5.3 All windows are to be kept free of dirt, grime and marks.

6. Tinted Windows

6.1 A proprietor must not affix, or allow to be affixed, window tinting to the licensed vehicle without first applying for and obtaining permission from the Council to do so.

Page 22

As stated before, Why??? Evidence Please! This policy does not mirror and is inconsistent with other areas!!!

We would prefer a provision similar to: '...The Road Vehicles (Construction and Use) Regulations 1986 as amended specifies the minimum levels of light that must pass through the windscreen and front side windows. For vehicles first used on or after 1 April 1985, the light transmitted through the windscreen must be 75% and 70% through the front side windows.

The licensing authority recognises that many manufacturers fit tinted windows as standard original fittings as either 'dark tint' or 'light tint'.

There is a distinct difference between standard tinted windows which meet the legal requirements and what is commonly known as 'privacy glass' which is much darker and lets a minimum of light through as well as making it very difficult to see into the vehicle.

To address public safety concerns around the use of 'privacy' glass and to allow as wide a range of vehicles as possible to be used by the trade the following conditions apply to vehicle windows on the rear windscreen / rear side windows:-

(a) All rear windows must allow at least 70% of light to be transmitted through them.

(b) No vehicle shall be fitted with any form of additional film to darken or tint the windows on any part of the vehicle.

(c) Front side windows and the front windscreen must meet the requirements of the Road Vehicles (Construction and Use) Regulations 1986.

(d) Privacy glass shall only be acceptable where fitted to plate exempt vehicles...'

7. Fire Extinguisher and First Aid Kit

7.1 The proprietor must ensure that a sterile standard motorist's first aid kit is carried in the vehicle at all times.

Page 22

**How many drivers are currently "First Aid" qualified?
Neighbouring areas has removed this requirement due to non qualification of drivers.**

7.2 The proprietor must ensure that a fire extinguisher suitable for use on vehicle fires is carried in the vehicle at all times. The proprietor must ensure that the contents of the extinguisher remain in date at all times. Where there is an expiry date on the extinguisher (instead of a colour gauge), the date is clearly visible and not tampered with.

8. Accidents

8.1 The proprietor must inform the Council the next available working day of any accident causing damage affecting the safety, performance or appearance of the vehicle or which may affect the comfort or convenience of passengers.

9. Luggage storage

9.1 The boot area must be capable of carrying the appropriate volume of luggage for the number of passengers on the licence.

9.2 If the licensed vehicle is either an estate car or multi-passenger vehicle, there must be luggage restraints kept in the vehicle so that passengers' luggage can be securely stowed, and the restraints must be kept in good working order.

10. Taximeters

10.1 The proprietor must ensure the vehicle is fitted with a taximeter approved by the Council at all times the vehicle is available for hire. The meter must be maintained and kept in a good working order at all times.

Page 23

We'd expect you to be asking for compliance with MID and BSI rather than the discretionary and subjective approval of a local Council!

10.2 The taximeter must be set for up to the current maximum tariff agreed by the Council and the proprietor must ensure that no adjustment to the meter is be made without the Council's prior permission.

10.3 The proprietor must ensure the "For Hire" sign or other illuminated sign on the roof of the vehicle is linked to the taximeter or a means is provided to switch off the for hire sign so that when the meter is switched on at the commencement of any individual hire, the roof sign is extinguished.

10.4 The taximeter must be kept clean and in good working order and positioned so that the fare recorded on the taximeter is plainly visible to passengers in the vehicle.

10.5 The taximeter must be sealed at all times and if a seal is broken the proprietor must notify the Council's Licensing Office on the next available working day.

11. Fare Table

11.1 The proprietor must ensure that a copy of the current fare table supplied by the Council is on display inside the Hackney Carriage at all times and that the table is kept clean and undamaged and is positioned so that it is plainly visible to passengers in the vehicle.

11.2 A driver must, if requested by the passenger, provide them with a written receipt for the fare paid.

12. Smoking

12.1 The proprietor must ensure that the prescribed 'no smoking' signage required to be displayed under the relevant legislation (the Health Act 2006 and the Smoke-free (Signs) Regulations 2007 – or any subsequent enactment), is affixed to the interior of the vehicle.

12.2 E-Cigarettes and other similar must not be used within the licensed vehicle in line with the requirements of other public transport.

Page 23

To say that E-Cigarettes are banned on '...other public transport...' is not wholly true. Many bus companies and some train operators allow their use together with a majority of entertainment venues within the 'night-time economy'. This requirement is also in contradiction of health charity ASH's view that, '*... ASH does not support a blanket ban on the use of these devices in all enclosed public places. However, it's up to individual organisations, including train operators, to choose whether or not to permit their use. We'd suggest that before doing so they think about the potential health benefits of these products which are mainly used by smokers trying to quit...*'

Together with Public Health England's recently published evidence review about e-cigarettes. The main finding of the review is that e-cigarettes are 95% safer than cigarettes and are an effective quitting aid. So why are ADC seeking to demonise their use and on what evidence is this based?

This policy does not mirror and is inconsistent with other areas!!!

M13. Roof Sign

13.1 Each Hackney Carriage vehicle (with the exception of those vehicles with a built-in roof light) shall display at all times an illuminated white roof sign approved by the Council, regardless whether the vehicle is working for public hire or personal use.

Page 24

Why should the light have to be illuminated when using the vehicle for personal use (Social, Domestic & Pleasure - when not working)? This would potentially leave the driver open to the offence of 'Plying For Hire' (with sign illuminated) whilst not actually working or hired and renders them liable to an offence under Section 53 of the Town Police Clauses Act 1847.

13.2 A proprietor must not alter the sign without first applying for and obtaining permission from the Council to do so.

Does this include renewing bulbs or altering lighting within perhaps from traditional bulbs to LEDs???

13.3 The illumination mechanism of the roof sign shall not be operated during any period for which the vehicle is hired.

14. Door Signage

14.1 If at any time the signs become damaged or lost, the proprietor must notify the Council as soon as possible so that the Council can order replacement signs. The cost of the replacement door signs is the responsibility of the proprietor.

14.2 If at any time the signs become damaged or lost, the proprietor must ensure that the vehicle is not used for hire until the replacement door signs are affixed.

Page 24

There needs to be a period of grace as otherwise if this is enforced as written, Taxis can be precluded from work by the malicious removal of signs by other individuals.

15. Pre-Booked Fares

A Hackney Carriage may be used for a pre-booked shared journey providing they comply with the criteria below.

15.1 The vehicle's proprietor must notify the Council in writing that the vehicle is to be used for pre-booked shared journeys prior to commencement.

15.2 The taximeter must be calibrated for the calculation of separate fees for separate journeys and has been tested and sealed by the Council.

Page 24

When did the Council last seal a Taximeter???

15.3 The proprietor must ensure that a record of all pre-booked shared journeys undertaken in the vehicle shall be kept by the proprietor and stored for a period of 6 months.

15.4 A Hackney Carriage may be used for a pre-booked shared journey only where the hirers have consented to the journey when booking in advance and where the consent of the hirer has been recorded as to the conditions in appendix K 3.0 Records.

16. Garage Inspection Report

16.1 The proprietor must ensure the vehicle has a current Garage Inspection Report from a MOT approved garage at all times whilst the vehicle is licensed.

16.2 If a vehicle fails its Garage Inspection Report or its Garage Inspection Report expires the vehicle cannot be used as licensed Hackney Carriage (irrespective of whether it still has a valid MOT Certificate) until a valid Garage Inspection Report has been issued.

Page 24

It won't be the 'Garage Inspection Report' that expires, it will be the vehicle's Hackney Carriage Vehicle Licence that is in force - this clause is consequently nonsense!

17. Advertising

Page 25

17.1 The approval of the Council must be sought and obtained before any adverts (or modifications to existing advertising) are affixed to the vehicle.

Again, another subjective discretionary decision to be made by officers! Why not require adverts to comply with the provisions of the 'advertising standards authority' and their established rules on advertising, together with the rules of the British Code of Advertising Practice ???

18. CCTV Installation in Hackney Carriage Vehicles

18.1 When CCTV has been installed in the vehicle with the Council's approval, the following conditions apply to the licence:

- a) The proprietor must not interfere, or try to interfere, with the workings of the device.

- b) The proprietor must ensure that operation of the CCTV complies with the 'CCTV Code of Practice' published by the Information Commissioner's Office (www.ico.org.uk), including the affixing of appropriate signs notifying the public that CCTV is in use in the vehicle.

Page 25

Can the system be fitted with a switch to switch off the CCTV system whilst the vehicle is being used for "Personal Use" in order to prevent an intrusion of Privacy???

- c) Upon a request being made by an officer of the Council or a police officer for access to the data recorded by the CCTV system, the proprietor must present the Hackney Carriage within 48 hours of the request being made to the person who requested access and allow the Council's Officer or Police officer, as the case may be, to extract data from it.

19. Disability Access

The following conditions will apply to vehicles adapted to carry wheelchairs

19.1 Where a vehicle is designed or adapted for the carriage of passengers in a wheelchair, the following conditions shall apply:

a) Loading of the wheelchair must be undertaken through the side of the vehicle.

Page 25.
Why???

b) Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.

c) Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit.

19.2 If, after the licence is granted the vehicle is converted or adapted to carry wheelchairs, the proprietor must:

a) within 7 days of the conversion/adaptation provide a Certificate from an approved converter, and

b) notify their insurance company of the fact that the vehicle has been so adapted/converted.

& presumably also DVLA?!

19.3 A suitable restraint must be available for the occupant of a wheelchair at all times and kept in good working order.

19.4 If, after the licence is granted any equipment is fitted to the vehicle for the purpose of lifting a wheelchair into it, this must be tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307) and the original testing certificate must be presented to the Council's Licensing Office before the lifting equipment is used in respect of any passenger. A copy of the certificate should also be kept in vehicle at all times and be presented to any Licensing Officer or Police Officer upon request.

19.5 There must be kept in the vehicle at all times either access ramps or a lift so assist the wheelchair into the vehicle. Any access ramps or lifts must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper.

19.6 Ramps and lifts must be securely stored in the vehicle before it may move off. Any such equipment must be maintained in good working order.

19.7 Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to load and convey wheelchairbound passengers.

19.8 There must be no alteration to the seating configuration without notifying the Council

Appendix C

Hackney Carriage Vehicle Licensing Procedure

Page 27

Application Process for Hackney Carriage Vehicle Licence

1. Applications for a Hackney Carriage proprietor's licence must be submitted on the prescribed form
2. Applications for renewal together with the supporting documents should be submitted prior to expiry of the current licence.
3. Once a decision has been made to grant the licence, an internal licence plate will be issued together with the new licence and conditions of licence.

This is covered by existing legislation, so therefore why must it be further and unnecessarily over regulated!???

Appendix E

Private Hire Vehicle Specifications

1. Vehicle Specification

1.1 When licensing Private Hire vehicles the Council has to consider the need for safety, convenience, and comfort of passengers in vehicles that operate in rural, urban and motorway environments. The size and engine capacity have also to be considered given that all vehicles are required to carry their licensed number of passengers together with their luggage. The Council considers that a vehicle should be of manufacturers' original specification and shall be constructed and designed:

- a) For the Carriage of not less than 4 and not more than 8 passengers with the provision of a seatbelt for each passenger.
- b) With the seat provided for each passenger having a minimum width of 405mm (16 inches) measured across its narrowest part.
- c) Not to be left-hand drive. Right hand drive passenger vehicles offer the driver clearer and safer vision in an overtaking manoeuvre, and also eliminate the need for a front seat passenger to alight from the vehicle into the road.
- d) With an engine having a capacity of at least 1600 cc. including vehicles badged by the manufacturer as "1.6" models.

Page 32

This will preclude some models of Toyota Prius 'ULEC' & Hybrid models in stark contrast to and inconsistent with, Current Government Policy on emissions!

- e) To have windows to the side and rear providing natural light to passenger compartment.

1.2 In the interest of safety each vehicle should have a minimum 4 doors, which are capable of being opened from the inside.

1.3 The passenger carrying capacity will be at the discretion of the Council.

Page 32

Why discretionary, why not subject to clear specification???

1.4 The vehicle seats must have these specifications:

a) The rear seat of the vehicle must be a minimum of 1.22 meters long (405 mm or 16 inches per person) with no mouldings restricting the seating capacity. The driver's seat fully pushed back there must be a minimum gap of 1.77m (7 inches) between the front of the rear seat and the back of the front seat and a 863 mm (34 inch) gap in height from the lowest part of the seat pad to the roof.

b) All seats must be fitted with fully operational seat belts.

c) No passenger should have to climb over or move seats.

d) The number of passenger seats must remain as stated on the vehicle licence.

e) There must be no alteration to the seating configuration without notifying the Council.

f) All seats must be forward or rear facing.

g) All vehicles must be able to seat all passengers in comfort with sufficient legroom for all passengers.

h) The seat covering must be clean and in a good state of repair.

1.5 The vehicle and its fittings must, when being presented for inspection and at all times during when it is licensed and available for hire:

- Be safe
- Be tidy
- Be clean
- Comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the Motor Vehicle (Construction and Use) Regulations which currently apply.

1.6 The vehicle must be maintained throughout the term of the vehicle licence to a high standard of appearance to the complete satisfaction of the Council.

1.7 The licensed vehicle shall be not be coloured black, white, silver or similar unless it is approved by the Council.

Page 33

Why not White or Silver??? So no hire vehicles in Adur will be allowed to be White or Silver!? This is madness and will effectively restrict a key area of our trade - Weddings!!! Therefore, Why???

1.8 All paintwork will be professionally finished and the vehicle free from dents and damage to either bodywork or fittings. Bare metal, primer paint, visible rust and perforations will not be permitted.

1.9 The Councils Garage test must be carried out by an approved MOT testing station within the District or the Councils' Commerce Way Workshops.

Page 33

Why is the trade being restricted to Testing Stations within the Adur District? Why not any DVSA Approved 'MOT' Testing Station? This will potentially allow Adur Garages to 'Cartel' with reference to the Fee for a 'Hackney Test'! You have no legally recognised right to inspect or regulate DVSA MOT Stations either within the Adur District or elsewhere!

Therefore, why the restriction? Again, we'd like to see, '... By way of promoting free-market competition, MOT tests may be undertaken at any MOT testing station authorised by DVSA...'

1.10 In the interests of safety and reassurance of passengers, tinted glass or mirrored glass that restricts all view into the passenger compartment will not be accepted on vehicles which are presented for licensing. Where a vehicle is licensed and subsequently the proprietor wants to affix tinting to the windows, one of the standard conditions of licence (see Appendix F) provides that they must first apply to and be given approval by the Council to affix the tinting. A transitional period in accordance with the rolling vehicle replacement programme will be permitted for existing licensed vehicles. This is so the Council can ensure that any tinting applied to a licensed vehicle's windows is consistent with these specifications.

Covered earlier.

2. Private Hire Vehicles Exempt

2.1 Some Private Hire operators may be exempt from displaying roof sign, door signs and licence plate. The reason for this can be found in Appendix E of this policy.

3. Advertising on Private Hire Vehicles

3.1 One of the standard conditions of licence for Private Hire vehicles is that the proprietor may affix advertising if they have first applied for and obtained the Council's permission. The Council will generally require that advertising complies with the following specifications before approval will be given for it to be affixed to the vehicle:

- a) Display screens on the rear of headrests is permitted
- b) Advertising may be displayed on the external sides of the rear wing panels providing the advertisement complies with the following criteria:
- c) Any advertisements shall not exceed 30 inches by 15 inches.
- d) Advertisements must be of such a form as not to become easily soiled or detached.

e) Advertisements shall not contain matters relating to alcohol, smoking, or products or services likely to give offence to the public.

Page 33

Please define "offensive"! Why no requirement for 'ASA' compliance?

4. CCTV Installation in Private Hire Vehicles

4.1 CCTV equipment must be installed and operated

a) The CCTV system must be either only capable of recording images and not sound, or if the system is able to record sound, the proprietor must ensure that the sound recording function of the system is disable so that only images are recorded.

Page 34 previously covered

We are aware of the "Southampton" case regarding the recording of audio actuality, however we would expect the Council to have been aware of the "5 minutes exclusion" included in the judgement. This allows for a "Panic Switch" to be fitted to allow the recording of audio in a "Panic" situation up to 5 minutes in duration. Why has this not been included in the specification.

b) The CCTV system must not have a video display screen (VDU) screen inside the vehicle.

Why??? This is the single largest deterrent to the General Public, i.e. seeing live images including their identity as it is being recorded. Why has this been banned? Reason???

c) The CCTV system must be designed and capable of adequately recording after dark.

d) The CCTV system must be one where any recorded data is encrypted and access to the data is password protected or locked and only authorised persons can view any recordings.

e) The proprietor must not interfere, or try to interfere, with the workings of the device.

f) The proprietor must ensure that operation of the CCTV complies with the *CCTV Code of Practice* published by the Information Commissioner's Office (www.ico.org.uk), including the affixing of appropriate signs notifying the public that CCTV is in use in the vehicle.

g) Upon a request being made by an officer of the Council or a police officer for access to the recordings within 24 hours following a request by any law enforcing agency at no charge to that agency.

Vehicles are manufactured and produced with window glass in various tints or film coatings from clear to jet-black, the latter making it impossible to view into the passenger compartment. The removal of film coating from windows is far less expensive than the changing of glass. These heavily tinted windows may be of concern to women passengers travelling alone, and parents of children travelling unaccompanied. Many of the vehicles supplied with tinted glass are acceptable, however in the interests of safety and reassurance of passengers, tinted glass or mirrored glass that restricts all view into the passenger compartment will not be accepted on licensed vehicles.

Page 34 Previously Covered.

What evidence is there that 'Tinted' windows lower safety in the passenger carriage? Tinted windows in fact heighten safety as far as the drivers' view is concerned in times of bright sunshine.

Appendix F

Private Hire Vehicle Conditions of Licence

1. Licence Plate

1.1 The proprietor must ensure that the licence plate provided and allocated to him by the Council is maintained in a clear and legible condition and is securely affixed on the outside of the Carriage, on or adjacent to the rear bumper. Magnets, double sided tape and Velcro are not acceptable for securing the plate.

1.2 The Council must be informed as soon as practicable should the licence plate be lost broken or defaced.

1.3 The proprietor shall not cause or permit the vehicle to be used or operated with the said plate so defaced that any figure or material particular is illegible.

1.4 The internal licence plate issued by the Council must be affixed to the nearside part of the windscreen in such a position where the telephone number on the rear of the internal licence plate can be clearly seen by passengers and must be displayed at all times.

2. Vehicle Change of Use

2.1 The proprietor must notify the Council of any intended change in use of the specified vehicle, or any change in the particulars supplied at the time of application for the licence and of any modifications made to the vehicle, including seating arrangements immediately and shall not use the vehicle for the purposes of carrying fare paying passengers until approved by the Council.

Previously Covered Page 35
Define 'change in use'!

3. Vehicle Licence

3.1 In the event of loss of or damage to this licence the Council must be informed immediately so that a replacement can be issued.

Previously Covered Page 35
Will there be an out of hours manned help line in order for a driver to report the potential loss or theft of a licence plate at say 0300Hrs on a Saturday morning!? These provisions must be workable!

3.2 On revocation, expiry, or suspension of the licence, the licence and the plate issued in respect of the vehicle must be returned to the Council forthwith upon the Council giving such a demand in writing to the proprietor.

3.3 The proprietor shall advise the Council in writing within 14 days of any change of their home address, contact telephone number or email address.

3.4 The proprietor shall give 7 days' notice of his/her intention to transfer the licence to another vehicle and shall not permit that vehicle to be used as a licensed vehicle until the licence has been endorsed by the Council.

4. Insurance

4.1 The proprietor shall ensure that there is in force a policy of insurance with the requirements of the Road Traffic Acts and which covers the vehicle for the carriage of passengers for public hire during the currency of the licence.

4.2 A copy of a vehicle's current valid insurance document must be kept with the vehicle and the proprietor must make it available for inspection by any Worthing Borough Council officer or any Police Officer upon request.

Previously covered Page 36

Why not an Officer of our Council, 'Adur District Council'???

4.3 If, during the currency of this licence, a new policy of insurance is obtained in relation to the licensed vehicle, a copy of the new policy or insurance cover note must be lodged with the Council within 7 days of the new insurance policy coming into effect.

Previously Covered Page 36

This has already been covered in the preceding provision and is again, over regulation!

5. Interior Appearance

5.1 The interior of the vehicle should always be in a clean and tidy state.

a) Carpets, upholstery and cloth trim are to be kept clean and undamaged. Good quality seat covers and carpet mats may be used, provided that each is a matching set, of a colour co-ordinating with the vehicle and kept in good condition.

b) All plastic fascia, door linings, roof linings and trim are to be kept free from marks, stains and damage.

c) All interior lights and fascia illumination are to be in full working order and in good condition.

d) Boot space/luggage areas are to be kept clean and any vehicle equipment properly stowed.

5.2 All doors, locks and windows are to be in full working order and in good condition.

5.3 All windows are to be kept free of dirt, grime and marks.

6. Tinted Windows

6.1 A proprietor must not affix, or allow to be affixed, window tinting to the licensed vehicle without first applying for and obtaining permission from the council to do so.

Previously Covered Page 36
As stated before, Why??? Evidence Please! This policy does not mirror and is inconsistent with other areas!!!

What evidence is there that 'Tinted' windows lower safety in the passenger carriage? Tinted windows in fact heighten safety as far as the drivers' view is concerned in times of bright sunshine.

7. Fire Extinguisher & First Aid Kit

7.1 The proprietor must ensure that a sterile standard motorist's first aid kit is carried in the vehicle at all times.

Previously Covered Page 36
**How many drivers are currently "First Aid" qualified?
Neighbouring areas has removed this requirement due to non qualification of drivers.**

7.2 The proprietor must ensure that a fire extinguisher suitable for use on vehicle fires is carried in the vehicle at all times. The proprietor must ensure that the contents of the extinguisher remain in date at all times. Where there is an expiry date on the extinguisher (instead of a colour gauge), the date is clearly visible and not tampered with.

8. Accidents

8.1 The proprietor must inform the Council the next available working day of any accident causing damage affecting the safety, performance or appearance of the vehicle or which may affect the comfort or convenience of passengers.

9. Luggage in Estate Cars and Multi-Purpose Vehicles

9.1 The boot area must be capable of carrying luggage for the number of passengers on the licence.

9.2 Luggage stowed in the boot should not be stacked above the height of the rear seats unless the vehicle is fitted with suitable luggage restraints or covers to prevent luggage from entering the passenger compartment.

10. Taximeters

10.1 All taximeters must be approved by the Council and the proprietor of a Private Hire vehicle which has been fitted with a taximeter must ensure that meter is maintained in a sound working condition at all times.

Page 37
We'd expect you to be asking for compliance with MID and BSI rather than the discretionary and subjective approval of a local Council!

10.2 The taximeter shall be of the clock calendar type or a Council approved taximeter.

10.3 The taximeter must not be altered or tampered with except with the approval of the Council and must be retested by the Council if it is altered.

10.4 Show the fare recorded on the taximeter in plainly legible figures and the word "FARE" shall be clearly displayed.

10.5 Be kept surely fixed in such a position so that the fare recorded is visible to all passengers within the vehicle at all times, and the figures shall be illuminated for this purpose whenever necessary.

10.6 The taximeter must be sealed at all times and if a seal is broken the Licensing Office must be notified as soon as possible.

11. Two Way Radios

11.1 The proprietor must ensure that any radio equipment fitted to the licensed vehicle is kept in good working order at all times.

12. Smoking

12.1 The proprietor must ensure that the prescribed 'no smoking' signage required to be displayed under the relevant legislation (the Health Act 2006 and the Smoke-free (Signs) Regulations 2007 – or any subsequent enactment), is affixed to the interior of the vehicle.

13. Roof Sign

13.1 Each Private Hire vehicle shall display at all times a non-illuminated roof sign approved by the Council. The signs will be in yellow unless authorisation has been approved for roof signs to be a different colours.

13.2 A proprietor must not alter the sign without first applying for and obtaining permission from the Council to do so.

13.3 The roof light must comply with the following criteria:

a) be 'point' type design

b) be 46cm in width x 16cm in length x 14cm in height.

Page 37/8
These are the dimensions for a "Hackney" style roof sign and will serve only to further confuse the General Public, whatever is written on the roofsign!!! This policy will also render the Council liable to a breach of Section 48 (1)(a)(ii) of the Local Government (Miscellaneous Provisions) Act 1976, in so far as, the design and appearance of the vehicle (when fitted with this sign) could lead a person to believe that the vehicle is a Hackney Carriage! The current 10" 'quarter light' style signs are in widespread use across the South Coast and the General Public understand their significance, therefore What is wrong with the current policy!?

c) all letters and numbers displayed must be solid black in colour and in Flute B font

d) the words 'ADVANCE BOOKINGS ONLY' must be displayed on the front of the sign at the top in letters not less than 2.5cm in height.

Page 38

You are merely making a Private Hire vehicle resemble a TAXI, regardless of what is written on any roofsign larger than the recognised Private Hire 10 inch "Quarter Light" as used in most areas locally!!! We are only aware of one area locally that allows anything other than a "Quarter Light" on a Private Hire vehicle, that area is Worthing. We feel it unlikely that all areas except Worthing are wrong in this regard!!! Why are you deviating from the accepted local industry norm??? As said previously Please pay attention to the law!

e) the company name must be displayed underneath in letters not less than 5cm in height.

Page 38

Why, why not the operator's telephone number as currently?

f) the rear of the sign should display only the word 'WORTHING' in letters not less than 2.5cm in height and underneath, the telephone number of the company or Private Hire operator through whom the vehicle can be booked, displayed in numbers not less than 5cm in height.

Page 38 Amend.

Worthing??? Why???

g) the sign shall not include the words 'hire', 'cab', 'taxi', 'hackney' or any other word which would lead a person to believe that the vehicle is a Hackney Carriage (even if these words form part of the company name) or any other words or numbers except those set out above.

Page 38

In attempting to comply with this nonsensical provision, Please enlighten us how you expect the Companies, "Radiocabs" and/or "CarCabs" to display their company name without breaching your specification!!!??? What is wrong with the current system of the Operator's Telephone Number???

14. Door Signage

14.1 Each Private Hire vehicle shall display a sign on front door in accordance with the criteria laid out below:

- a) the sign shall be constructed of vinyl, and shall be applied directly to the door. Licence holders should note that magnetic door signs are not acceptable in fulfilment of this condition.
- b) the words 'Advance booking only' shall be displayed at the top of the sign in letters of 4cm in height.
- c) the operator or company name shall be displayed in the middle of the sign in letters of 8cm in height if on one line or 4cm in height if on 2 lines.

Page 38

Again, Please enlighten us how you expect the Companies, "Radiocabs" and/or "CarCabs" to display their company name without breaching your specification!!!???

- d) the telephone number of the operator through which the vehicle is operating shall be displayed at the bottom of the sign in numbers of 4cm in height.
- e) the overall dimensions of the sign shall be 23cm in height by 45cm in width.
- f) all numbers and letters displayed on the sign must be laid out in Flute B font and shall be solid black or solid white, as required by the Licensing Officer. The colour required will be dependent on the colour of the vehicle and will be chosen to ensure maximum visibility against the vehicle's paintwork.

14.2 These door signs must be displayed at all times. Failure to display these door signs may result in the suspension of the vehicle licence.

15. Certificate of Compliance *Garage Test*

15.1 Upon notification from the council that a compliance test must be carried out, the proprietor must ensure that the vehicle is submitted for a compliance test and provide the original certificate of compliance to the Council by the date required. Compliance Testing is required every 12 months for vehicles under 10 years old and every 6 months for vehicles more than 10 years old.

Page 38 amend to say Garage Test.
What is a compliance test and what is a certificate of compliance in this context? Are you referring to a Vehicle Mechanical Test or what? Please define the terms "Compliance Test" and "Compliance Certificate" as they mean different things in different areas!?

15.2 The proprietor must ensure the vehicle has a Certificate of Compliance from a MOT approved garage in the District of Adur at all times whilst the vehicle is licensed.

Page 38 Previously covered.

Why is the trade being restricted to Testing Stations within the Adur District? Why not any DVSA Approved 'MOT' Testing Station? This will potentially allow Adur Garages to 'Cartel' with reference to the Fee for a 'Mechanical Test'! You have no legally recognised right to inspect or regulate DVSA MOT Stations either within the Adur District or elsewhere! Therefore, why the restriction? Again, By way of promoting free-market competition, MOT tests may be undertaken at any MOT testing station authorised by DVSA!!!

15.3 If a vehicle fails the Certificate of Compliance test and the vehicle still has a valid MOT Certificate the vehicle cannot be used as a licensed vehicle until a valid Certificate of Compliance has been issued.

16. Advertising

16.1 The approval of the Council must be sought and obtained before any advertising (or modifications to existing advertising) is affixed to the vehicle

Why not 'ASA'???

17. Disability Access

The following conditions will apply to vehicles adapted or carry wheelchairs

17.1 Where a vehicle is designed or adapted for the carriage of passengers in a wheelchair, the following conditions shall apply:

17.2 Loading of the wheelchair must be undertaken through the side or rear of the vehicle.

Page 39
Why is this different from Hackney Carriages??? i.e. rear loading is allowed for PH only???

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

17.4 Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit.

17.5 If, after the licence is granted the vehicle is converted or adapted to carry wheelchairs, the proprietor must: within 7 days of the conversion/adaptation provide a Certificate from an approved converter, and notify their insurance company of the fact that the vehicle has been so adapted/converted.

17.6 A suitable restraint must be available for the occupant of a wheelchair at all times and kept in good working order.

17.7 If, after the licence is granted any equipment is fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle, this must tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307) and the original testing certificate must be presented to the Council's Licensing Office before the lifting equipment is used in respect of any passenger. A copy of the certificate should also be kept in vehicle at all times and be presented to any Licensing Officer of police officer upon request.

17.8 There must be kept in the vehicle at all times either access ramps or a lift so assist the wheelchair into the vehicle. Any access ramps or lifts must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper.

17.9 Ramps and lifts must be securely stored in the vehicle before it may move off. Any such equipment must be maintained in good working order.

17.10 Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to load and convey wheelchairbound passengers.

17.11 There must be no alteration to the seating configuration without further approval from the Licensing Officer

Appendix G

Private Hire Executive Plated Vehicles, Limousines & Speciality Vehicles Special Conditions

The following are a pool of standard conditions relating to speciality vehicles. The Council may decide to attach all or any of the following standard conditions (which may be in addition to some of all of the conditions in Appendix F) to the grant of a Private Hire vehicle licence in respect of a speciality vehicle, as may be considered appropriate in any individual case.

1. Additional Conditions for Private Hire Executive Plated Vehicles, Limousines & Speciality Vehicles

1.1 The Executive vehicle or Limousine to be exempted has to be of a high quality both in terms of brand and condition.

a) Vehicles will normally be the accepted luxury brands such as Mercedes Benz, BMW, Jaguar, Rolls Royce, Bentley and Lexus.

Page 40
What about a Lincoln Limousine or perhaps even a stretched Hummer H2 or H3???

3.2 Vehicles may be granted an exemption from the requirement under the conditions of licence for Private Hire vehicles to be right hand drive.

Page 39

In your own words, '*... Right hand drive passenger vehicles offer the driver clearer and safer vision in an overtaking manoeuvre, and also eliminate the need for a front seat passenger to alight from the vehicle into the road...*'

Will, 'Private Hire Executive Plated Vehicles, Limousines & Speciality Vehicles' not be subject to your presumed reduction of safety in, '*...clearer and safer vision in an overtaking manoeuvre...*' or the elimination, '*... of the need for a front seat passenger to alight from the vehicle into the road...*'

These vehicles will; be licensed as "Hire Vehicles" therefore should be subject to the same "SAFETY" restrictions that you place on other licensed "Hire Vehicles". It needs to be one rule for all or no rule!!! Safety isn't (in our opinion) a matter of the Council's discretion!!!

3.4 Vehicles with sideways facing seating may be considered for Private Hire licensing.

You are either trying to promote and ensure safety compliance here or you are not!!!??? Which is it? If sideways facing seating is considered dangerous in Hackney Carriages and Private Hires then it must be considered dangerous in all "Hire" vehicles!!! Please explain!!!

3.5 The passenger compartment of the vehicle may be fitted with darkened or blackened glass if approved by the Council.

Again your words, '*... in the interests of safety and reassurance of passengers...*' Why is this different here??? Or is it "Safe" when the Council feels like it at their discretion???

4. Use of Vehicle

4.1 The proprietor of a vehicle shall:

a) Not permit to be conveyed in the vehicle more than the number of persons for which the vehicle is licensed, regardless of the age or size of the passengers

b) Ensure that in any advertisement publicising their business, the vehicle is not stated to carry any more than 8 passengers.

c) Not convey any passengers in the front compartment with the driver.

Page 41

Why if the vehicle is so constructed and carries a valid safety "Certificate"???

d) Not supply alcohol to passengers unless there is in force an appropriate authorisation under the Licensing Act 2003 permitting the sale or supply of the same

4.2 If the occupants are below the age of 18, there should be no alcohol carried in the passenger compartment.

Even in a family setting??? When parents and children are carried as a family group with parents carrying their own supply of alcohol, perhaps going for a picnic or day out??? This provision does not make sense and is fairly unenforceable, save for a bag and body search of passengers which drivers have no legal right to carry out!

4.3 Any glassware in the vehicle must be made of either shatterproof glass or plastic.

Again, what about glassware carried by adult passengers on a day-out!!!???

4.4 The driver shall not play or permit the performance of any film, video or similar media where any passenger in the vehicle is below the age permitted by the age classification to view the particular film etc.

Page 41

How does the driver enforce this with regard to groups and personal video players, including smart phones???

Appendix H

Private Hire Vehicle Licence Procedures

1. Application Process for Private Hire Vehicle - New Licence

1.1 The vehicle must accord with the specifications in Appendix E.

1.2 Applicants must telephone the licensing office to make an appointment to have their vehicle licensed.

1.3 Applications for a Private Hire vehicle licence must be submitted on form PHV/1

1.4 Applicants attending the appointment must bring all their documents relating to the vehicle, which include:-

- Insurance for Hire and Reward
- Registration Document or Bill of Sale
- Certificate of Compliance
- MOT
- Garage Certificate
- Applicants must pay the appropriate fee before the licence can be issued.

1.6 Applicants must ensure that they bring the vehicle to the appointment

2. Application Process for Private Hire Vehicle - Licence Renewal

2.1 Applications for renewal should be submitted at least 10 days prior to the vehicle licence expiring. Applicants must telephone the licensing office to make an appointment to have their licence renewed.

Page 43
Why 10 days???

2.2 The fee must accompany the application for renewal.

2.3 An internal licence plate will be issued and placed in the front windscreen and given to the applicant

2.4 Applicants who fail to renew their vehicle licence on time will be required to submit a new application and will be also be required to comply with the conditions set out in Appendix D. Licence holders should note that depending on the age of the vehicle it could be deemed to be too old to re-licence.

3. Application Process for Private Hire Vehicle Licence - Transfer of vehicle

3.1 Applicants must telephone the licensing office to make an appointment to transfer the licence to another vehicle.

3.2 Vehicles must comply with the conditions of licence outlined in Appendix D.

3.3 Applications for a Private Hire vehicle licence transfer must be submitted on the designated form.

3.4 Applicants must bring all their documents relating to the vehicle which includes:-

- Insurance for Hire and Reward
- Registration Document or Bill of Sale
- Certificate of Compliance
- Valid MOT

Page 43
Where's Provision 3.5???

Appendix I

Hackney Carriage & Private Hire Driver Licence Procedures

1. Basic Principles

1.1 In determining an application for a Hackney Carriage or Private Hire Driver Licence applicants are required to declare all convictions / cautions / offences. The Council as Licensing Authority is entitled to consider all convictions whether or not they may be considered "spent" for other purposes.

1.2 An Adur District Council Hackney Carriage or Private Hire Driver (PHD) must:

- a) drive a vehicle licensed by this Authority
- b) have the required insurance

1.3 Adur licensed Private Hire Drivers must drive on a circuit for an Adur District Council licensed 'Operator', whilst on this circuit, all 'hire and/or reward' passengers must be pre-booked through the 'operator'. A PHD may not use or park a vehicle on or near (plying for hire) any appointed 'taxi' rank. A PHD may not drop-off or pick-up any passenger on or near an appointed 'taxi' rank and may not be 'hailed' in the street.

Page 44.
Define "Near" in this context Please. Yet another very subjective term!!! Section 64 of LG (MP) Act 1976 provides that, '...It is an offence for a private hire vehicle to wait on any hackney carriage stand...'

1.4 Following the grant of a licence, any breach of condition or action(s) contrary to the relevant legislation, any criminal or motoring record will be given due consideration by the Council and may result in the suspension, revocation or refusal to renew any such licence.

1.5 All applicants for the grant of a driver's licence must satisfy the criteria set out below.

6.2 Hackney Carriage Driver applicants will be required to pass the DSA Taxi/ Private Hire assessment and DSA Wheelchair accessibility Test and provide certificated proof of both before the issue of the licence.

Page 45

Why must or should a Hackney Carriage driver of a non-wheelchair assessable Hackney Carriage Vehicle be required to take a ' DSA Wheelchair accessibility Test' in addition to the DSA Driving Assessment??? What purpose does this extra regulation and cost (presumably to be borne by the trade - again!!!) serve???

6.3 Contact details for the DSA will be provided.

7. Knowledge Test

7.1 All applicants are required to pass the Council's knowledge test which will in addition to local geography and taxi regulations will require an applicant demonstrate competency in English and numeracy. Applicants who wish to be exempt from sitting the Council's knowledge test must provide detailed information why the Council should deviate from this policy.

Page 45

Define the provisions of the English and numeracy test!?

7.2 Hackney Carriage Geographical Knowledge Test

The test consists of 40 questions. The test is advanced and requires an excellent knowledge of Worthing's streets, roads, closes, courts, terraces, walks, major buildings, pubs, hotels, public buildings etc. and the shortest route between such points. Applicants for Hackney Carriage driver licences will need to know all of the above and achieve a pass mark of 37 correct answers from 40 questions. A route test will also need to be taken where the applicant will need to answer 8 out of 10 routes correctly by naming the roads as a shortest route between 2 points in the Borough.

Why should an 'Adur' Hackney driver have to possess an excellent knowledge of "Worthing", how about "Adur"???

Amend.

7.3 Private Hire Geographical Knowledge Test

This test consists of 40 questions; an applicant must achieve 30 correct answers in order to pass. If there are any difficulties anticipated with the knowledge test, applicants must make the Licensing Section aware within sufficient time prior to the actual date to the test.

Page 45

Why no "Route Test" for Private Hire???

(a) taxi fares are usually related to the time and distance travelled and it is therefore appropriate to ensure that licensed drivers know the shortest and/or most expedient route(s) to avoid unnecessarily high fares being charged to the customer (i.e. consumer protection);

(b) licensed drivers providing services to the general public do not generally have the opportunity to check the details of a route before starting; whereas, hackney carriages are usually directly available for hire at ranks or on the street, the drivers of private hire vehicles may receive concurrent bookings through their operator (e.g. via radio, computer, mobile communications device or similar); and

(c) further to (a) and (b) above, road works, diversions, traffic jams, traffic accidents etc. mean that it is not always appropriate to rely on satellite navigation equipment or similar.

5.105. Accordingly, it is the policy of the licensing authority to ensure that those who provide a hackney carriage and/or private hire driving service to the general public have a good working knowledge of the area in which they are licensed and of the law and local policy and procedures in relation to Hackney carriage and Private Hire Vehicle. The licensing authority will therefore normally require all first time applicants to pass a test of knowledge on the law and local policy and procedures in relation to Hackney carriage and Private Hire vehicles, together with knowledge of local streets and topography.

7.4 Child Sexual Exploitation (CSE) and Disability Awareness Training All applicants are required to undergo CSE and Disability Awareness Training. Applicants who wish to undertake the CSE and Disability Awareness Training after their knowledge test must inform the Licensing section 48 hours prior to their appointment for a knowledge test. Applicants who fail the CSE and Disability Awareness Training will be required to re-sit the training and pass before a licence can be issued.

Page 45

Who is paying for the Child Sexual Exploitation (CSE) and Disability Awareness Training??? Why do all drivers need to undertake Disability Awareness Training???

8. Knowledge Test - General Information

8.1 No mechanical/electrical devices or other means of assistance will be allowed into the test.

8.2 Applicants are required to provide photographic identification on the day of the test. (e.g. passport or photographic DVLA licence). If an applicant fails to bring photographic ID his/her test will be cancelled.

8.3 The cost for the first knowledge test is included in the initial fee; subsequent tests are charged for. Tests cancelled because of failure to provide the required ID on the day are charged for.

8.4 The cost of the CSE and Disability Awareness Training is charged to the applicant and must be paid at the time the application is submitted. If applicants fail the CSE and Disability Awareness Training they must pay for their next training session in advance

8.5 Tests are be conducted and controlled by Officers of the Council at the Licensing Office. The applicant will be informed of the results of a test as soon as possible but the Licensing Office has up to 10 days to inform an applicant when there is high demand or IT issues. Providing all other criteria has been met and there are no outstanding issues, an appointment may be made to arrange for the issue of the Licence.

Page 46

Why should it take 10 days to ascertain whether someone has passed a particular test??? This is onerous for no good reason!

9. Proof of Identity

9.1 Applicants must submit 2 forms of photo identification, one of which must be a Passport (or for EU/EEA Member States a National Identity Card is acceptable). The following documents may also help to support proof of identity; however, they will not be accepted as an alternative to adequate photographic identification (Please note only original documents/certified copies will be accepted).

- Birth Certificate
- P45/P60
- Photo/Paper driving licence
- Marriage Certificate
- Applicants must submit 2 forms of proof of address, from the list below. Please note these documents must be no more than 3 months older than the date of issue.
- Utility bill (not mobile phone bill)
- Credit Card Statement, Bank Statement or Mortgage Statement
- Rent Account or Council Tax Record

Page 46

What if a person does not possess a passport!?

9.2 Please ensure that the name, date of birth and address corresponds on all forms of identification provided. If names are not identical on each document the application will not be accepted until all the documents show the same name.

12.3 The Council will give due consideration to the merits of each individual case and if further investigation is required, the 'disclosure form' certificate' may be retained on the applicants file until the outcome of the case or for a maximum period of 6 months. All files are kept in a secure area and are only available to the appropriate staff. If no offences are disclosed the 'form' certificate' is destroyed.

12.4 Once all the forms have been completed and have been checked by the Licensing staff the DBS, DVLA and Border & Immigration checks will be sent off ASAP for processing by the relevant agencies.

12.5 On return of the DVLA driving licence check and any feedback from Border & Immigration, the Licensing Officer will review each response. The DBS disclosure will be returned to the applicant and must be submitted as soon as possible at the Licensing office. If the Officer considers the records revealed to be acceptable and the DSA certificate has been submitted satisfactorily the applicant may apply for a knowledge test date.

12.6 If the DBS or DVLA checks reveal relevant cautions, convictions, fixed penalties, or Border & Immigration have concerns, the Licensing Officer may contact the applicant to arrange for an interview. The interview will allow the Council to discuss the full circumstances concerning the incidents revealed. The applicant will then be offered the opportunity to put all explanations of such cautions, convictions or incidents in writing, to support the application. After the interview has been completed, a report will be submitted for the consideration of the Head of Service or it may be referred to the Licensing Committee for consideration at hearing. The applicant will be notified in writing of the Council's decision.

Page 48

Will the applicant be entitled to proper representation either legal or by a Trade Union Officer at such an interview???

12.7 The Licence will be issued subject to the laws governing the licence and Council's own standard conditions. A copy of these conditions is included in the application pack and will be supplied on the grant of any licence issued.

5. The licence holder shall at all times when acting as a Private Hire driver wear the badge issued by the Council around his/her neck on the lanyard supplied by the Council.

Page 49

Why only the lanyard supplied by the Council? Companies supply their own corporate lanyards as do Trade Unions.

6. Where any property is left in the vehicle by a passenger, the licence holder must take it to a police station in the borough of Worthing within 48 hours and deposit it with a police officer unless before he/she can do so the owner claims the property.

The borough of Worthing??? Why not Adur (if you can find a Police Station open that is)!!! *Amend Adur.*

7. The licence holder must not allow a passenger into their vehicle unless they have first confirmed that there is a booking in place for that passenger made by their operator.

8. Where the licence holder is issued with a fixed penalty by a police officer for a driving-related offence, his/she must notify the Council's Licensing Office of this fact in writing (or by email to taxi.licensing@adur-worthing.gov.uk). The licence holder must ensure that the notification is delivered to the Council by the next working day.

Pg 49

A Police Officer 'Reports an offender for an offence' or 'Suspicion of an offence', a Court awards penalty points upon conviction!

9. Where any of the following occur, the licensed driver must notify the Council of this fact and must do so in writing (or by email) so that the notification is delivered to the Council within 7 days:

10. Any change to the licence holder's personal details including home address, contact telephone number or email address.

11. If the licence holder is charged with any criminal offence including any motoring offence.

12. Any convictions or police cautions given for any criminal offence, including any motoring offence.

13. If they change from one Private Hire operator to another.

14. A licensed driver shall not at any time permit the noise from any radio or sound system in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle. The licensed driver must turn off their radio/stereo if requested by a passenger.

15. A licensed driver shall not between the hours of 23:30 and 07:00 sound his horn to notify the hirer of his presence.

Page 50
This is an offence under the Road Traffic Act and does not need further regulation!

16. A licensed driver shall not, without the consent of the hirer, convey any other person in the vehicle other than the hirer.

17. A licensed driver shall, if requested by the hirer, provide him or her with a written receipt for the fare paid.

18. A licensed driver must supply on request his badge number or plate number to any person who requires it.

19. Any occupied wheelchair being transported in a wheelchair accessible vehicle must be safely secured using the restraint system carried in the vehicle, provided such system is compatible with the wheelchair being transported.

20. The operator must notify the Council in writing of any change of his/her address, (whether this is a home address or the address from where he/she operates) during the period of the licence, within 7 days of such a change taking place or, preferably, before this takes place.

21. A licence holder stopped by a Police or Licensing Officer, must be able to produce their licence on demand.

Which licence??? Vehicle? DVLA? Hackney? Private Hire?

Page 50

Appendix K

Private Hire Operator's Licence Conditions

1. Provision and Furnishings of Private Hire Vehicles

1.2 Should it come to the operator's attention that a vehicle on his/her/its circuit is not in a clean and tidy condition, he shall notify the proprietor and/or the driver and ensure that no jobs are given to the driver of that vehicle until the operator is satisfied that the vehicle is in a clean and tidy state.

2. Display of Licence Plates, Signs and Advertising

2.1 The operator shall ensure that the licence plate issued and allocated by the Council is affixed to the outside of the carriage, on or adjacent to the rear bumper, or in such other position as may be approved by the Licensing Officer.

Page 51
This is the Council's (Licensing Authority's) duty when licensing a vehicle!

2.2 The operator shall ensure maintenance of such licence plate in a clean and legible condition and shall inform the Council immediately should it be lost or broken or become defaced. The operator may display on the outside or inside of the vehicle the following:

- Private Hire car sign (which may be issued by the Council) on the windscreen
- Vehicle Licence plate
- Approved West Sussex County Council School Transport Sign when operating in conjunction with school contracts and
- Anything else that is required to be displayed by law
- But may not without first applying for and obtaining the council's permission, allow any other sign to be affixed to any part of a vehicle.

Page 51
These are provisions to be satisfied by the driver/proprietor of the vehicle! Again this is unnecessary duplication and over regulation!

- a valid certificate of insurance for the vehicle to be used for hire and reward for those vehicles licensed as Private Hire vehicles or a valid public hire insurance policy for those vehicles with a Hackney Carriage vehicle licence.
- a valid Certificate of Compliance
- a valid Private Hire vehicle Licence or Hackney Carriage proprietor licence.
- a valid road fund licence

The operator is required to keep a record of all the above and allow a Council officer or Police officer to inspect them upon request.

3.8 If any documents (as above in condition number 3.7) expire the operator must ensure the driver does not work on the circuit until valid documents have been submitted to the operator.

4. Conduct of Operator

4.1 The licence holder must not accept a booking by any person to hire a Private Hire vehicle unless the passenger or someone on his behalf previously requested the hiring by telephone, letter, email, text or personal call to the office or business premises of the licence holder.

Page 52
How about "radio" bookings??? Passengers frequently make a return booking with the driver on the 'outward journey'. This provision is unworkable in the 'real world'!!!

4.2 The licence holder must not accept a request for hire (a booking) which has been communicated to them via a driver operating a Private Hire vehicle. To be clear: the licence holder must not accept a booking from a potential passenger made on that person's behalf by a driver in circumstances where the person approached the driver in the street seeking to hire the vehicle.

Page 52
Please enlighten us as to which law or act of statute is breached here if such a booking is accepted!? We know of no law that precludes this type of booking! The way to prevent erroneous "Immediate Private Hire" bookings is through good enforcement that in turn provides a credible "Deterrent"!!

4.3 The operator must ensure that none of his office staff or agents touts for business on the street whether or not this is nearby the operator's offices. In this context, 'tout for business' means approaching any person on the street and asking if they want to book a vehicle where that person has not approached the operator's staff first.

5. Complaints

5.1 The operator shall notify the Council in writing of any complaints concerning a contract for hire arising from his business that he feels prudent to do so, for example for his own protection against frivolous or vexatious complaints. Such notification must include the action taken, or proposed, as a result of the complaint.

6. Miscellaneous

6.1 The operator may only operate from an address within the district of Adur.

Page 53

Why only? Many operators have 'satellite' offices as part of their overall operation. Many companies are now 'modular' in design, as long as a company has "An Office" in the Adur District then what is the legal issue???

6.2 The licence holder must notify the Council at least 7 days prior to any intended change of address from which the licence holder intends to operate under this licence.

6.3 The licence holder may only trade under this licence using one of the following names:

- (a) his/her/its own name, or
- (b) the trading name or one of the names which the licence holder included on the licence application form; or

(c) another trading name provided that the operator notifies the Council at least 14 days prior to the intended change to name under which the operator intends to trade.

Page 53

The name that the Operator uses to trade should be one of the "Licensed" names (included on the Private Hire Operator's Licence) otherwise the company is not licensed!

6.4 This licence must be kept in the possession of the operator and must be produced when requested by a Council officer or any police officer.

6.5 In the event of loss or damage to this licence the Council's Licensing Section Office must be informed immediately so that a replacement licence can be issued.

6.6 This licence must not be altered or defaced in any way.

6.7 The operator must take all reasonable steps to ensure that there is no radio scanning equipment in the vehicles at any time.

6.8 The operator must not refuse a booking because the person wishing to make the booking proposes that his/her guide dog is to travel in the vehicle with them. The operator must not make an additional charge for the carriage of a passenger's assistance dog.

6.9 The operator must not operate more vehicles than the number specified in their licence.

6.10 Upon the grant of an operator's licence, the Council will specify the address from which the operator may operate. This will be the registered premises where the records are kept and where bookings are accepted.

Page 53

Some companies again, have 'satellite' offices so this is unworkable given the evolution of the 'Taxi' trade! In any case, it should be up to the "Operator" to specify all offices!!! It's now a 'joined up world' with advanced telephony!

6.11 Where the licence holder is a person, he/she must notify the Council in writing (or by email to: taxi.licensing@adur-worthing.gov.uk) if any of the following occur, and must do so within 7 days of the event occurring

9. Offences by licensed drivers, proprietors or operators

9.1 Where a licensed driver is convicted of more than one offence for alcohol-related offence this will raise doubts about the person's fitness to hold a licence. In such cases, the Council may refuse to renew, suspend or revoke the licence. If a licence is revoked, the Council may require a medical examination to be undertaken and a report submitted to the Council to consider as part of a future re-application process.

9.2 Any conviction resulting from an offence committed by any person whilst working as a Hackney Carriage or Private Hire driver or operator, or when driving a Hackney Carriage or Private Hire vehicle even if not working as a professional driver, is regarded as extremely serious and may lead to a licence being suspended or revoked or an application to renew the licence being refused.

9.3 The Council also regards as extremely serious offences by licensed drivers and operators who commit licensing-related offences, especially the offence of illegally plying for hire, and may lead to a licence being suspended or revoked or an application to renew the licence being refused. Licensing-related offences in this context include any offences contrary to the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 or any breach of licence conditions or byelaws made under the relevant legislation, but especially the offence of illegally plying for hire.

9.4 More than one conviction for the above would almost certainly lead to the Council revoking the licence.

10.0 Cautions and Endorsable Fixed Penalties

10.1 For the purpose of these guidelines simple cautions and endorsable fixed penalty notices will be taken into consideration when deciding an applicant is fit and proper.

Page 61

We presume that such matters would be required to be referred to the "Licensing Committee" in all cases and not dealt with 'at the discretion' of officers!

Appendix M

Penalty Points Scheme

1. The Scheme

1.1 Any breach of legislation or the requirements of this Licensing handbook will be fully considered by authorised officers when determining the use of the penalty point system. Where it is decided that the penalty point system is appropriate, the points will be issued in accordance to this appendix. If this appendix allows a range of points for the particular incident, the authorised officer will determine the appropriate number of points proportionate to the offence.

Page 62 - 66

Another piece of subjective and discretionary regulation that could be prone to manipulation depending on the individuals concerned! There is a perfectly good judicial system of regulation (including punitive measures) by Act(s) of Statute, together with an accepted "Penalty Points" system issued and enforced by the existing judicial system. This is subjective and discretionary on the part of the Council and therefore is unacceptable duplicate over regulation!!! This kind of unnecessary system has been proven (in other areas) to result in individuals being punished twice for the same offence or breach! The fact that there is no right of appeal casts serious doubt of its judicial value and clearly impacts on an individual's 'Human Rights' under relevant legislation!!!

1.2 Before penalty points are issued, there must be sufficient evidence to prove, on the balance of probabilities, the offence or breach of licensing requirements. The licence holder will be given the opportunity to provide any mitigating circumstances to be considered. The issuing of penalty points is not a formal sanction in its own right; it is merely an open and transparent method of how a driver will be assessed in terms of the 'fit and proper person' test. The points system is predominately an internal management tool for ensuring that licence holders who repeatedly contravene regulations and/or this Policy are assessed.

The law allows the Council to consider (proper) "Convictions" at any time, so therefore this is unnecessary over regulation!

1.3 Points issued will be confirmed in writing within ten working days from the discovery of the contravention or the conclusion of an investigation into a complaint.

Why as long as 10 days???

1.4 The maximum number of points that can be imposed in respect of any particular matter is 10 but it is possible for one incident or inspection to result in more than one set of points being issued.

1.5 If a licence holder accumulates 10 points or more within a rolling period of 12 months then their licence will be subject to a review by the Licensing Committee.

1.6 The penalty point system will operate without prejudice to the Council's ability to take other action under appropriate legislation

1.7 There is no right of appeal against the award of penalty points by an Authorised Officer of the Council as this is not a formal sanction in its own right. As stated in paragraph 1.2 above, the licence holder's penalty offences will be considered in light of any mitigating circumstances that the licence holder wishes to offer.

The mere fact that this will be recorded on a driver's record supports (legally) that this is indeed a sanction of sorts! The fact that there is NO "Right Of Appeal" allows an unacceptable possibility of manipulation of this policy by officers! There is no requirement for this and in areas where it exists, it has proved dubious in its application! We believe that this impacts on an individual's 'Human Rights!!!

1.8 The following tables list the breaches of legislation, bye laws and conditions of licence that attract penalty points.
Reference to HC is Hackney Carriage and to PH, Private Hire.

Using a non-hands free mobile telephone whilst driving **4**
Failure to advise of a relevant medical condition **6 - 10**
Failure to provide a receipt for a fare when requested **2**
Failure to operate the meter from the commencement of the journey and/or charging more than the fixed charge for hire of hackney carriages **6 - 10**

Who decides whether it's 6 or 10???

Failure to notify the Council of any amendment to the details of a licence within fourteen days **3**
Failure to surrender a driver's licence, badge or plate upon request **6**
Failure of a licence holder to disclose pending prosecution or convictions within seven days

All of these "Offences" or "Breaches" are covered and administered by a fair and just current judicial and legislative system, with a right of appeal!!! Therefore, we see no reason to have a second and suitably "Kangaroo" Quasi judicial system, administered by Officers and open to potential and discretionary manipulation! We cannot agree to this and question its legality, particularly with regard to current "Human Rights" legislation!!!

Conclusion(s)

In "Adur's" own words, '... This handbook has been prepared in accordance with the relevant legislation and best practice...' Quite upon whose "Best Practice" this is based, or refers, is quite frankly anyone's guess, given that many of the provisions included in this documents differ substantially from and are inconsistent with both well established local industry norms and the policies of neighbouring authorities bar Worthing! Many of these provisions scream "inexperience" as they are clearly unworkable in practice. The whole of this document is unnecessarily irksome, financially onerous and will make our trade potentially financially unviable. A trade that is already financially 'on its uppers' due to saturation and over-supply in all areas! These provisions are unwarranted, unnecessary and what's more unwelcome!!!

To quote the Department For Transport's own words,

'... Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade. Local licensing authorities should recognise that too restrictive an approach can work against the public interest – and can, indeed, have safety implications...'

They go on to say, '... For example, it is clearly important that somebody using a taxi or PHV to go home alone late at night should be confident that the driver does not have a criminal record for assault and that the vehicle is safe. But on the other hand, if the supply of taxis or PHVs has been unduly constrained by onerous licensing conditions, then that person's safety might be put at risk by having to wait on late-night streets for a taxi or PHV to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire...'



Adur Licensing Committee
16 January 2017
Worthing Licensing and Control Committee A and B
30 January 2017
Agenda Item No.

Ward: all in Adur and Worthing

Key Decision: No - Not Executive

Constitutional Provisions relating to the Councils' Licensing Function

Report by the Solicitor to the Council and Monitoring Officer

1.0 Summary

- 1.1 The function of Licensing, being regulatory in nature, falls outside of the Joint Committee Agreement, and the partnership working between Adur District Council and Worthing Borough Council. Consequently, each Council retains responsibility for its own licensing function and operates its own Licensing Committees.
- 1.2 Constitutional and procedural arrangements relating to Licensing at Adur District Council and Worthing Borough Council vary significantly and this report provides an opportunity for governance arrangements and procedure rules to be reviewed; it is an opportunity to streamline procedures and to combine best practice from both Authorities.

2.0 Background

2.1 Worthing Borough Council Licensing Committees

- 2.1.1 Worthing Borough Council currently has 2 Licensing Committees, known as 'Licensing Control Committee A' and 'Licensing Control Committee B'. Committee A deals with all licensing matters other than those under the Licensing Act 2003 and the Gambling Act 2005; in reality much of the work of Committee A surrounds hackney carriages and private hire vehicles. Committee B on the other hand deals with licensing matters under the Licensing Act 2003 and the Gambling Act 2005 and in reality its work concerns premises license applications, temporary event notices, and gaming club or machine permits.
- 2.1.2 Licensing Committee A sits as a full Committee of 15 appointed Members; it does not have the power to convene a sub-committee. The quorum for Worthing's Licensing Committee A is 4 Members and substitutes to the Committee are permitted, provided they have had appropriate training within the preceding two years.

- 2.1.3 Licensing Committee B sits as a full Committee of 15 Members but also has the power to convene sub-committees of 3 Members, to discharge its functions. Individual applications for premises or gambling licenses are heard by a sub-committee of 3 Members of Committee B, with any review hearings being heard by the full Committee B. The quorum for Worthing's Licensing Committee B is 4 Members, whilst the quorum for a sub Committee is 3 Members. Substitutes on Committee B are not permitted, but substitutes are permitted onto sub-committees of Committee B, from the full Committee.
- 2.1.4 For the current arrangements at Worthing Borough Council see Appendix A.
- 2.2 Adur District Council Licensing Committee
- 2.2.1 Adur District Council currently has 1 Licensing Committee comprising 10 Elected Members. The Committee deals with hackney carriage matters, private hire vehicles, and applications and reviews for premises and gambling applications.
- 2.2.2 The Committee has the power to convene sub-committees comprising 3 Elected Members. The sub-committees only have the power to deal with specific applications and reviews relating to hackney carriage and private hire vehicles, and appeals against decisions relating to rate relief applications; they do not hear individual applications or reviews relating to premises or gambling matters.
- 2.2.3 The quorum of the Licensing Committee at Adur District Council is currently 3 Members, and the quorum for a Sub-Committee is 3. Substitutes on the Committee are not permitted when considering licensing and gambling matters under the 2003 and 2005 Acts, whereas they are when considering private hire vehicle and hackney carriage matters, (provided they have received appropriate training). As all matters are dealt with by one Licensing Committee at Adur, this potentially results in a substitute to a Committee Meeting being able to act as substitute for part of the Committee meeting only. Substitutes on the Sub-Committee are permitted from the Licensing Committee.
- 2.2.4 For the current arrangements at Adur District Council see Appendix B.
- 2.3 National Non-Domestic Rate Relief Applications
- 2.3.1 At Worthing Borough Council applications for rate relief are dealt with by the Head of Revenues and Benefits, under delegated authority, with an appeal against such decisions to the Executive Member for Resources.
- 2.3.2 At Adur District Council applications for rate relief are dealt with by the Individual Executive Member for Resources with appeals to the Sub-Committee of the Licensing Committee (Licensing Regulatory Sub-Committee). It could be said that this role does not naturally fit with the general work of the Committee and its terms of reference; the skills of the Members are in respect of investigatory hearings rather than rate relief applications.

2.4 Political Balance

- 2.4.1 Licensing Committees are required to be politically balanced in accordance with s101(1) Local Government Act 1972, when dealing with non Licensing Act 2003 and Gambling Act 2005 matters (e.g. when dealing with hackney carriage and private hire vehicle matters). They are not required to be politically balanced when dealing with Premises Licence applications and Gambling applications under the 2003 and 2005 Act. Both Councils' Licensing Committees are politically balanced, (the Membership of Committees A and B at Worthing Borough Council are the same) and compliant with statutory requirements.
- 2.4.2 There is no requirement for Sub-Committees of the Licensing Committees to be politically balanced, although generally, where possible, Officers ensure that they are.

2.5 Executive Members

- 2.5.1 Both Councils' constitutions are silent on whether or not an Executive Member may sit on a Licensing Committee. Worthing Borough Council currently have no Executive Members on their Licensing Committees, whereas Adur District Council have two. The law is unclear on the point.
- 2.5.2 In the case of *MuMu Enterprises (Weston) Limited v North Somerset District Council, 2014*, a premises licence holder became aware during a review hearing that a Member of the Sub-Committee was not a Member of the Authority's Licensing Committee and, further, that he was a Member of the Authority's Executive. An appeal was lodged on the basis that the Committee was unlawfully constituted.
- 2.5.3 The Court held that it was not permissible to substitute a Member onto a Licensing Sub-Committee who was not already a Member of the Authority's Licensing Committee. They concluded that the licensing sub-committee was not lawfully constituted, lacked jurisdiction to hear the review and quashed the decision. The District Judge unfortunately did not go on to consider the challenge brought that the decision should also be quashed on the basis that a Member of the Sub-Committee was also a Member of the Executive.
- 2.5.4 The Local Authorities (Functions and Responsibilities)(England)(Amendment) Regulations 2013 provide that certain local authority functions are not the responsibility of the Executive, and this includes any function of a licensing authority relating to the Licensing Act 2003.
- 2.5.5 It could be argued that whilst licensing cannot be the responsibility of the Executive this does not bar individual Members of the Executive from being appointed to the Licensing Committee. But it could also be argued that those who sit on a Licensing Sub-Committee should not be a Member of the Executive. The point has not been definitively determined by the Courts.
- 2.5.6 The Solicitor to the Councils' advice is that Executive Members should not sit on the Councils' Licensing Committees and that the Council is at risk of a challenge if they

do so. It is clear that Licensing cannot be an Executive function; if Executive Members are able to be appointed to a Licensing Committee, it would be possible for an Authority to circumvent the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2013 by appointing all Executive Members to the Licensing Committee. This cannot be what Parliament intended and best practice would be to remove the risk and introduce constitutional changes to prevent Executive Members sitting on Licensing Committees.

2.6 Licensing Procedure Rules

2.6.1 Both Councils have a set of Licensing Procedure Rules which differ significantly, and neither form part of the Councils' constitutions.

2.6.2 In Worthing, those individuals who have made representations relating to an application may speak first at a hearing and are questioned, following which the applicant may make representations and is questioned. At the end of the hearing, the applicant sums up, followed by those who have made representations having the opportunity to sum up. It could be argued that this procedure is contrary to the principles of natural justice which should provide for the applicant to have the opportunity of speaking first on their application and also of having the last word of summing up.

2.6.3 In Adur, the applicant is able to speak first at the hearing and is questioned, followed by those individuals who have made representations. Further, at the end of the hearing those having made representations sum up, with the applicant then summing up and having the last word.

2.6.4 Both Authorities allow discretion within their procedure rules for the Chairman to amend the rules for a particular hearing, provided that the principles of natural justice continue to be complied with.

2.7 Appeal to the Magistrates Court

2.7.1 Several decisions of the Licensing Committees (relating to taxi drivers, premises and gambling matters) give rise to an individual having a right of appeal to the Magistrates Court, on certain grounds.

2.7.2 It should be noted that if a decision of the Licensing Committee is challenged by way of an appeal to the Magistrates Court, the matter will be dealt with by the Councils' Legal Officers. It is possible for negotiations to take place and a settlement to be reached as part of those proceedings, which may be inconsistent with the Committee's original decision. Legal Officers have a delegated authority from the Councils to settle proceedings, in appropriate circumstances, and will always be acting in the best interests of the Councils. In such circumstances it is not possible to reconvene a meeting of the Committee, but out of courtesy, attempts will be made to contact the Chairman of the Committee.

3.0 **Proposals**

3.1 Worthing Borough Council Licensing and Control Committees

- 3.1.1 It is proposed that Licensing and Control Committee A at Worthing have the power to set up Sub-Committees of 3 Members of the main Committee for the purpose of hearing individual applications and reviews from hackney carriage and private hire licence holders. The reasons are as follows:

An individual applicant for a private hire or hackney carriage licence, or driver facing review and potential loss of livelihood, who is often unrepresented, may find it very intimidating to have to face a body of 15 Members to make his application; the current procedures may be disproportionate, unnecessary and contrary to the principles of natural justice, and contrary to Article 6 of the Human Rights Act relating to the right to a fair trial;

The current arrangement of the full Committee hearing applications and reviews can lead to the same Members reviewing their earlier decisions and a risk that potentially all Members may be conflicted when sitting to hear a review matter. If the applications and reviews were dealt with by Sub-Committees it could be ensured that the composition of the Sub-Committees differed reducing potential for conflict; and

The Sub-Committee could be more agile when determining applications and reviews with a smaller membership.

- 3.1.2 For proposed arrangements at Worthing Borough Council see Appendix A.

3.2 Adur District Council Licensing Committees

- 3.2.1 It is proposed that at Adur, all specific applications for gambling and premises licence applications are dealt with by a Sub-Committee of 3 Members, rather than the full Committee of 10 Members, for the following reasons:

An individual applicant for a premises licence or gambling licence, may find it very intimidating to have to face a body of 10 Members to make his application and representations; the current procedures may be disproportionate, unnecessary and contrary to the principles of natural justice, and may in themselves lead to grounds for an appeal or challenge; and

The Sub-Committee could be more agile when determining applications with a smaller membership.

- 3.2.2 For proposed arrangements at Adur District Council see Appendix B.

3.3 Quorum

- 3.3.1 It is proposed that the quorum of Worthing Borough Council's Licensing and Control Committees A and B be increased from 4 Members to 5 Members to reflect a third

of the Committee membership rather than a quarter, to ensure fairness of process. It is further proposed that the quorum of Adur District Council Licensing Committee be increased from 3 Members to 4, again to reflect a third of the membership rather than a quarter.

3.3.2 It is proposed that the quorum of both Councils' Sub-Committees be reduced from 3 to 2 Members. The full Membership of each Sub-Committee is 3 Members and having a quorum of 3, does present practical difficulties if a Member should be absent or late, with little notice. The current arrangements necessitate a substitute being on 'stand by' for every meeting, or risking meetings having to be aborted 'on the night'.

3.4 National Non-Domestic Rate Relief

3.4.1 The current arrangements for dealing with National Non-Domestic Rate relief applications are inconsistent. It is therefore suggested that both Adur and Worthing Councils delegate the determination of such applications to the Head of Revenues and Benefits, with a route of appeal against such determinations to each Council's Executive Member for Resources. If this proposal was adopted, such matters would no longer be in the remit of either Council's Licensing Committee, but it would enable decision making to be quicker, more agile and efficient.

3.5 Executive Members

3.5.1 It is advised that each Council amend their constitutions to prohibit Executive Members from sitting on their Council's Licensing Committees.

3.6 Licensing Procedure Rules

3.6.1 It is proposed that the Solicitor to the Council be delegated to draft revised Licensing Procedure Rules, in accordance with the provisions of paragraph 2.6.3 above, and incorporate them into each Council's constitution. The procedure rules would retain the discretion for the Chairman to amend the rules for a particular case where appropriate to do so.

4.0 Legal

4.1 Section 101 Local Government Act 1972 allows the Councils to establish Committees and Sub-Committees to consider private hire and hackney carriage matters. Such committees must be politically balanced.

4.2 Section 6(1) Licensing Act 2003 provides that a Licensing Authority must establish a Committee to deal with premises and gambling licences, amongst other matters, under the Licensing Act 2003 and the Gambling Act 2005, and that its membership must be between 10 and 15 Members. Section 9(1) Licensing Act 2003 states that a Licensing Committee may establish one or more Sub-Committees, consisting of 3 Members of the Committee.

- 4.3 The Councils' constitutions set out the terms of reference of the Council's Licensing Committees and it is proposed they will also include Licensing Procedure Rules in due course. However a Council's constitution or standing orders cannot override the legislative provisions.
- 4.4 The Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2013 which came into force on 1st October 2013 specifies that any function of a Licensing Authority relating to the Licensing Act 2003 cannot be an Executive function.

5.0 Financial implications

- 5.1 With a move towards more of the Councils' licensing function being dealt with by small Sub-Committees rather than full Committees of 10 or 15 Members, there may be a small saving realised by sundry costs relating to printing and postage.

6.0 Recommendation

- 6.1 That both Adur District Council Licensing Committee and Worthing Borough Council Licensing and Control Committee A and B consider the proposals in this report and make comment upon the proposals to the Joint Governance Committee, to be taken into account when considering this matter.

Local Government Act 1972

Background Papers:

The Councils' Constitutions

Contact Officer:

Susan Sale
Solicitor to the Councils and Monitoring Officer
Town Hall
01903 221119
susan.sale@adur-worthing.gov.uk

Schedule of Other Matters

1.0 Council Priority

1.1 [Set out which of the Council's priorities the proposal meets and how.]

2.0 Specific Action Plans

2.1 (A) [Set out the specific outcomes from the Corporate Plan the proposal is aimed at achieving and how]

(B) [Set out any specific government target the proposal is aimed to achieve]

3.0 Sustainability Issues

3.1 [Details of any sustainability issues, checklist to be completed and submitted to Community Wellbeing]

4.0 Equality Issues

4.1 [Details of any equality issues or how the proposal improves the current position]

5.0 Community Safety Issues (Section 17)

5.1 [Details of how the proposal helps reduce crime and disorder and to meet the Council's duty regards crime and disorder reduction targets]

6.0 Human Rights Issues

6.1 [Does the proposal impinge on anyone's human rights and if so how is it justified under the Human Rights Act? Human rights include:
Right to a fair trial, respect for family life, private life, home and correspondence, freedom of thought, expression, assembly and association and protection and quiet enjoyment of property and possessions. Also ask, is the action proportionate to the anticipated response or outcome?]

7.0 Reputation

7.1 [Is the proposal likely to have an impact on the reputation of the Council(s)]

8.0 Consultations

8.1 (A) [Details of relevant internal (staff UNISON etc) and external (including Stakeholder Groups; etc.) consultation]

(B) Include how have you used the feedback from the consultation in this proposal

9.0 Risk Assessment

- 9.1 [Details of risks of doing or not doing? Are there insurance or public liability issues? Is there a statutory duty on the Council to do what is proposed and what are the consequences of not doing it? Highlight if this report meets an element in the corporate business continuity plan]

10.0 Health & Safety Issues

- 10.1 [Details of any health and safety issues]

11.0 Procurement Strategy

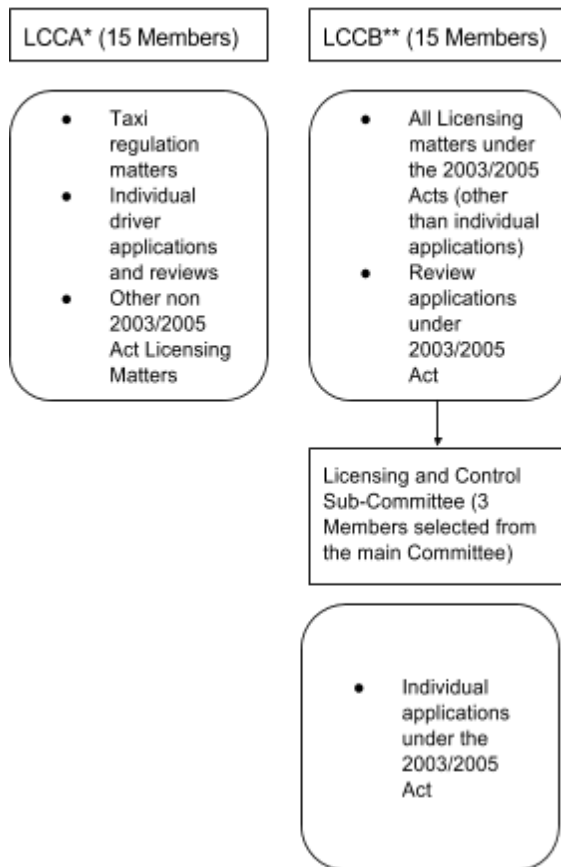
- 11.1 [Confirm that the report complies with the Procurement Strategy or explain why the Strategy had not been complied with. Include how your recommendation meets the strategy making reference to Best Value principles if necessary]

12.0 Partnership Working

- 12.1 [Detail any partnership working the report/proposal seeks to promote]

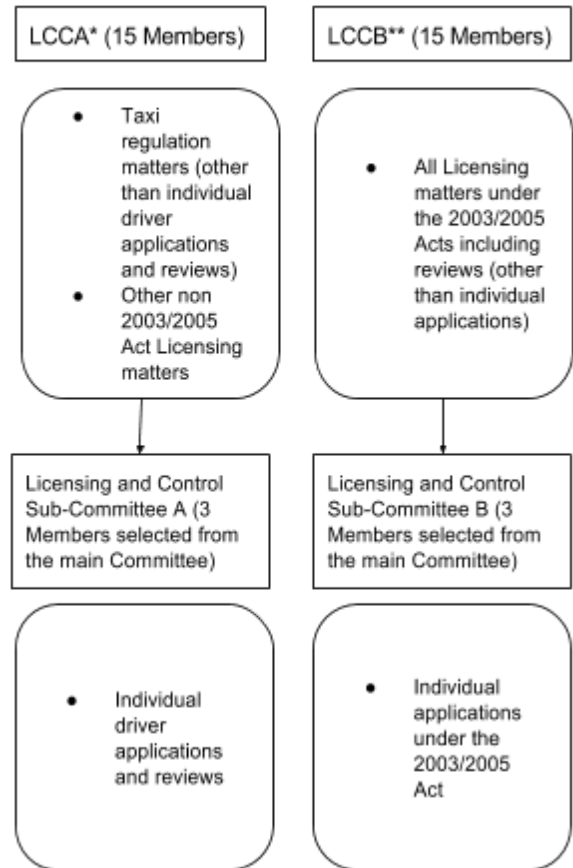
APPENDIX A

WBC LICENSING COMMITTEE CURRENT



*Licensing and Control Committee A

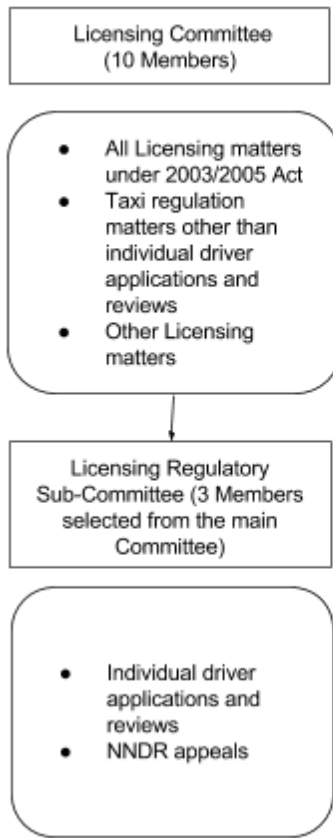
WBC LICENSING COMMITTEE PROPOSED



**Licensing and Control Committee B

APPENDIX B

ADC LICENSING COMMITTEE CURRENT



ADC LICENSING COMMITTEE PROPOSED

