



ADUR DISTRICT COUNCIL

21 February 2019

Licensing Committee	
Date:	4 March 2019
Time:	7:00pm
Venue:	Queen Elizabeth II Room, The Shoreham Centre, Pond Road

Committee Membership: Kevin Boram (Chairman), David Simmons (Vice Chair), Ann Bridges, David Balfe, Pat Beresford, Dave Collins, Brian Coomber, Peter Metcalfe, Lavinia O'Connor, Debs Stainforth

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. **Public Question Time**

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

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

3. Items Raised Under Urgency Provisions

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

4. Hackney Carriage & Private Hire - Licensing Handbook Review

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

Part B - Licensing Act 2003 and Gambling Act 2005 Applications

None

Part C - Not for publication - Exempt Information Reports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:
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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.



ADUR DISTRICT COUNCIL

**Hackney Carriage & Private Hire
Licensing Handbook**

16 January 2017

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Amendments & Additions

- Amended 19 June 2017

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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 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. It is recognised that a duty of care is owed by the council to all licensed drivers
- 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 16 January 2017 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. The Council will accept the first garage inspection report for a new vehicle from the garage where the vehicle is purchased.

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 discretionary in a licensed vehicle, where fitted 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 A, B, E 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 or if the vehicle is more than 7 years 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 the Driver and Vehicle Standard Agency (DVSA).
- 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 proper 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 in the Shoreham Centre, Commerce Way or Worthing Town Hall. Drivers will be required to pay a fee as approved on the scale of fees.
- 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.

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 licence must be made in accordance with the Private Hire 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 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 standard conditions with the exception of:
- Roof sign
 - Vehicle colour.

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) 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 m (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 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.
- 2.4 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.
- 2.5 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. In the interests of safety and reassurance of passengers, officers are given discretion to determine if the level of tint on passenger windows restricts the view into the passenger compartment of the vehicle. 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 2.5 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 District 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
- 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.

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 that has been 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) Be designed and capable of adequately recording after dark.
- c) 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 during office hours 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 Adur District Council officer or any Police Officer upon request.
- 4.3 If, during the duration 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 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.

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. In the interests of safety and reassurance of passengers, officers are given discretion to determine if the level of tint on passenger windows restricts the view into the passenger compartment of the vehicle. 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.

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

13. 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, when the vehicle is working for public hire.
- 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

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 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 manually activated when required by the driver but that in normal circumstances only images are recorded.
 - b) The CCTV system must be designed and capable of adequately recording after dark.
 - c) 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.
 - d) The proprietor must not interfere, or try to interfere, with the workings of the device.
 - e) 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.
 - f) 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.
 - g) The system will automatically overwrite data after 30 days.
 - h) Appropriate signage displayed advising of the use of CCTV.

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 of 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

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) 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 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.
 - 1.8 The Councils Garage test must be carried out by an approved MOT testing station within the District or the Councils' Commerce Way Workshops. The Council will accept the first garage inspection compliance report for a new vehicle from the garage where the vehicle is purchased.
 - 1.9 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. 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 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.
- 2.4 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.
- 2.5 The Councils Garage test must be carried out by an approved MOT testing station within the District or at the Councils' Commerce Way Workshops.
- 2.6 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.

3. Private Hire Vehicles Exempt

- 3.1 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.

4. Advertising on Private Hire Vehicles

- 4.1 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.

5. CCTV Installation in Private Hire Vehicles

- 5.1 When CCTV has been installed in the vehicle with the Council's approval, the following conditions apply to the licence:
- i) 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 manually activated when required by the driver but that in normal circumstances only images are recorded.
 - j) The CCTV system must be designed and capable of adequately recording after dark.
 - k) 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.
 - l) The proprietor must not interfere, or try to interfere, with the workings of the device.
 - m) 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.
 - n) 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.

6. Tinted Windows

- 6.1 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 during office hours 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 Adur District 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.

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. In the interests of safety and reassurance of passengers, officers are given discretion to determine if the level of tint on passenger windows restricts the view into the passenger compartment of the vehicle. 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.

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

13. Roof Sign

- 13.1 Each Private Hire vehicle shall display at all times an 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 mini design
 - b) be 14cm in width x 25cm in length x 11cm in height.

- c) be mounted on the front passenger side (nearside) of the vehicle's roof.
- d) all letters and numbers displayed must be solid black in colour and in Flute B font
- e) the front and rear of the sign should display 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.
- f) 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.
- g) The sign should be situated on the roof on the nearside of the vehicle against the roof gutter towards the front of the vehicle.

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. Garage Certificate

15.1 Upon notification from the council that a council garage test must be carried out, the proprietor must ensure that the vehicle is submitted for a garage test and provide the original certificate of garage test to the council by the date required. Garage test 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 Garage Test from a MOT approved garage in the District of Adur at all times whilst the vehicle is licensed. The Council will accept the first garage inspection report for a new vehicle from where the vehicle is purchased.

15.3 If a vehicle fails the garage test and the vehicle still has a valid MOT Certificate the vehicle cannot be used as a licensed vehicle until a valid garage test 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. CCTV Installation in Private Hire Vehicles

- 17.1 When CCTV has been installed in the vehicle with the Council's approval, the following conditions apply to the licence:
- 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 manually activated when required by the driver but that in normal circumstances only images are recorded.
 - b) The CCTV system must be designed and capable of adequately recording after dark.
 - c) 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.
 - d) The proprietor must not interfere, or try to interfere, with the workings of the device.
 - e) 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.
 - f) 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.
 - g) The system will automatically overwrite data after 30 days.
 - h) Appropriate signage displayed advising of the use of CCTV.

18. Disability Access

The following conditions will apply to vehicles adapted or carry wheelchairs

- 18.1 Where a vehicle is designed or adapted for the carriage of passengers in a wheelchair, the following conditions shall apply:
- 18.2 Loading of the wheelchair must be undertaken through the side or rear of the vehicle.
- 18.3 Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.
- 18.4 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.
- 18.5 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 or converted.
- 18.6 A suitable restraint must be available for the occupant of a wheelchair at all times and kept in good working order.
- 18.7 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 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 of police officer upon request.

- 18.8 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.
- 18.9 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.
- 18.10 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.
- 18.11 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 all 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.
- 1.5 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
- 3.5 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.
- 3.6 An external licence plate will be issued and fixed to the rear of the vehicle by the Council
- 3.7 A paper licence will be issued.
- 3.8 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 any appointed ‘taxi’ rank. A PHD may not drop-off or pick-up any passenger on 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 80 questions an applicant must achieve 90% correct answers in the road section and 75% in all other sections in order to pass. The test is advanced and requires an excellent knowledge of Worthing's streets, roads, closes, courts, terraces, walks, major buildings, pubs, hotels, public buildings, conditions of licence, Highway code, Road signs, Disability awareness, Child Sexual Exploitation, Literacy and Numeracy.

Applicants for Hackney Carriage driver licences will need to pass a route test this involves correctly naming all the roads taken on the shortest route between 2 points within the Borough. A pass mark of 8 out of 10 on the routes test is required.

7.3 Private Hire Geographical Knowledge Test

This test consists of 80 questions as above; an applicant must achieve 75% correct answers in each section 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 from the computer test immediately but the Licensing Office has up to 10 days to inform an applicant of the routes test. Providing all other criteria has been met and there are no outstanding issues, an appointment may be made to arrange the issue of the Licence applied for.

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 makes verbal or physical contact with the driver 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 or clip 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 district of Adur 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 of 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 total number of vehicles 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.

- 3.5 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
- 3.6 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 5 years free from convictions of this type has elapsed.
- 3.7 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
- 3.8 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. 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. 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 driver 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 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. 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.



ADUR DISTRICT **C O U N C I L**

Hackney Carriage & Private Hire Handbook

REVIEW CONSULTATION LIST

29 October – 30 November 2018

Public Consultation

- Details of the consultation were published on Adur & Worthing's Website at:
 - <https://www.adur-worthing.gov.uk/>

Government

- Sir Peter Bottomley MP
- Tim Loughton MP

Responsible Authorities

- Sussex Police - West Downs Division
- West Sussex Fire and Rescue Service
- West Sussex County Council - Head of Child Protection
- West Sussex County Council - Trading Standards Service
- Adur & Worthing Councils – Public Health & Regulation Environmental Protection Team
- Adur District Council - Licensing Authority
- Home Office Immigration

Other Authorities

- Adur & Worthing Councils – Community Safety & Anti-Social Behaviour Team
- Adur & Worthing Councils – Licensing Team
- West Sussex County Council - Community Safety & Wellbeing
- West Sussex County Council – Drug & Alcohol Support

ADC Licensing Committee

- Kevin Boram (Chair)
- David Simmons (Vice Chair)
- David Balfe
- Ann Bridges
- Pat Beresford
- Clive Burghard
- Dave Collins
- Brian Coomber
- Peter Metcalfe
- Lavinia O'Connor
- All Adur & Worthing Councillors via the Members Bulletin

ADC Officers

- Mary D’Arcy – Director for Communities
- Tina Favier - Head of Wellbeing
- Jacqui Cooke – Communities & Wellbeing Manager
- Kathryn Adderson – Public Health & Regulation Manager
- Joanne Clarke – Communities

Industry Consultees

- All Adur Hackney Carriage & Private Hire Licence holders
- Adur & Worthing Chamber of Commerce
- Doug Simmonds Licensing Ltd.
- Radio Relay
- Road Radio
- Blake Morgan Solicitors
- Poppleston Allen Solicitors
- John Gaunt Solicitors
- TLT Solicitors
- Shoreham Fort Society
- Regency Corporation
- The Shoreham Centre/Ropetackle
- Driving Miss Daisy
- Proto Restaurant Group
- Tesco
- Co-Op

Resident Representatives

- Eastbrook Manor Community Centre
- Shoreham Community Association
- Sompting Community Association
- Southwick Community Association
- Shoreham Society
- Shoreham Beach Residents Association
- Lancing Parish Council
- Southwick Community Centre

Other Stakeholders

- Adur & Worthing Access & Mobility Group
- Adur Voluntary Action
- National Federation Women’s Institutes

- Information Commissioners Office
- Local Government Association
- Shop Mobility
- Community Transport
- Care for Veterans
- Action for Deafness
- National Association for the Blind
- National Association for Guide Dogs for the Blind
- Guildcare
- Super Star Arts
- Independent Lives
- Scope



Sussex Police
Serving Sussex

www.sussex.police.uk

West Sussex Division

Taxi Licensing Team
Public Health & Regulation
Adur & Worthing Councils
Portland House
Worthing
BN11 1HS

27 November 2018

Dear Sirs

**Re: Hackney Carriage & Private Hire Licensing Handbook
Adur District & Worthing Borough Councils' Licensing Handbooks Consultation**

I write on behalf of Sussex Police to raise representation regarding the Hackney Carriage & Private Hire Licensing handbook. This is based on the promotion of the licensing objectives of the promotion of Public Safety, the Protection of children from harm and the Prevention of Crime & Disorder.

Sussex Police consider it important that members of the public; residents and visitors alike, are able to access safe and secure transport throughout this area while supporting a vibrant local economy. However, particularly during the hours of the night time economy, when taxis are likely to be the dominant mode of transport; it is imperative that appropriate measures are in place to ensure that these licensing objectives are promoted.

Sussex Police would, therefore, like to propose the following regarding both the Adur District Council and the Worthing Borough Council Taxi Handbooks.

Prevention of Crime & Disorder.

CCTV is considered essential as a pre-requisite for use in licensed vehicles. Experience has shown that the footage collected from CCTV cameras has on occasion provided valuable evidence when investigating reported incidents.

The availability of CCTV can safeguard drivers from spurious allegations.

Similarly the presence of CCTV can act as deterrent to any persons within the vehicle. This supports both the promotion of public safety and the prevention of crime and disorder. It can give reassurance to vulnerable passengers, as well as to the driver of the vehicle.

Should an incident be reported, the CCTV footage can assist both police and any other relevant authority, in their investigation. This relates not only to reported offences within the vehicle, but can assist in identifying or eliminating persons who have used the vehicle and are suspected of having committed an offence. This will deter persons from using licensed vehicles in relation to a criminal offence.

CCTV is also considered essential in assisting safeguarding vulnerable persons. This includes but is not limited to; children (including school run vehicles), persons with particular needs or persons made vulnerable through intoxication or similar. Again this affords protection for both the passenger and the driver in these circumstances.

It is not considered an onerous request that CCTV should be a standard requirement given the clearly demonstrable benefits to both members of the Hackney Carriage & Private Hire profession.

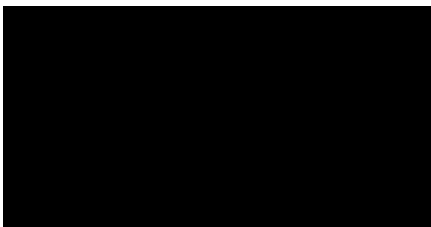
Protection of Children from Harm and Public Safety

It is recommended that all drivers of licensed vehicles undergo full annual training in relation to protection of vulnerable persons. This should include an awareness of how to recognise a vulnerable person and what to do in order to keep both the member of the public and the driver safe.

It is recommended that all drivers of licensed vehicles undergo full annual training in relation to child sexual exploitation (CSE). This should include an awareness of how to recognise a vulnerable child and what to do if CSE is suspected.

In order to assist in the protection of vulnerable persons, children and indeed any person in the vehicle, it is considered essential that the windows are clear affording an unhindered view of the interior. This would prohibit the use of glass tinted to a level to prevent inspection and any other item/s which would cause the same problems to police officers or similar.

It is anticipated that any reputable operator would embrace these measures to advance the safety of their passengers and their drivers. However it is considered paramount that matters of such importance are actively promoted and that patrons of Adur District & Worthing Borough Councils' Hackney Carriage & Private Hire vehicles can be confident that the service they are using has been licensed to stringent standards.



Di Lewis

Inspector Sussex Police Licensing Team

Taxi Handbook Reviews

Handbook Adur/Responses Adur

Handbook Worthing/Responses Worthing



diane guest

Tue, 27 Nov
2018, 23:02

to Taxi.Licensing@adur-worthing.gov.uk

Taxi Licensing Team
Public Health & Regulation
Adur & Worthing Councils
Portland House
Worthing
BN11 1HS

27 November 2018

To the Adur District Council & Worthing Borough Council Licensing Committees

Dear Councillors

Re: Taxi Handbook Reviews

I am an ex Worthing Borough Councillor and have sat as a member and as vice-chair of the Worthing Licensing & Control Committee. I am currently the DPS of the 'Broadwater' public house in Worthing and prior to that the DPS of the 'Waterside' public house in Shoreham. I have over 20 years' experience in the leisure and catering industry. I am an active member and ex-chair of the Worthing Pub Watch Group.

I am also the current chair of the Worthing Late Night Partnership Group which monitors activities within the Worthing night time economy with a view to promoting Public Safety and reducing Crime & Disorder by liaising with all the stake holders. Members include Sussex Police, Worthing Town Centre Initiative, invited licenced premises managers (Pubs, Clubs & Restaurants), Council Licensing Officers, other relevant Council Officers, Street Pastors, Security Staff, Taxi Marshals, Pubwatch, and Taxi providers. The provision of suitable and safe transport is vital to the economies of both Adur and Worthing and our licensed Taxis are a major part of that provision. As a publican and chair of the Late Night Partnership Group I have a particular interest in taxi provision and I am acutely aware of the issues and politics within the industry. I have been written to asking for my views on Adur and Worthing's Taxi Handbooks. I understand that Public Safety and Crime & Disorder are the overriding concerns for members of the Licensing Committees when considering their handbooks but that

the rules they put in place have implications and need to be proportionate and appropriate.

I would like to make the following representations.

CCTV in Licensed Vehicles

The provision of CCTV in licensed vehicles is a major asset in improving public safety and protecting drivers. It acts as a major deterrent to inappropriate and criminal activity but also greatly assists the Police when investigating criminal activity. The cost of a CCTV system has fallen dramatically over the last few years and a good system can now be provided and fitted for less than £500. Taking the average life of a licensed vehicle as 3 – 4 years this works out at less than 50 pence a day or considerably less than the average tip from the first fare of the day!

Taxis have been involved in many of the awful cases of grooming and child sex rings that have recently been prosecuted such as those in Rotherham, Rochdale and Telford. Licensed vehicles being identified as often being used to transport victims. Whether drivers were complicit or not the provision of CCTV could have prevented these vehicles being used or even helped bring these crimes to light sooner and assisted the prosecutions.

Taxi licensing is about protecting the public. Considering the benefits and the negligible costs involved the argument for a requirement for CCTV in all Adur & Worthing licensed vehicles appears to me to be overwhelming.

Brighton, Portsmouth, Southampton and Worthing have compulsory CCTV. I'm informed that other councils including Crawley and Hastings are looking to put the compulsory provision in place. With Adur drivers cross boarder working regularly in both Brighton and Worthing I cannot see why Adur drivers should be exempt and urge Adur members to rectify this. I'm aware that some sections of the Worthing trade would like to see the conditions requiring compulsory CCTV dropped. For the above reasons I urge the Worthing Committee to resist this pressure.

Tinted Windows

I'm aware that some sections of the Adur and Worthing taxi trade would like the conditions prohibiting heavily tinted windows and privacy glass in licensed vehicles relaxed to increase their choice of vehicles and/or avoid the expense of replacing glass to comply. I would like to emphasis to members that anything that inhibits Police Officers, Taxi Licensing Officers and the public having a clear uninterrupted view into a licensed vehicle has public safety and crime & disorder implications. I cannot see any public safety benefit in relaxing the current position.

Wheelchair Accessible Vehicles

The comments I hear from my customers at 'the Broadwater' and from those at 'the Waterside', when I was there, is that at times it is very hard to book a Wheelchair Accessible Taxi and there is a severe shortage of them in both Adur's and Worthing's Hackney Carriage and Private Hire fleets. This

reflects the comments I received from my constituents when I sat on Worthing Council.

I am aware that both Councils allow the licensing of rear loading and side loading private hire vehicles. But only allow the provision of side loading Hackney Carriages because of historic safety concerns regarding rear loading vehicles and their suitability for use on the ranks. Side loading wheelchair accessible vehicles are more expensive than rear loading vehicles. Modern rear loading vehicles have improved dramatically over recent years. I urge both Councils to allow the licensing of rear loading vehicles for use as hackney carriages in line with Brighton & Hove and many other Councils.

Both Adur and Worthing Councils have for many years only issued new Hackney Carriage plates to wheelchair accessible vehicles in an attempt to increase numbers whilst not over burdening current drivers. Whilst this policy was put in place with the best intentions and designed to increase numbers gradually it has failed and simply put an artificial value on existing saloon car plates. With new drivers preferring to pay retiring drivers for existing saloon plates than apply for a new wheelchair plate.

Neither Council has conditions requiring their provision by private hire proprietors/operators.

If the Councils want to increase the proportion of wheelchair accessible vehicles I urge them to consider the conditions that Brighton & Hove City Council has placed in its handbook which has been successful in dramatically increasing Wheelchair Accessible Hackney Carriage and Private Hire provision. Their handbook conditions state:

Hackney Carriage Vehicles
97. Change of Vehicle Owner

If a proprietor transfers his interest in a vehicle to somebody else he must within 14 days give notice of the transfer in writing to the authorised officer, giving the name and address of the transferee. In no circumstances may the vehicle be used as a licensed vehicle by the new owner until a new licence has been issued to that person and all documentation completed and any necessary fees paid.

Any vehicle transferred to another person, including transfer by the proprietor to her/himself and another person, for registration under the Town Police Clauses Act 1847 s42 will be required to become wheelchair accessible at renewal or replacement following transfer.

Where the interest of an existing proprietor's hackney carriage vehicle licence registration is amended to a beneficiary following the death of a proprietor or at the discretion of the Director of Public Health, where the change of registration is required for reasons such as the incapacity of a proprietor or following a legal separation from a partner, and is not for financial gain, the vehicle is exempt from becoming wheelchair accessible at renewal unless previously required by licence conditions.

Private Hire Vehicles
135. Suitability

All new or replacement multi-seater vehicles (vehicles capable of carrying 5 to 8 passengers) must be wheelchair accessible.

Driver Training

I applaud both Licensing Authorities for leading the way in requiring that all their licensed drivers are required to receive Child Sexual Exploitation Training and urge both authorities to consider making the provision of Disability Awareness Training compulsory for all drivers not just new applicants.

Generally both Adur and Worthing benefit from having excellent professional taxi services and I would like to see that maintained by both Councils. The suggestions I make are all made in the interest of maintaining and increasing Public Safety.

Regards

Diane Guest

Consultation Response - Taxi Licensing Handbooks

Handbook Adur/Responses Adur

Handbook Worthing/Responses Worthing



Colin Higgins

Thu, 29 Nov
2018, 20:46

to me

Hi

I would like to give feedback on the guidance in both Adur and Worthing's current Handbooks on the specific design of wheelchair accessible taxis and the wider assumptions on disability access, which in practise will actually exclude many wheelchair users (including myself) and people with other types of physical disability, if they are not revised. I attend the Multiple Sclerosis Centre in Southwick on a weekly basis and I found taxi access difficult when I looked into getting a train to the area and then a taxi to the centre. I now rely on a community bus from out of the area to take me to the centre.

I do commend the stated intention in both areas to increase the number of wheelchair accessible vehicles and for there to be a mixed fleet.

I am a permanent wheelchair user due to Multiple Sclerosis and use both an NHS issued assistant attended manual wheelchair and a powerchair. I am 6foot 3" tall, so although I'm sitting down, having sufficient head height and sufficient space to accommodate the length of wheelchair is a major hindrance in using many vehicles, despite their "wheelchair accessible" label. I can only use rear entry taxis with either a low floor or a raised roof height. This ensures quick and easy entry to the vehicle, sufficient space for me to sit upright, no need for turning the wheelchair in a confined space, as well as a comfortable journey facing the direction of travel, which also makes it easier to communicate with the driver.

The only side entry taxi I can get into is a London Cab design and even then having to turn the chair once inside still requires somebody else's assistance. Other side entry vehicles do not have sufficient head height for me to get through the doorway (being told to duck when I cannot move my upper body is no help!). In addition the height of the vehicle floor in side entry vehicles often creates too steep a slope on the ramp to be able to safely push or drive a wheelchair up it. It also makes it impossible for people with ambulatory disabilities, using walking sticks or other aids and with balance and strength issues to get into most side entry vehicles, due to the height of the vehicle floor. When walking with 2 sticks I could only get into saloon style vehicles. So only allowing wheelchair vehicles with side entry access for new licenses actually discriminates against some wheelchair users and many people with other physical disabilities. A sensible balance of vehicle types across the fleet needs to be maintained.

In the current handbooks I realise that there is a difference between what Hackney carriages (side entry only) and Private Hire Taxis (side or rear entry) allow for wheelchair accessible vehicles, but as it stands, it means I only have access to private hire companies or individuals and not the Hackney Carriage services, limiting my access. Of most concern is that, as explained above, the side entry design is entirely unsuitable for many wheelchair users, including myself. I would urge both councils to please ensure that the requirements in the new Handbooks enable genuinely easy and reliable access to Taxi services for **all** wheelchair users and for those with other physical access disabilities. It may be that feedback needs to be given to the Hackney Carriage License board if their terms are fixed, explaining that their requirements whilst well meaning, are actually too restrictive to achieve the intended aim of being wheelchair accessible.

Adur and Worthing Handbooks

Appendix A

Hackney Carriage Vehicle Specification

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.**

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.

Appendix F

Private Hire Vehicle Conditions of Licence

18. Disability Access

The following conditions will apply to vehicles adapted or carry wheelchairs

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

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

Best Regards

Colin Higgins

(my feedback has been typed up for me, as although I use a head mouse and specialist software to use a PC, this is too much for me to type, however I felt strongly enough on these issues to ensure I could give full feedback).

32 Friars Oak Road, Hassocks, West Sussex, BN6 8PX.

Guide Dogs response to Adur and Worthing Council’s Hackney Carriage and Private Hire Licensing Policy

30/11/2018

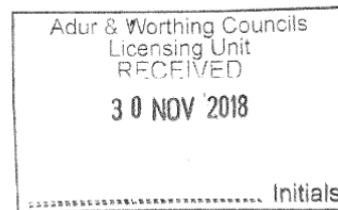
Summary

Guide Dogs provides mobility services to increase the independence of people with sight loss in the UK. Alongside our mobility work we campaign to break down physical and legal barriers to enable people with sight loss to get around on their own terms. There are an estimated 21,330 people with vision impairments living in West Sussex, of which about 67 are guide dog owners.

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

Key recommendations:

- We are pleased to see the handbook states that 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, and also that the operator must not make an additional charge for the carriage of a passenger’s assistance dog. We recommend that the handbook should also highlight that this is a legal requirement under the Equality Act 2010 and failure to do so is a criminal offence.
- The policy should specify a medical exemption certificate for carrying assistance dogs will only be issued when authorised by a medical practitioner and accompanied by medical evidence, such as a blood test, a skin prick test or clinical history. These medical exemption certificates should be accompanied by features distinguishable to vision-impaired passengers, such as an embossed or raised ‘E’.
- We are pleased to see the requirement that all licensed Hackney Carriage & Private Hire drivers must undertake disability awareness training.
- The handbook should state that Worthing Borough Council and Adur District Council Licensing Authorities will use its best endeavours to investigate all reported violations of the Act in a timely manner with a view to pursuing a conviction, and that breach of the Equality Act is



deemed serious and therefore will result in suspension or revocation of licence.

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

Highlighting obligations under Equality Act 2010 in respect of Assistance Dogs

We are pleased that the handbook specifies that operators must not refuse a booking or charge more to carry a guide dog. We recommend that this commitment is strengthened within the handbook, and should specify that all drivers are under a duty to carry, free of charge, any assistance dog. Currently the provision refers to both 'guide dog' and 'assistance dog' which may be confusing and incorrectly suggest a guide dog has different rights to other assistance dogs.

We also advise highlighting within the handbook that this is a legal requirement under the Equality Act 2010 and failure to do so is a criminal offence. This can be similar to the provision in section 4.6 of both handbooks, which presently reminds drivers that failure to abide by the duties they owe to passengers in wheelchairs 'could lead to prosecution and a maximum fine of £1,000': for example.

Medical Exemption Certificates

The current handbook does not contain any information on the process of obtaining a medical exemption certificate, which is the only circumstance when a driver is legally exempt from their obligation to carry assistance dogs.

We believe the handbooks should state that a driver must carry assistance dogs unless they have a medical exemption certificate issued by Worthing Borough Council and Adur District Council Licensing Authority. The policy should specify that in order to apply for a medical exemption certificate for carrying assistance dogs, this must be authorised by a medical practitioner and accompanied by medical evidence which demonstrates the driver's genuine medical condition that is aggravated by exposure to dogs, such as a blood test, a skin prick test or clinical history.

Further, it is often difficult for vision-impaired passengers to identify the validity of exemption certificates. Currently, it is not permissible for licensing authorities to issue exemption certificates which incorporate tactile features, as this would alter the certificate's prescribed form and render it invalid. We therefore recommend that Worthing Borough Council and Adur District Council Licensing Authority issues exemption certificates that are

accompanied by features distinguishable to vision-impaired passengers, such as an embossed or raised 'E'. Guide Dogs would be happy to supply Worthing Borough Council and Adur District Council with tactile exemption cards.

Disability equality training

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

To help reduce the number of access refusals, it is important that drivers know their legal obligations and how to best offer assistance to their customers with vision impairments, including those travelling with a guide dog. We therefore welcome the inclusion in section 4.7 of the handbook that all licensed Hackney Carriage & Private Hire drivers will be required to undertake disability awareness training. We recommend this training includes information regarding the carriage of assistance dogs and their obligations under the Equality Act 2010. The training should focus on the concept of people being disabled by society's barriers and attitudes and highlight the role an organisation and individuals play in the removal of those barriers, while also including awareness elements such as customer care, etiquette and appropriate communication.

Enforcement

While our survey shows that 42% of assistance dog owners have been refused over a one-year period, many of these incidents are not reported. Indeed, only 54% of respondents said they would 'definitely' or 'very likely' report an access refusal. In part, the underreporting is due to challenges of reporting, especially for people with sight loss. However, it is also due to disappointment at the lack of action taken following an access refusal and the low fines issued.

Considering the significant impact an access refusal can have on assistance dog owners and their communities, it is important that assistance dog owners know that all cases of access refusals are viewed very seriously and are investigated.

The two handbooks differ in terms of enforcement so for ease, with Worthing's handbook having a further Appendix explaining the penalty points scheme. Our recommendations therefore differ for each handbook:

a. Adur

There is no reference in the handbook to how the legal obligation to carry an assistance dog will be enforced. As mentioned, it is a criminal offence for any operator or driver to refuse to carry assistance dogs. On conviction for such an offence, drivers can be fined up to £1,000. As failure to carry an assistance dog is a criminal offence, we recommend a zero-tolerance approach to enforcement of the Equality Act, and therefore believe failure to carry an assistance dog should result in immediate revocation of their licence. We therefore advise stating that if a driver breaches the duty under the Equality Act 2010 to carry an assistance dog, the Licensing Authority will seek to suspend or revoke the drivers licence.

We also recommend a zero-tolerance approach to enforcement of the Equality Act in seeking prosecutions and recommend clearly stating that Adur District Council Licensing Authority will use its best endeavours to investigate all reported violations of the Equality Act in a timely manner, with a view to pursuing a conviction.

We also recommend that the handbook should state that the Adur District Council Licensing Authority will work together in conjunction with assistance dog owners to ensure that licensing requirements are being complied with by various means such as, but not limited to, test purchases to ensure that licensing requirements are being complied with.

For more information, please contact Public Affairs Officer Katherine Copperthwaite on



Tel: [REDACTED] [REDACTED]

Date: 22nd Sept 2018.

COPY

Dear Theresa,

Re. Rear Access Taxis.

Further to our conversation of last Wednesday (12th Sept) - my son has M.S. & is paralysed & bedridden, & I am now finding it impossible to get him a taxi with rear access to arrange any trips for him.

He cannot travel in the side access taxis as he is unable to bend his head at all to enable him to get in.

On enquiring, I find there are now only 2 rear access cabs

(2)

in Worthing, plus Dial-a-Ride. Neither of these cabs work in the evening & Dial-a-Ride finishes at 5pm & doesn't work on Saturday at all.

I understand it is the policy of Worthing Council to give licences only to side access taxis for "safety" reasons. I do not understand this as Dial-a-Ride & ambulances & many Nursing Home vehicles use rear access for people who need this type of transport.

I look forward to hearing your comments & any suggestions about how I can give my Son a break from a life restricted to

②

laying in bed & I am sure you
can appreciate that I wish to
make my son's life more bearable.

Yours sincerely



[REDACTED]

Date: 21st November
2018.

[REDACTED]

Dear Theresa.

Re. Rear Access Taxis
for my Son - Robert Melloy

Further to my letter of 22nd Sept 2018.
(copy enclosed) I would draw your
attention to the following from the
Licensing Hand book :-

Page 7. 4.1. "The Council is seeking
to maintain a mixed fleet."

Page 7. 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

(2)

of Society."

Page 24. 19.1 (9) "The loading of the wheelchair must be undertaken through the side of the vehicle." MY SON'S

WHEELCHAIR CANNOT FIT IN THIS WAY.

Page 39. 18.2 "The loading of the wheelchair must be undertaken through the side or rear of the vehicle."

THERE ARE NOT ENOUGH REAR ACCESS TAXIS IN WORTHING.

The rear loading vehicles allow much better access & have winches which protect the driver.

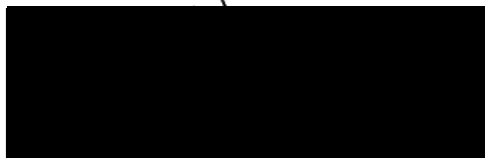
I should be pleased if my representation could be applied to the Adur district as well as Worthing -

3

I am also returning your "Need To Travel + have Support Needs?" Form with my comments + as you will see the Rear Access Taxicabs are really the only way for my Son to get out.

Thank you for your help with my problems + I look forward to hearing from you in due course.

Sincerely



Need to travel and have support needs?

Are you travelling straight away?

If you need a helping hand, your quickest option is to contact the following Taxi firms and let them know you require support or room for a wheelchair or mobility aids:

Adur

T-Link 01273 59 59 59
Arrow Private Hire 01903 21 21 21

Worthing

Wortax 01903 230 302
Arrow Private Hire 01903 21 21 21

} Side Access
Vehicles
only - not
suitable

Or is it a journey that is planned?

Do consider using Public Transport - buses and trains both have ramps and additional support for you. If you have a disability you can apply for discounted travel on both buses and trains via West Sussex County Council.

My Son's wheelchair is too big to go on buses

You can also contact:

Dial a Ride Southern Services

Help: Wheelchair Accessible minibuses with staff to help you on and off vehicles and with bags.

Where: All of Worthing, Adur and possibly further afield.

Cost: There is a cost depending on journey length.

Phone: 01903 53 00 53 (9.30-12am Mon to Fri)

*Dial-a-Ride finish on
weekdays at 5pm &
don't work at all at
weekends.*

Worthing and Bognor Shopmobility

This is not suitable

Help: Low cost hire of mobility scooters and wheelchairs to anyone with a mobility problem whether temp or permanent

Where: 12-14 Liverpool Gardens, Worthing, BN11 1RY.

They also have a van that can deliver a wheelchair or aids to you in Adur or Worthing.

Cost: There is a cost depending on length of hire.

Phone: 01903 820980 (Mon - Fri 9.30 - 4pm. Sat 9.30am - 2pm)

Adur and Worthing Voluntary Transport

My son can't get in & out.

Help: A car service for older people who have transport difficulties due to disability, frailty or rural isolation.

Where: Adur and Worthing.

Cost: There is a cost depending on journey length.

Phone: 01903 851 558 (9.30am - 12.30pm)

*of any
ordinary
car.*

Hackney carriage and private hire handbook consultations

1 message

Info [REDACTED]
To: "taxi.licensing@adur-worthing.gov.uk" <taxi.licensing@adur-worthing.gov.uk>

7 November 2018 at 11:18

Re:

Wheelchair Accessible Vehicles

3.1 states that wheelchairs should be loaded from the side

Several of our service users who use powered chairs find that they are unable to use taxis that load from the side as their chairs are too large and/or high to allow them to enter the vehicle and so have to use transport services that use minibuses and load from the rear (e.g. Dial-A-Ride). These services are often not available in the evenings and therefore their social opportunities are restricted. For example they cannot go out to the theatre or for an evening meal with friends.

Can there be provision for some vehicles to load from the rear to permit the carriage of these larger wheelchairs?

Alan

Alan Taylor
Centre Manager



Charity No. 801075

A company limited by guarantee no. 2319928

Reg office: Sussex MS Centre, Southwick Recreation Ground, Croft Avenue, Southwick, West Sussex, BN42 4AB

Phone: 01273 594484

www.mssussex.com

Wheelchair taxi.

Inbox



Patricia Needham [REDACTED]

Mon, 19 Nov
2018, 11:25

to me

Good morning,

I have been given this email address to tell you of the concerns I have.

I am the Welfare Manager of a nursing home and have 2 residents who have the larger wheelchairs which have been custom made for their comfort.

Due to the size of these wheelchairs it is impossible for a normal wheelchair taxi to fit them in, there is not enough turning space. We require a rear loading vehicle. We normally would use First choice taxis as it is a rear loading taxi.

Tracey has commitments with school runs for the disabled on most days and is limited to when she can work over the weekend.

Would there be any possibility that another wheelchair rear loading could be issued for the area?

I know there are budgets but we are finding it near impossible to get our residents to appointments and having to reschedule all the time.

From a social side too, it is important that they are not made to feel different, at times they do feel different, because they have a large taxi and cannot attend a family gathering or a friends birthday.

I look forward to hearing from you

Kind regards

Patricia Needham
Welfare Manager

[REDACTED]

[REDACTED]





**Comments / Representation(s)
Adur District Council 'Taxi Handbook'
Review Nov 2018**

Having now taken advice, Unite the Union Adur (Taxi) member's representation(s) and comments on the Council's review of the Adur 'Taxi Handbook' follow within this document. Any reference to "Taxi" or "Taxis" is a reference to include all Adur 'Cabs', whether they are licensed as a Hackney Carriage or a Private Hire, unless expressly indicated to the contrary.

Firstly on behalf of Unite (Taxi) members locally in Adur, we would like to inform the Committee members of some key information, which we wish to be considered and kept in mind when they consider this review.

We also remind members at this juncture of the importance of properly considering and taking all relevant factors or considerations into account, including representations from trade groups (such as Unite), operators and individual trade members, who possess many years of tangible experience in the safe operation of Taxis and a 'Taxi Service' locally. This, together with not taking into account, any assumptions not based on evidence or personal experience of a different situation etc.

We believe that all Licensing Conditions should be subject to clear specification and not 'Officer Discretion', as Officers have no experience in operating or driving taxis. Specification of Licensing Conditions agreed with the trade, as is the process in other areas, will lead to every condition being workable and above all; 'fit for purpose'.

The Committee's attention is drawn to the Department for Transport (DfT)'s Taxi and Private Hire Vehicle Licensing - Best Practice Guidance, most recent edition.

Which states:

'...The aim of local authority licensing of the taxi and PHV trades is to protect the public. Local licensing authorities will also be aware that the public should have reasonable access to taxi and PHV services, because of the part they play in local transport provision. **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.**

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. Local licensing authorities will, therefore, want to be sure that each of their various licensing requirements is in proportion to the risk it aims to address; or, to put it another way, whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public, for example through increased safety.

This is not to propose that a detailed, quantitative, cost-benefit assessment should be made in each case; but it is to urge local licensing authorities to look carefully at the costs – financial or otherwise – imposed by each of their licensing policies...’

This advice from the DfT should be taken as particularly apposite, given the current, on-going and “live” threat from Uber and their vehicles, licensed elsewhere; but operating unlawfully each and every day and night within the Adur District. They are not subject to any onerous licensing conditions as many are licensed with ‘soft’ Councils and operated merely on a ‘flag of convenience’.

Unite (Taxi) members locally do not expect the Council to licence to the ‘lowest common denominator’, nor do they expect to be over regulated with financially or otherwise onerous licensing conditions, brought about by caprice or whim from the Officers or Members. In the absence of clear documented evidence of incidents clearly threatening Public Safety, we believe it is the Council’s duty to proceed extremely carefully when considering any augmentations or additions to current licensing policies. Especially given that the current rules and regulations seem to have successfully brought us (the Council, the trade and the public) safety over the past approaching two years and have (with a few small exceptions in the provisions) in the main, provided a sensible local Taxi licensing framework that both meets the demands of the trade, whilst also assuring the safety of the General Public locally.

We believe that licensing policies and ‘Policy changes’ should be ‘Justified’ with evidence and based on fact, not formed on opinion, emotion, whim or caprice. They should be borne of ‘evidence-based decision-making’ and be proportionate, necessary in purpose and represent the least ‘restrictive path or alternative’.

The ‘Adur District’ is a unique area; it is not a ‘seaside resort’ unlike Brighton & Hove and Worthing. Adur has a more sedate evening trade, whereas Brighton & Hove and Worthing possess a vibrant late night economy continuing into the early morning, with all the extra risk(s) that this entails. It is therefore correct and also vitally important that the ‘Taxi Handbook’ in Adur will and should, differ from that of Worthing and indeed other areas (including Brighton & Hove), in order to reflect the different character, potential ‘risk(s)’ and/or absence of, within the Adur District.

‘Adur’ has in the very recent past, changed immeasurably. Housing prices in the area have rocketed, leading to a displacement of many locals to other areas and the ingress of many commuter types, who predominantly work in London or Brighton and not locally. These new arrivals are generally of a different social class to the previous ones and as such, have different social and retail habits to the people they replaced. The new “community” does not possess the close local connection, local commercial loyalty or ‘local relationship’ of the former displaced community in terms of socialising locally and shopping. This has had a catastrophic affect on the local economy and the current viability and financial sustainability of the local Taxi Service.

There has been a significant downturn and reduction in the usage of Taxis locally in Adur, both during the day and at night.

It is however, the 'night-time economy' in Adur that has suffered the most, with Shoreham Town Centre and the High St becoming desolate by around 8pm on a weeknight and Sunday evenings. It is not uncommon for Taxis to now wait for disproportionately long periods of time between jobs, sometimes over an hour. The main reason for this seems to be the requirement for Commuters to catch an early train the following morning; therefore socialising (if any) at night is curtailed prematurely compared to other years. The previous "local community" in the main was made up of Self-Employed workers and Shift Workers. Both groups by their very nature always had a number of differing weeknights/weekdays off and this led to a 'buzz' of vibrancy in the local night-time economy.

Lancing similarly has seen an upturn in the usage of "London" trains, but a downturn and reduction in the use of Taxis. Lancing also becomes desolate around 8pm on a weeknight and Sunday evenings, with Southwick following the same trend.

Weekends in Adur have changed from previously being a vibrant social area with local pubs packed until midnight or 1am and a thriving local night-time economy, to a night-time economy that struggles to gain commercial momentum and now prematurely ceases at around 11-30pm on Friday and Saturday nights. What previously represented a staggered "pub rush" keeping local Taxis busy for around 2 to 3 hours until 2am, can now be best summarised as a slight increase or "spike" in demand between 10-30pm and 11-30pm.

A town (Shoreham) that was previously vibrant on weekend nights is now desolate and deserted by midnight. A town that was previously the local Taxi Trade's main source of income in terms of 'night-time economy'! Adur has now largely become a collection of 'Dormitory Towns'.

This change in the complexion of the night-time economy of the Adur District has seen the trade's income drop by around 40% on previous years. The ingress of "Commuters" has "crashed" our local 'night-time' economy in both Shoreham and Lancing with most proprietors/drivers now already having to work longer hours in order to supplement their current income.

Further and unnecessary regulation will merely compound this, work against the public interest – and most probably, '...indeed, have safety implications...'

Unite members are extremely shocked to learn that the review of our (**Adur**) 'Taxi Handbook' was requested by the **Worthing Licensing Committee!!!**

We seriously question how this complies with local decision making, given that the 'Adur District' & the 'Borough of Worthing' are separate 'Controlled Districts' for the purpose of "Taxi Licensing" and furthermore within the meaning of the Local Government (Miscellaneous Provisions) Act 1976. The legislation that regulates us as a trade and the Council, as the Licensing Authority!

We have been provided with no evidence during the 'Consultation at the Local Level' of how or why, a review of our 'Taxi Handbook' in Adur was/is necessary before the previously stated review point of 3-5 years and in the absence of documented evidence of tangible problems justifying this!? We also have no evidence that the review was called for by the Adur Licensing Committee.

In short, we believe that Adur (District Council) should govern Adur Taxi Licensing and that Worthing (Borough Council) or their members should **not** be governing Adur or indeed, Adur Taxi Licensing!

We are also aware and **extremely concerned** regarding calls from the Worthing Taxi trade and associated pressure on the shared 'Licensing Office' for some provisions within the 'Adur Taxi Handbook' to be 'harmonised' or 'mirrored' to reflect Worthing's Taxi licensing provisions and regulations.

Worthing and Adur are two totally different areas, with a totally different commercial complexion amongst other differing relevant factors!

When our Licensing Office was combined or as we believe, 'subsumed' - with Worthing, we were given comprehensive assurances that "Adur" would remain a separate area!

However, our local members report the Council has already gone back on its previous assurances of an availability of licensing appointments in Shoreham or Lancing! Just to reiterate, we believe that it is correct and also vitally important that the 'Taxi Handbook' in Adur will and should, differ from that of Worthing and indeed other areas (including Brighton & Hove), in order to reflect the different character of different areas and their local economies.

Bearing all of the aforementioned in mind, we respectfully inform you and what's more, offer the following warning;

If the Council over regulates the Adur 'Taxi' trade, then they will over regulate it out of business. The other obvious and undesirable effect of over regulation could be one of pushing Adur vehicles to licence elsewhere, whilst still operating locally on a 'flag of convenience' and outside of the 'local licensing regulatory framework' in exactly the same way as Uber vehicles have done and currently do on a daily basis.

The effect of this will be that Adur DC will most likely lose 'local licensing control'.

This is not intended to be a threat or to represent ‘scaremongering’, it is merely to point out the likely effect(s) of over-regulation, in line with the advice of the DfT in their ‘Best Practice Guidance’.

We implore the Committee and the Council not to over regulate us or add any more unnecessary operating cost(s) to the trade at this already financially/commercially challenging time.

As per the Council’s letter to Adur trade members dated 5th November 2018, no evidence of a necessity for, or any issue(s) regarding change have been given or offered.

We have merely been supplied with a “Bullet list” of broad categories that the Council “expects” ‘...to be highlighted...’

These are as supplied by the Council, as follows:

- CCTV
- Lack of Accessibility Vehicles
- Window Tinting
- Seat Specifications
- Roof Signage
- Door Signage
- Vehicle Specification - particularly rear seat specifications
- Meters in PH Vehicles v PDAS

We therefore trust and rely upon the factual accuracy and completeness of this list supplied to us by the Council in order for us to usefully and factually comment for the purposes of ‘Consultation at the Local Level’. Furthermore, at no stage has the trade been consulted upon any specific proposals for ‘significant changes’ to any licensing policies or changes to the Adur District Council ‘Licensing Handbook’.

Our comments and representations upon the Council’s “Bullet List” are as follows:

CCTV

To quote from the Adur Website; ‘...The Adur Licensing Committee, when they considered CCTV, resolved that to address the issues that drivers and customers face in Adur did not require the compulsory fitting of CCTV but made its installation discretionary and approved a set of conditions for those proprietors that elect to fit it...’

In short, they resolved for its installation to be at the Proprietor’s discretion and as such, approved a set of conditions for those proprietors that elected to fit it.

We wholeheartedly agree!

To quote the ICO (Information Commissioner's Office), '... capturing a person's movements on camera is intrusive...' There are as many passengers if not more, that are **not** in favour of having their movements recorded and monitored by CCTV, as support it. The law requires that "Privacy" must be considered and that the 'least restrictive path' be chosen by Councils and followed, in relation to considering the problem they are seeking to address and whether a CCTV system would be a necessary, justified and effective solution. They should take into account whether other, potentially less intrusive solutions exist that can achieve the same aim, as well as the effect that each aspect of the CCTV system may have on individuals, and whether their use is a proportionate response to the problem identified.

The ICO go onto say, '...Taxi drivers, like all of us, have a right to privacy. And that right is enshrined in law...' {sic}.

The law states that the processing of personal data should be necessary for its purpose and proportionate. We do not know of, and have not been supplied with any documented evidence during the 'Consultation at the Local Level', of any justifying incidents that support and provide evidence that a mandatory CCTV system would be a 'necessary, justified and effective solution'.

There is however, evidence of companies locally that have said that if CCTV is mandatory then they will cease to use 'Adur' Taxis for transport (i.e. Ricardos / Parafix to name but two).

Should CCTV be made mandatory then these 'clients' would be pushed elsewhere and perhaps towards even "Uber"!

We do not accept that there is a justified or necessary requirement for the mandatory installation of CCTV in Adur Taxis, given the absence of historical problems or complaints. It is disproportionately expensive and furthermore, we believe that the driver/proprietor is best placed to assess and to determine the 'risk' posed individually and to decide whether or not, they wish to install CCTV.

We wish the Committee to note at this juncture, that 'Insurance Liability' cameras (or 'dash cams' as they are more colloquially known) are not classed as CCTV as they ("face out" and) capture events within the 'Public Domain' and not within a private CCTV area. Therefore they cannot be considered as CCTV as they are not regulated by the ICO and do not require a 'Data Controller'.

CCTV will also not assist with events that occur outside of the "Carriage" or vehicle and in the 'public domain', as most do.

Lack of Accessibility Vehicles

The provision of 'Accessibility Vehicles' within the Adur District is currently at customer demand / market forces / financial viability level. Members will recall that when the Council first removed the numerical restriction on Hackney Carriage vehicle licenses solely for the purpose of increasing the numbers of 'Wheelchair Assessable Taxis' (WAVs) licensing within the Adur District, there was an initial 'spike' in the number of vehicles licensed and proprietors taking advantage of 'a free (Hackney Carriage) plate' and providing WAVs.

Since that time, market forces have reduced numbers as a result of the actual demand for these services and the disproportionately high financial cost of the vehicle, for which there is no subsidy. The passage of time has clearly documented that most Taxi (business) owners cannot afford to provide such vehicles, in the absence of specific on-going "un met" demand and without significant government subsidy.

The narrow nature of the chosen previous Wheelchair Accessible Vehicle (WAV) vehicle specification by the Council in terms of the method of passenger 'loading' has also not assisted in vehicle procurement and has actually actively provided a disincentive to the trade to purchase these types of vehicles.

As with all specification(s), they should be agreed with the trade as workable **before** being offered as policy(s) to the Committee. Sometimes the Council **MUST** meet the trade 'half way', as is the case in other areas.

We believe that both "Rear" and "Side" loading vehicles should be licensed as there is no evidence in terms of "Rear Loading" vehicles (almost all Ambulances in current use load from the rear) being any less safe an option, compared to "Side Loading" vehicles.

We therefore ask that both loading methods are approved, so long as the individual vehicle has been certificated as safe by the manufacturer or convertor.

Window Tinting

Unite members question what documented evidence there is from the local area, of incidents, or to support the assertion that 'Tinted' windows lower safety in the passenger carriage?

Tinted windows in fact heighten safety in so far as the drivers' view is concerned (through rear side windows) in times of bright sunshine. This provision needs to be sensible and workable. Most other areas allow "Manufacturer's Tints" – applied during the manufacture of the vehicle or supplied as standard by the vehicle manufacturer. We would be extremely interested in seeing any evidence of incidents in the Adur District, brought about by or proven to have been caused by the existence of 'Tinted Windows'?

The Department for Transport (DfT) 'Best Practice Guidance' states:

'...

Tinted windows

30. The minimum light transmission for glass in front of, and to the side of, the driver is 70%. Vehicles may be manufactured with glass that is **darker than this fitted to windows rearward of the driver**, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the **large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations...**

It is interesting to note here that the Council has been requiring drivers/proprietors to '...change glass...', due to this unworkable specification. As members can see, this is in 'polar opposition' to the DfT's advice/guidance (above) on this specific matter. Source: DfT!

Many Local Authorities have overturned their previous policy on 'Tinted Windows' and anecdotal evidence suggests that 60 per cent of the councils in the country now allow manufacturers tints.

The main benefits of tinted glass are considered to be, added (safety) visibility in bright sunshine, added protection from ultraviolet rays (UV) coming from the sun and Improved thermal comfort by reducing heat build-up inside the vehicle in Summer.

Transport for London (TfL) – the UK's largest Taxi Regulator, places no restrictions on Tinted Windows, if they are as part of manufacturers specification. More locally, Brighton & Hove place no restriction(s) on 'Tinted Windows' and allow licensing of vehicles so long as they are fitted with 'manufacturer fitted' tinted rear windows.

According to the Department for Transport Taxi and Private Hire Vehicle Statistics; and to quote merely a reference to Private Hires:

England 2015, there were 166,000 private hire vehicles in England, of these 63,000 are licensed by Transport for London (TfL). All of the vehicles in the nation's Capital are licensed by TfL, where there are no restrictions on tinted windows over and above the manufacturers specification i.e. there is no prohibition on the use of glass with any degree of tint for windows rear of the driver, if it has been fitted by the manufacturer.

Vehicle manufacturers are now more frequently installing anti-glare / tinted glass as standard to their standard production models for a variety of reasons including driver / passenger comfort and added security. In some cases vehicles are only manufactured with tinted glass and no alternate glass option is available, thereby removing the option for the glass to be changed.

If prospective licence-holders find it difficult to licence their vehicle of choice and/or are unable to find suitable vehicles that meet the Council's specification, then they may opt to become licensed elsewhere. This represents a danger to the safety of the general public locally and is a relevant consideration.

The issues identified regarding the proliferation of vehicles being manufactured with tinted windows as standard is impacting on the local trade as the prospective licence-holder now has to choose between a diminishing number of lower specification vehicles with no tinted windows and a higher specification vehicle, knowing it will cost significantly more to change the glass and this is compounded by the risk that no alternate glass option may be available. i.e. even if the licence-holder is willing to go to the expense of changing the glass, this cannot be achieved if alternate (clearer) glass is not manufactured.

In almost all areas, after-market (stick-on film type) window tints are not permitted and we (Unite) support this view. This view also does not cause significantly prejudice, as anyone intending to licence a vehicle which already has this film fitted, merely has to remove the film from the windows in order to permit it to be licensed. An increasing amount of officer and licence-holder time is taken up making subjective decisions on vehicles with tinted glass to establish if it is eligible for the Council's existing arbitrary and discretionary policy. By clarifying the Policy and permitting all manufacturer fitted rear tints, Council and trade resources will be much more effectively deployed, in these times of austerity.

It is a genuine and legitimate "trade" concern that in the near future it will become increasingly difficult, and in some cases impossible; for licence-holders to source vehicles with clear windows or un-tinted glass to replace tinted windows in new or replacement vehicles.

For these reasons and in particular the fact that for the majority of vehicles licensed in England, there is no prohibition on the use of U, with any degree of tint for windows rear of the driver;

Our members believe and accordingly ask that the policy is amended to permit manufacturer fitted glass, with any degree of tint, for windows to the rear of the driver, so long as they also meet the relevant 'Construction and Use Regulations' and / or the 'Road Traffic Act' requirements, whilst also precluding the use of "After Market Tints".

Seat Specifications

The current specification in respect of the rear seat was changed from the previous workable policy, by the resolution of the 'Taxi Handbook' by the Committee in January 2017 and is unworkable.

Having now had time to look back at our previous representation(s) on the Adur 'Taxi Handbook' when it was considered by the Committee in January 2017;

Unite warned the Council (within our written representation to the Council at that time and attached to the agenda of the meeting!) that this specification would preclude some models of vehicle from licensing. We even **warned of the potential for the Council to preclude some 'ULEC' & Hybrid models of vehicle**, principally the Toyota Prius! A wholly undesirable consequence, which was and still is, in stark contrast to, in polar opposition to, and inconsistent with, **Government Policy on emissions!**

Sadly, the Committee, at that time (Jan 2017), either **did not** properly consider that written representation from Unite, or alternatively **chose to ignore it**.

Consequently, what the Council ended up with was/is an unworkable policy – **exactly as predicted and pre-warned by Unite at the time!!!**

A policy that was also not backed by any evidence of need or in turn, proper policy justification.

It is indeed interesting to note, that this policy has also outlawed licensing in Adur of some mainline models currently **in use nationally as Taxis** by the trade. These include, Toyota Prius, Ford Mondeo, VW Passat, Citroën Berlingo, etc, etc... This policy is totally 'out of step' with **every other Taxi Licensing Authority in Sussex!** We and our members merely wonder, **WHY???**

This is also a prime example of where Officer's advice should be checked for authenticity and factual basis, and furthermore, **MUST** be properly consulted upon with the experienced 'Licensed Trade' prior to policy recommendation or implementation, so as to avoid the future resolution of any such other unworkable policies.

The previous policy of an overall "rear seat width" single measurement of 48" (forty eight imperial inches), had worked for many years without incident or issue that we know of, or have been consulted upon. This measurement still equates to 16" per passenger (on the rear seat), but the single measurement allows for the individual tailoring and/or styling of rear seats by manufacturers.

It is prudent and noteworthy to remind members here, that vehicle manufacturers in the UK are required to comply with 'M1 Type Approval' testing of passenger cars throughout Europe, in order for vehicles to comply with and possess a valid 'EC Whole Vehicle Type Approval (ECWVTA) Certificate of Conformity', as a Category M1 vehicle.

This tests for rigorous standards of safety and includes all passenger seats and the devices used to secure them, including seatbelts. It goes without saying that vehicles must comply with the relevant M1 standards contained in the relevant European Directives and ECE Regulations as amended, before the vehicle(s) can be marketed or sold in this Country. These safety tests are carried out in relation to the specified amount and "Safe" payload of (adult) passengers declared by the manufacturer at point of test, normally the driver plus four 'adult' passengers in respect of 'four seater' passenger cars.

Therefore, if a vehicle has successfully been 'Type Approved' as an "M1" passenger vehicle and possesses a valid 'EC Whole Vehicle Type Approval (ECWVTA) Certificate of Conformity', as a Category M1 vehicle, then we believe that the previous policy of a single measurement of 48" across the 'Back Seat Spread' to be sufficient in terms of Public Safety and comfort, and is a wholly workable specification.

After all, the previous policy had worked seamlessly for years, before the Council changed it for reasons unknown!!!???

Roof Signage

Again, Unite members fail to see the / any issue with roofsigns, so long as "Hackney" roofsigns comply with the law in terms of wordage and that Private Hire roofsigns retain the nationally consistent (in areas that allow such signage) measurements of 10" (ten imperial inches) "mini light", sometimes also called a "quarter light". We will comment more specifically on roofsign provisions within our representation(s) and comments on the 'Taxi Handbook' later in this document.

Door Signage

There is no evidence locally of problems with distinguishing or identifying a licensed vehicle from the current signage, which has been in place for many years. Equally, in areas that repeat licence plates, on rear doors for example; there is no tangible evidence to suggest or support that this practice improves or has improved public safety.

Company/Operator indicators are much more important than repeating licence plates that already exist on the rear of vehicles. Any 'rogue' vehicle operating and using a local company's markings or indicators will very quickly be reported to the Police (by trade members) and apprehended, as 'the trade' self Police's itself very well 24 hours per day in this regard. Far in excess of, and infinitely more effective than, any Council enforcement programme.

The practice of repeating licence plates causes clutter and leads to Operator's markings having to be smaller (as they share the door). Operator's markings are fitted and purposely designed to be large, striking and prominent, so as to cater for visually impaired members of the general public, together with those who are intoxicated. The **evidence** is that we have carried on without "Repeater Plates" on rear doors and with current "Operator's Markings" since the 'Taxi Handbook' was resolved in January 2017, without incident or any other justifying incident(s) that support and provide evidence that we know of, or that has been shared with us during the 'Consultation at The Local Level'.

Interior plates were **agreed by the trade** and resolved by the Committee when the handbook was resolved in 2017. However, for reasons best known to the Council, they have never materialised. An interior plate is of much **more benefit to public safety and vehicle recognition**, rather than repeating the vehicle licence plate outside, which already appears on the rear exterior of the vehicle, together with perhaps the best means of identification – the 'vehicle registration number'!

Members of the public locally are familiar with identifying a Hackney Carriage by the light on the roof bearing the word, "TAXI", as opposed to Private Hire vehicles that cannot legally exhibit this word or indeed even the word "Cab". As there is a clear identifiable distinction between Hackney Carriages and Private Hire vehicles locally, we do not consider a vehicle livery (i.e. a defined colour and/or extra marking of vehicles over and above Operators markings/indicators) to be necessary for Hackney Carriages at the present time, in the absence of documented evidence of a local need or any justifying incidents that support and provide evidence for this requirement.

This is financially irksome, unnecessary and represents over-regulation! We ask for no change here.

Vehicle Specification - particularly rear seat specifications

Seat specifications have been covered above. However, in terms of vehicle specification(s), the Council should be extremely careful to **properly consult with the experienced trade** on any 'policy' changes before they potentially attempt or successfully manage in terms of policy(s) to **(as history clearly documents)**, 'break something that doesn't need fixing' or alternatively copy an **unworkable policy** into Adur from another geographically "distant" area with **no policy justification!!!**

Meters in PH Vehicles v PDAS

There is no legal requirement to fit a taximeter to a private hire vehicle, but where there are fitted, only taximeters that have been tested and approved by the Council may be fitted in private hire vehicles.

Any person who fails to follow this process will be in breach of Section 71 of the Local Government (Miscellaneous Provisions) Act 1976 thus:

'...71 Taximeters.

(1) Nothing in this Act shall require any private hire vehicle to be equipped with any form of taximeter but no private hire vehicle so equipped shall be used for hire in a controlled district unless such taximeter has been tested and approved by or on behalf of the district council for the district or any other district council by which a vehicle licence in force for the vehicle was issued.

(2) Any person who— (a) tampers with any seal on any taximeter without lawful excuse; or (b) alters any taximeter with intent to mislead; or (c) knowingly causes or permits a vehicle of which he is the proprietor to be used in contravention of subsection (1) of this section, shall be guilty of an offence...'

Most Councils do not currently consider 'GPS tracking systems' (PDAs) that calculate a price or "fare", to be "approved taximeters" unless they are **'MID' approved as a 'Taximeter'**.

On 30th April 2004, the European Union published the Measuring Instruments Directive (MID), a wide-ranging change to the certification of equipment used in the field of Legal Metrology. Included in this was – taximeters! A taximeter product first put on sale after October 2006 must comply with the MID.

A taximeter put on sale before this date must comply with the "Applicable National Approval" in force previously. The UK has decided that this is the London Public Carriage Office approval (known to some as "BSI/PCO" or similar).

Therefore in the UK, if it wasn't BSI/PCO approved before October 2006, or 'MID' Compliant after, then it can't be sold and fitted to a Taxi.

The Measuring Instrument Directive (MID) controls the important features of Taxi Meters including how they work, how accurate they must be, and how reliable they need to be.

Compliance with 'MID' gives Local Authorities, taxi operators, and the public the assurance that the taximeter complies with the law and can be relied upon.

Almost all Local Authorities now require all Taximeters to be 'MID' compliant.

Representation(s) on current handbook specification

The 'Licensing Handbook' is still riddled with errors, references to "Worthing" and erroneous provisions (having reviewed our audio copy of the Licensing Committee meeting in January 2017), not resolved by the Committee. There is reference(s) to and the presence of, provisions that are not lawful, as they were not lawfully resolved by the Committee. Therefore, why are they present in the 'Licensing Handbook'. Possible reasons for this are perhaps gross incompetence on the part of the Officers or a 'dereliction of duty' by the Council!? We wonder which?

For ease of reference; our representations and comments with regard to the 'Handbook' follow (within a copy of the handbook) and are contained within "Text Boxes"

such as this,

and are included below the provision(s) to which they relate.



ADUR DISTRICT COUNCIL

**Hackney Carriage & Private Hire
Licensing Handbook**

16 January 2017

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- Amended 19 June 2017

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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.

1.1 Adur is a unique district and as such, the Licensing Provisions and Policies for Taxis should reflect this. They should be based upon and justified by evidence from and of incidents in the Adur District and not designed to meet the requirements or or mitigate the problems of other licensing areas.

- 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 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. It is recognised that a duty of care is owed by the council to all licensed drivers
- 3.4 The Council has responsibility for the licensing of vehicles, drivers and operators within the district of Adur.

3.4 We couldn't agree more, therefore why was a premature review of the Adur 'Licensing Handbook' initiated by members of Worthing Borough Council???

- 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 16 January 2017 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. The Council will accept the first garage inspection report for a new vehicle from the garage where the vehicle is purchased.

4.9 Why is the trade being restricted to Testing Stations within the Adur District? Why not any DVSA Approved 'MOT' Testing Station anywhere? The Council has 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.

4.10 There is no evidence locally of problems with distinguishing or identifying a licensed vehicle from the current signage, which has been in place for many years.

Members of the public locally are familiar with identifying a Hackney Carriage by the light on the roof bearing the word, "TAXI", as opposed to Private Hire vehicles that cannot legally exhibit this word or indeed even the word "Cab". As there is a clear identifiable distinction between Hackney Carriages and Private Hire vehicles locally, we do not consider a vehicle livery (i.e. a defined colour and/or extra marking of vehicles over and above Operators markings/indicators) to be necessary for Hackney Carriages at the present time, in the absence of documented evidence of a local need or any justifying incidents that support and provide evidence for this requirement. We ask for no change.

- 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 discretionary in a licensed vehicle, where fitted 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 A, B, E or F as appropriate to their licence.

4.13/4.14 Our comments and representation(s) on CCTV are contained above within the 'Bullet List'.

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 or if the vehicle is more than 7 years 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 the Driver and Vehicle Standard Agency (DVSA).
- 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 proper 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 in the Shoreham Centre, Commerce Way or Worthing Town Hall. Drivers will be required to pay a fee as approved on the scale of fees.
- 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.

5.24 In 2015, Section 10 of the 'Deregulation Act 2015' made amendments to the 'Local Government (Miscellaneous Provisions) Act 1976'.

We draw the Council's attention to the Government's explanatory notes –

<http://www.legislation.gov.uk/ukpga/2015/20/notes/division/5/10>) thus:

'...Section 10: Taxis and private hire vehicles: duration of licenses

This section amends two sections of the Local Government (Miscellaneous Provisions) Act 1976 that deal with the granting of licences to drive taxis and private hire vehicles and licences to operate private hire vehicles.

Subsection (2) changes the law in such a way as to establish a standard duration of three years for taxi and private hire vehicle driver licences. The section specifies that **a licence may be granted for a period of less than three years but only in the circumstances of an individual case**, not because of a blanket policy.

Subsection (3) changes the law in such a way as to establish a standard duration of five years for a private hire vehicle operator licence. The section specifies that a licence may be granted for a period of less than five years but only in the circumstances of an individual case, not because of a blanket policy...'

Adur District Council is issuing "as standard" (blanket policy) drivers' licenses with a duration of just one year. We believe this to not be in compliance with Section 10 of the Deregulation Act 2015 as articulated by Government in their explanatory notes; '...a licence may be granted for a period of less than three years **but only in the circumstances of an individual case, not because of a blanket policy**...'

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.

5.28 We believe this only to apply to journeys within the Adur District.
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- 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 licence must be made in accordance with the Private Hire 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 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 standard conditions with the exception of:

- Roof sign
- Vehicle colour.

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:
- For the Carriage of not more than 8 passengers with the provision of a seatbelt for each passenger.
 - With the seat provided for each passenger having a minimum width of 405 millimetres (16 inches) measured across its narrowest part.
 - 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.
 - To have windows to the side and rear providing natural light to passenger compartment.

1.1 b) Our comments/representation(s) on this subject are clearly documented within the 'Bullet List' above.

- 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.

1.3 This should **NOT** be at the discretion of the Council or indeed, Officers. It should follow the specified "Safe" payload of passengers declared by the manufacturer at point of test, in respect of their compliance with 'M1 Type Approval' testing of passenger cars throughout Europe, and compliance with the respective 'EC Whole Vehicle Type Approval (ECWVTA) Certificate of Conformity', as a Category M1 vehicle.

The tests certificate rigorous standards of safety and includes all passenger seats and the devices used to secure them, including seatbelts. These safety tests are carried out in relation to the specified "Safe" payload of passengers declared by the manufacturer. Therefore the Council or its Officers should **not** deviate from this as it is safety related. To do so is arbitrary and dangerous!

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.

1.4 a) Our comments/representation(s) on this subject are clearly documented within the 'Bullet List' above.

- 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 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.
- 2.4 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.

- 2.5 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. In the interests of safety and reassurance of passengers, officers are given discretion to determine if the level of tint on passenger windows restricts the view into the passenger compartment of the vehicle. 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.

2.5 Our comments/representation(s) on this subject are clearly documented within the 'Bullet List' above.

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.

3.1 Why only 'side loading' vehicles as opposed to also including, 'rear loading vehicles' as in most other licensing areas. There is no evidence to suggest or support that this practice improves or has improved public safety. It must be borne in mind at this juncture, that almost all ambulances are in fact, 'rear loaders'!

The narrow nature of this chosen WAV vehicle specification by the Council in terms of passenger 'loading' has not assisted in vehicle procurement and has actually previously actively provided a disincentive to the trade to purchase these types of vehicles.

As with all specification(s), they should be agreed with the trade as workable before being offered as policy(s) to the Committee. Sometimes the Council MUST meet the trade 'half way' in order to assist and remove artificial barriers to procurement that are without substance or a basis in fact, as is the case in other areas.

- 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 2.5 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 District 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
- 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.

4.1 We voiced our concerns in 2017, and we repeat those concerns here. Why are roofsigns being changed to a discretionary type chosen by the Council's Officers. What evidence does the Council have that this improves safety? There is no evidence to suggest or support that there is anything wrong with our current 'roof' signage and/or that it has caused any incidents or issues! In some cases the Council is reducing the size of roofsigns on some current Hackney Carriages, this cannot be construed as "Public Safety". Please bear in mind those visually impaired members of the community!

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.

4.2 'Built in roof signs' are included, in the main on Purpose Built Taxis and meet safety standards and approvals, predominantly set under the Metropolitan 'Conditions of Fitness' set by Transport for London. Consequently, we are at a loss as to how the 'Licensing Officer' could be 'dissatisfied' with such signs!

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.

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 that has been 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) Be designed and capable of adequately recording after dark.
- c) 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.

7.1 Our comments and representation(s) on CCTV are contained above within the 'Bullet List'.

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.

1.1 There should be **NO** reference to 'door plates' here as this was NOT resolved by the Committee in 2017, Why is it in the 'Taxi Handbook'? Our comments and representation(s) on 'Repeater Plates' are contained above within the 'Bullet List'.

- 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.

1.4 Interior plates were **agreed by the trade** and resolved by the Committee when the handbook was resolved in 2017. However, for reasons best known to the Council they have never materialised. Why??? This puts the Council in breach of its own 'Taxi Handbook'!

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 during office hours 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 Adur District Council officer or any Police Officer upon request.
- 4.3 If, during the duration 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 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.

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. In the interests of safety and reassurance of passengers, officers are given discretion to determine if the level of tint on passenger windows restricts the view into the passenger compartment of the vehicle. 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.

6.1 Our comments and representation(s) on Tinted Windows are contained above within the 'Bullet List'.

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.

10.1 We would expect the Council to be requiring compliance with 'MID', as per our comments/representation(s) contained above within the 'Bullet List'.

- 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

12.2 E-cigarettes are exempt from smoke-free legislation, but are blanket banned by some businesses and public transport operators. However, the Government's 'Science and Technology Committee' has warned that this makes the safer alternative less attractive. MPs have advised that Train operators, pubs and employers should rethink blanket bans on e-cigarette use which make smokers less likely to quit tobacco products and are not backed by evidence.

In a major report the Commons Science and Technology Committee has warned smokers are dying as a result of misconceptions about the risks of e-cigarettes, and calling for bans to be revoked.

Most public and private organisations have extended bans on smoking in public places to e-cigarettes, despite them being exempt from "smoke-free" legislation and being significantly safer.

However, a large number of entertainment venues within the 'night-time economy' now allow their use.

Taxi passengers do not understand the basis for the current ban in Adur Taxis and 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.

Many drivers are currently using these aids to quit smoking, 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 some other areas.

We would like to see this changed to, "The use of E-Cigarettes and vaporizers is allowed in Taxis when not carrying fare paying passengers. When fare paying passengers are carried, use should at the passenger's discretion and with the driver's permission".

13. 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, when the vehicle is working for public hire.
- 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

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 it's 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 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 manually activated when required by the driver but that in normal circumstances only images are recorded.
 - b) The CCTV system must be designed and capable of adequately recording after dark.
 - c) 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.
 - d) The proprietor must not interfere, or try to interfere, with the workings of the device.
 - e) 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.
 - f) 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.
 - g) The system will automatically overwrite data after 30 days.
 - h) Appropriate signage displayed advising of the use of CCTV.

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.

19.1 a) Our comments and representation(s) on 'Side Loading' are contained earlier and above within the 'Bullet List'.
--

- 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 of 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

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.

3. Our comments and representation(s) on 'Internal Plates' are contained above within the 'Bullet List' and elsewhere in this document.

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.

7.2 a) Unite would be obliged to know which Police Station is actually open and ready to receive 'Lost Property' within the Adur District? This provision is sadly now unworkable.

- 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.

7.2 b) The monetary value for the recoverable fare for returning or "re-delivering" items needs to be updated and increased to a maximum value of say £10.

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.

1.1 b) Our comments/representation(s) on this subject are clearly documented within the 'Bullet List' above.

- 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) 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.

1.3 Our comments/representation(s) on this subject are clearly documented earlier within this document above.

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.

1.4 Our comments/representation(s) on this subject are clearly documented within the 'Bullet List' above.

- 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 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.

1.8 The Councils Garage test must be carried out by an approved MOT testing station within the District or the Councils' Commerce Way Workshops. The Council will accept the first garage inspection compliance report for a new vehicle from the garage where the vehicle is purchased.

1.8 Our comments/representation(s) on this subject are clearly documented earlier within this document above.

- 1.9 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.

1.9 Our comments/representation(s) on this subject are clearly documented within the 'Bullet List' above.

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 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.
- 2.4 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.
- 2.5 The Councils Garage test must be carried out by an approved MOT testing station within the District or at the Councils' Commerce Way Workshops.

2.5 Our comments/representation(s) on this subject are clearly documented earlier within this document above.

- 2.6 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.

2.6 Our comments/representation(s) on this subject are clearly documented within the 'Bullet List' above.

3. Private Hire Vehicles Exempt

- 3.1 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.

4. Advertising on Private Hire Vehicles

- 4.1 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.

5. CCTV Installation in Private Hire Vehicles

- 5.1 When CCTV has been installed in the vehicle with the Council's approval, the following conditions apply to the licence:
- i) 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 manually activated when required by the driver but that in normal circumstances only images are recorded.
 - j) The CCTV system must be designed and capable of adequately recording after dark.
 - k) 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.
 - l) The proprietor must not interfere, or try to interfere, with the workings of the device.
 - m) 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.
 - n) 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.

6. Tinted Windows

- 6.1 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.

6.1 Our comments/representation(s) on this subject are clearly documented within the 'Bullet List' above.

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.

1.4 Our comments/representation(s) on this subject are clearly documented earlier within this document above.

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 during office hours 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 Adur District 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.

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. In the interests of safety and reassurance of passengers, officers are given discretion to determine if the level of tint on passenger windows restricts the view into the passenger compartment of the vehicle. 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.

6.1 Our comments/representation(s) on this subject are clearly documented within the 'Bullet List' above.

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.

10.1 Our comments/representation(s) on this subject are clearly documented earlier within this document above.
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- 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.
- 12.2 E-Cigarettes and other similar must not be used within the licensed vehicle in line with the requirements of other public transport

12.2 Our comments/representation(s) on this subject are clearly documented earlier within this document above.

13. Roof Sign

- 13.1 Each Private Hire vehicle shall display at all times an 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.

13.1 When was it resolved that 'Private Hire' roofsigns should be Yellow, and by who??? The 'industry standard' for these lights is "White" and this was approved by the Council in 2017 – this document is riddled with inaccuracies and errors!

- 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 mini design

13.3 a) The 'industry standard' is "Mini Light" or "Quarter Light"

- b) be 14cm in width x 25cm in length x 11cm in height.
- c) be mounted on the front passenger side (nearside) of the vehicle's roof.
- d) all letters and numbers displayed must be solid black in colour and in Flute B font
- e) the front and rear of the sign should display 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.

13.3 e) It was resolved by the Committee in 2017 that the sign should **only** display the telephone number of the operator, in line with most other areas, except of course – Worthing!!!

- f) 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.
- g) The sign should be situated on the roof on the nearside of the vehicle against the roof gutter towards the front of the vehicle.

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. Garage Certificate

15.1 Upon notification from the council that a council garage test must be carried out, the proprietor must ensure that the vehicle is submitted for a garage test and provide the original certificate of garage test to the council by the date required. Garage test 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 Garage Test from a MOT approved garage in the District of Adur at all times whilst the vehicle is licensed. The Council will accept the first garage inspection report for a new vehicle from where the vehicle is purchased.

15.2 Our comments/representation(s) on this subject are clearly documented earlier within this document above.
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15.3 If a vehicle fails the garage test and the vehicle still has a valid MOT Certificate the vehicle cannot be used as a licensed vehicle until a valid garage test 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. CCTV Installation in Private Hire Vehicles

- 17.1 When CCTV has been installed in the vehicle with the Council's approval, the following conditions apply to the licence:
- 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 manually activated when required by the driver but that in normal circumstances only images are recorded.
 - b) The CCTV system must be designed and capable of adequately recording after dark.
 - c) 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.
 - d) The proprietor must not interfere, or try to interfere, with the workings of the device.
 - e) 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.
 - f) 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.
 - g) The system will automatically overwrite data after 30 days.
 - h) Appropriate signage displayed advising of the use of CCTV.

18. Disability Access

The following conditions will apply to vehicles adapted or carry wheelchairs

- 18.1 Where a vehicle is designed or adapted for the carriage of passengers in a wheelchair, the following conditions shall apply:
- 18.2 Loading of the wheelchair must be undertaken through the side or rear of the vehicle.
- 18.3 Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.
- 18.4 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.
- 18.5 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 or converted.
- 18.6 A suitable restraint must be available for the occupant of a wheelchair at all times and kept in good working order.
- 18.7 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 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 of police officer upon request.

- 18.8 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.
- 18.9 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.
- 18.10 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.
- 18.11 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.

3.5 "Blackened Glass"? This policy should mirror that of Hackney Carriages and Private Hire vehicles as the risk(s) are presumably the same!
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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 all 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.

4.3 What about glassware carried by adult passengers on a day-out!!!??? This would require a bag search by the driver, is unenforceable, unworkable and nonsensical!

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

1.4 What is a 'Certificate of Compliance' in this context?

- MOT
 - Garage Certificate
 - Applicants must pay the appropriate fee before the licence can be issued.
- 1.5 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

3.4 What is a 'Certificate of Compliance' in this context?

- Valid MOT

- 3.5 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.

3.5 Our comments/representation(s) on this subject are clearly documented earlier within this document above.

- 3.6 An external licence plate will be issued and fixed to the rear of the vehicle by the Council
- 3.7 A paper licence will be issued.
- 3.8 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.

4.4 What is a 'Certificate of Compliance' in this context?

- 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 any appointed ‘taxi’ rank. A PHD may not drop-off or pick-up any passenger on 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 80 questions an applicant must achieve 90% correct answers in the road section and 75% in all other sections in order to pass. The test is advanced and requires an excellent knowledge of **Worthing's** streets, roads, closes, courts, terraces, walks, major buildings, pubs, hotels, public buildings, conditions of licence, Highway code, Road signs, Disability awareness, Child Sexual Exploitation, Literacy and Numeracy.

7.2 Quite why an "Adur" driver should be required to have '...an excellent knowledge of Worthing's streets, roads etc...' is perhaps anyone's guess?

We'd expect "Adur" drivers to be tested upon "Adur" and **not** "Worthing"!

Applicants for Hackney Carriage driver licences will need to pass a route test this involves correctly naming all the roads taken on the shortest route between 2 points within the Borough. A pass mark of 8 out of 10 on the routes test is required.

7.3 Private Hire Geographical Knowledge Test

This test consists of 80 questions as above; an applicant must achieve 75% correct answers in each section 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 to be conducted and controlled by Officers of the Council at the Licensing Office. The applicant will be informed of the results from the computer test immediately but the Licensing Office has up to 10 days to inform an applicant of the routes test. Providing all other criteria has been met and there are no outstanding issues, an appointment may be made to arrange the issue of the Licence applied for.

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.

12.8 This does not reflect the Council's policy in current operation by the 'Licensing Office'!
Again, Why???

- 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 makes verbal or physical contact with the driver 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 or clip 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 district of Adur within 48 hours and deposit it with a police officer unless before he/she can do so the owner claims the property.

6. Again, which Police Stations are open in Adur and when?

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.

8. The next working day is unreasonable and a reasonable period of grace should be given, say 7 days, the same as a Police 'producer' (HO/RT 1).

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.

12. Why is the reporting time different from provision 8 above?

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.

15/16. Both of these are already covered by 'Statutory' Legislation. Therefore this is unnecessary over regulation.

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.

2.1/2.2 These are the legal responsibilities of the 'Proprietor', i.e. the holder of the Vehicle Licence. Again, more unnecessary over regulation.

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 of 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.

4.2 This provision needs to be made more specific and correctly worded in order to allow for a passenger who has booked a cab and wishes to ask the driver to book a "return" journey at the point at which the passenger alights. For example, person books a cab by telephone with an operator from home to pub, operator sends vehicle, vehicle picks up passenger and as passenger gets out at pub they say, "Can you book me a cab to go back at 10 o'clock please? This is an established, historical and routine practice and has been in place and acceptable for years. The operator needs to be able to accept such bookings from drivers! We suggest that careful wording can create a requirement for a 'relationship' to a previous (documented) booking.

- 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.

6.7 Technology has rendered this provision obsolete. Most Cab Companies now use computer based data dispatch systems, which encrypt communications. Similarly, all Police and emergency service radio communications are now encrypted. Please remove this as it is outdated and serves no useful purpose.

- 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 total number of vehicles 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.
- 3.5 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
- 3.6 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 5 years free from convictions of this type has elapsed.
- 3.7 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
- 3.8 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. 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. 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 driver 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. 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.

Door Signage

1 message

22 November 2018 at 11:07

To: "taxi.licensing@adur-worthing.gov.uk" <taxi.licensing@adur-worthing.gov.uk>, Elli Cars
<ellicars.worthing@gmail.com>

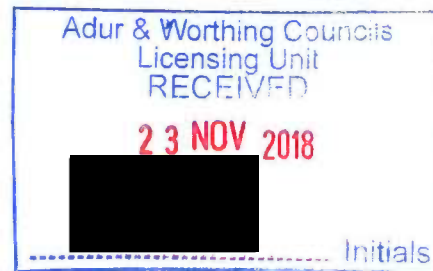
Dear Taxi Licensing Team Adur & Worthing Councils,

22/11/2018

Vehicle Reg: EL10CAB

Plate Number: 2303

Page: 38

Number point: **14 Door Signage**

14.1 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.

I wonder if you would kindly consider giving permission for all Private Hire Vehicles not to display door signs.

As you are aware each vehicle displays already on their roof the name and phone number

of the company working with.

The reason I am raising this issue with you is because these door signs are:

1. Damaging the paint work invertible of each vehicle;
2. When I sell my vehicle I will have to have the vehicle resprayed which will prove very expensive to rectify the damage caused;



3. Many Worthing Private Hire Drivers including myself hold an Operator Licence;
 - a) many Hackney Carriage Drivers work part time with Private Hire Companies;

4. At present this confuses customers which company they have booked with;
 - a) Is the tariff Hackney Carriage rates or Private Hire rates;

For example if my customers have hired Elli Cars for an airport journey it compromises my Company.

Currently displaying Arrow door signs.

Therefore so to avoid the situation arising with the door signage I would appreciate if you would give permission just to allow only the roof signs.

As an alternative to the vinyl door signs please give your consideration to sanction using magnetic door signs.

I look forward to receive your replay at your convenience in writing.

Kind regards,

Elza Francis

Adur Handbook

1 message

Adur & Worthing Councils
Licensing Unit
RECEIVED

26 NOV 2018

26 November 2018 at 11:07

[Redacted]
to: taxi.licensing@adur-worthing.gov.uk

In the forthcoming review of the Adur Handbook, I'd like a consideration given to the Trade who only use their vehicles for contract / school work.

The limousine and funeral cars locally are given special dispensation because they are not picking up the general public or plying for hire.
This is the same use as the School only vehicles.

The PH plate 601 has no need for a meter. It has no need of advertising /phone numbers on the vehicles and obviously no need for a roof light.
We would be able to furnish the licensing office with a copy of the contract to which it is given on an annual basis and of course, mileage recorded on the yearly MOT certificate shows the limited mileage which the vehicle undertakes on such a contract.

We follow the guidelines for presenting the vehicle to the Council and all regulations for safety but this vehicle only requires the identification plate to show this without all other requirements of licensing for public use.

Regards,

[Redacted]

2 attachments

in exercise to carry on that business until he is informed of the decision with regard to his application and, if the decision is adverse, during such further time as is provided under section 11 of this Act.

- 28.—(1) Nothing in this Part of this Act shall—
- (a) apply to a vehicle used for bringing passengers or goods within a controlled district in pursuance of a contract for the hire of the vehicle made outside the district if the vehicle is not made available for hire within the district;
 - (b) apply to a vehicle used only for carrying passengers for hire or reward under a contract for the hire of the vehicle for a period of not less than seven days;
 - (c) apply to a vehicle while it is being used in connection with a funeral or a vehicle used wholly or mainly, by

image1.jpeg
372K

and any conditions and the conditions shall be such as to vary the force with or without modification as decided by the district council after consideration of the objections.

(1) A district council may treat the whole or part of any licence as being in force for the purposes of this Act in any case in which they think it appropriate to do so.

image2.jpeg
362K

29.—(1) Nothing in this Act shall require any person to be equipped with any form of taximeter but no person shall use any vehicle so equipped that he uses it in a controlled district unless such taximeter has been tested and approved by or on behalf of the district council for the district or any other district council by which a vehicle licence is force for the vehicle so taxed.

to continue to carry on that business until he is informed of the decision with regard to his application and, if the decision is adverse, during such further time as is provided under section 77 of this Act.

75.—(1) Nothing in this Part of this Act shall—

- (a) apply to a vehicle used for bringing passengers or goods within a controlled district in pursuance of a contract for the hire of the vehicle made outside the district if the vehicle is not made available for hire within the district ;**
- (b) apply to a vehicle used only for carrying passengers for hire or reward under a contract for the hire of the vehicle for a period of not less than seven days ;**
- (c) apply to a vehicle while it is being used in connection with a funeral or a vehicle used wholly or mainly, by**

**Saving
for certain
vehicles etc.**

than two months after the last specified date, on which the variation shall come into force with or without modification as decided by the district council after consideration of the objections.

(6) A district council may remit the whole or part of any fee chargeable in pursuance of this section for the grant of a licence under section 48 or 55 of this Act in any case in which they think it appropriate to do so.

Taximeters.

71.—(1) Nothing in this Act shall require any private hire vehicle to be equipped with any form of taximeter but no private hire vehicle so equipped shall be used for hire in a controlled district unless such taximeter has been tested and approved by or on behalf of the district council for the district or any other district council by which a vehicle licence in force for the vehicle was issued.

Adur Handbook Consultation from PH042

1 message

23 November 2018 at 13:29

[REDACTED]
To: taxi.licensing@adur-worthing.gov.uk

Dear Teresa.

I'd like the committee who are making decisions on multi seater specifications to be informed of some issues with PH 601.

As you are aware, we purchased this replacement vehicle this year for WSCC school contracts. It is a Peugeot Expert Tepee built to carry 8 passengers.

On ruling from Adur Council, we had to remove one seat from the 2nd row to allow direct access to the third row. This of course now limits our capacity and makes us less competitive than our neighbours.

As a result of this instruction, the vehicle now has a " void " and passengers on row two are unable to brace themselves.

A parent who travels with his child for school made this comment and I quote " if Peugeot design and manufacture this vehicle for 8 passengers having spent millions of pounds on safety and n cap ratings, why would a collective of local residents undermine this and force the vehicle to be altered ? ".

He further posed the question " who would be responsible for an accident caused by creating this void in the bus " ?

I'm sure that you are aware (we informed the council of the make and model prior to presenting for licensing) that we have two full sized rear doors with the ability to open from within should there be a need to remove passengers in an emergency.

If the Adur committee are not willing to move to come together with the arrangements which are in place for Worthing, Lewes and Arun districts then I would hope that the licensing officer is at least given the powers to individually look at the manufacturers design and safety features of any particular multi seater ?

Regards,

[REDACTED]



Appendix E4



Southern Taxis

57 Kings Road.

LANCING

West Sussex.

BN15 8EG

southerntaxi@icloud.com

07740 734255

Adur Handbook Consultation

13/11/2018

Dear Teresa,

We would like to make representation on the following points concerning the Adur Handbook and our reasons for doing so.

1/ We question the need for 2 separate committees to lay down rules for what is, one trade in the Adur / Worthing district.

I believe that given the two Councils combined services over 12 years ago to form a single licensing office and officer for both Worthing and Adur Taxis, we should have a combined Handbook with any exceptions noted (for example, where Worthing has night club, bar trade and the need for CCTV)

Having one committee from the combined elected representatives would save on time, resources and allow for an ongoing proper knowledge of the trade to which they are consulting on.

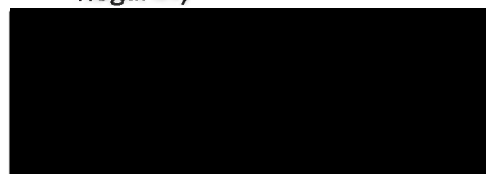
2/ We highlighted the issue of multi seater licencing back in February with letters to Simon Jones and yourself. The reasoning was given that Adur Committee imposed the " removal of a seat to allow ingress for the back row " on safety grounds ?

I would like the committee to be informed that this does not apply for Worthing Taxis, or those in Arun District or Lewes District. Having this restriction leaves the Adur trade without Equal opportunities and fair competition with its neighbours.

Should we therefore assume that on the grounds of public safety, the committee representing the Worthing trade value the safety of the public travelling in Worthing licenced vehicles less ?

For every school contract that we apply for, we are limited by capacity through this " two tier system ".

Regards,

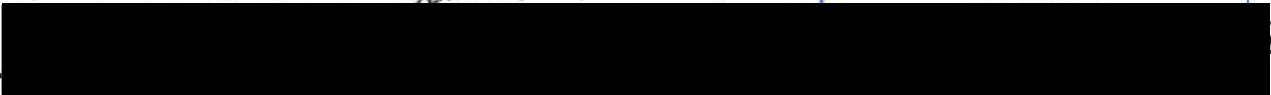


Please provide as much information by using the titles as guidance

Name Mr JEREMY P. LARFIELD

Initials JD
23 NOV 2018

Address..



Appendix	Page Number	Number point on page	Representation
CCTV	8	4.13	<p>THIS SHOULD BE DOWN TO THE DRIVER OF THE CAB, AND BE <u>OPTIONAL</u>. 1 EXPENSIVE TO BUY OR RENT, ADDED COST TO DRIVER. 2 SOME CUSTOMERS DO NOT LIKE BEING FILMED. 3 IN 27 YEARS OF DRIVING A CAB NEVER NEEDED THE BACK UP OF CCTV IN MY CAB, AS CAN SORT OUT PROBLEMS WITH PASSENGERS MYSELF.</p>
	19	5.2	<p>NOT MOVE SIGNAGE ON VEHICLE, AS A REAR PLATE IS SUFFICIENT. A SMALL PLATE IN VEHICLE CAB ON TOP OR NEAR THE METER WOULD BE BETTER, AND NOTICED MORE AS PEOPLE LOOK AT METER. WE USE TO HAVE A SMALL PLATE IN CAB, YEARS AGO. GOOD IDEA AND WORKS.</p>

REAR DOOR SIGNAGE

Continue on additional paper if required

Appendix E6

Fwd: Consultation

1 message

Teresa Bowley <teresa.bowley@adur-worthing.gov.uk>
 To: Taxi Licensing <taxi.licensing@adur-worthing.gov.uk>

28 November 2018 at 11:33



----- Forwarded message -----

From: **Barry Cassidy** [REDACTED]
 Date: Wed, 28 Nov 2018 at 11:05
 Subject: Consultation
 To: Teresa Bowley <teresa.bowley@adur-worthing.gov.uk>

Hi Teresa,

further to your recent letter I should like to make the following suggestions

CCTV

Whilst there are a lot of drivers who work the Brighton area and late at night, perhaps they may feel the need for cameras in the cars, but also there are the people that work purely days and ferry little old ladies to and from their homes, they feel no need for cameras, also there are drivers who purely do corporate and Airport work who's customers would find it an invasion of privacy. I think it should be up to the individual drivers if they want it within their cars, I had CCTV in my first car for two years but had it removed because of cost and not recording properly

Window Tinting

If there is going to be some sort of rule on after manufacture tinting, there should be a written specification so we all know where we stand after all, tinted windows will reduce Ultra Violet rays by up to 90% thereby reducing the risk of cancer, and it will stop those harmful rays ruing the interior of the car, also on hot days tints will reduce the temperature within the car by up to 60% thereby reducing the need for air conditioning, which is better for the environment and a cost saver for the driver , so I would recommend that window tints be allowed up to the manufactures standards which is approx. 15%

Seat Specification

I think the currant rules need to be clarified, as I understand that a private hire vehicle can have a smaller rear seat than a hackney, I think that the council should go with the manufactures recommendations as the number of seats in a particular vehicle, it seems stupid to me that in one authority five people can legally get into a taxi but the next door authority will only allow four passengers in the same vehicle.

The major car manufacturers have been producing safe cars for many years surely it should be up to them to state the number of passengers that can travel in their vehicles

Roof signage

This will always cause confusion between Hackney and private hire, as people do not know the difference, if a car has any sort of roof light people will try and hail it down until there is a challenge to the national law surrounding PH and roof lights, people will still try to hail a pizza delivery service for a ride home

Door Signage

I think all private hire cars should have door signs saying " No booking no ride", Hackneys should be left plain unless the operator / driver wants the name of the firm on the doors

MOT

I think the current rule needs to be addressed, at present Adur cars have to be MOT'd in Adur but Worthing cars have to be done in Worthing, so you will accept a Worthing MOT for a Worthing Car but not for an Adur car, this should be amended to any garage within the Worthing / Adur district

I hope these Ideas / suggestions will be viewed and discussed as a view from not only myself, but from a lot of other drivers who I have spoken to

Kind regards

Barry Cassidy
[REDACTED]

--

Appendix E7

Representation regarding Adur taxi handbook.

1 message

peter murrell [REDACTED]
 [REDACTED] <taxi.licensing@adur-worthing.gov.uk>

Adur & Worthing Councils
 Licensing Unit
 RECEIVED

[REDACTED] Initials

To whom it may concern.

Please find below my representation regarding the Adur taxi handbook and the subjects that you have very broadly outlined for discussion.

- CCTV.

As already stated at the last discussions for this handbook. There is no requirement for compulsory fitting of CCTV in Adur licensed vehicles and no evidence that I am aware of that things have changed in the area to warrant a change in policy or the expense the drivers will incur in installation of these systems. As such I believe the drivers are perfectly capable of deciding for themselves if they would like CCTV and that is how it should remain!!!

- Availability of accessible vehicles.

Having always supported having more WAVs in the area, I recommend that rather than having side OR rear loading WAVs, the handbook should be changed to allow both to be used in Adur district. As both types of vehicle will do broadly the same job, allowing the drivers to decide the type of vehicle they are happiest using, and allowing the wheelchair using public the choice of both would be a very positive action.

- Window tinting.

All factory fitted tints should be perfectly fine for a licensed vehicle. After market tinting should not be allowed. Many window tints provide comfort and U.V protection against harsh sunlight. Once again I query what has changed since this was last bought up in discussion??

- Door signage.

Not required. Vehicles have number plates and Hackney/PH plates already. Agreed to interior plates do not appear to have been implemented. One would have to ask why that is? Suggesting that more plates on a vehicle would be good when you haven't even provided the ones agreed already???

- Vehicle specification.

Once again a very vague subject that is way too broad in its description! Regarding rear seats. I'm curious as to how many of the most popular types of vehicle used for Taxi/PHs you are ruling out by the somewhat ridiculous change you have implemented on individual seat sizes? I have still yet to find a good reason for that change and would recommend that the licensing office seriously consider returning to the old policy of a single measurement across the entire back seat! Never have I seen a more pointless piece of regulation with no true purpose!!!

To finish.

I feel I have to say something about the unrequired monumental waste of time this review is for myself, the committee, and the licensing office, which seems to not have enough time or staff to manage it's day to day running, but has managed to drag all of us through this agenda once again! To say that many of the drivers are frustrated with going through this again so soon after the handbook was first agreed is an understatement and a half!!!

I would very much appreciate an email in return confirming receipt of this representation.

Appendix G

	Taxi licensing type and compliance dates	Emission standard
1.	<p>All new registrations (i.e. vehicles which have not previously been licensed by the Council)</p> <p>From: 1 January 2020</p>	<ul style="list-style-type: none"> • ULEV Petrol Hybrid Euro 5 + • Petrol Euro 5 + (Any vehicle registered from 1st Sept 2009 onwards) • Diesel Euro 6 + (Any vehicle registered from 1st Sept 2014 onwards) <p>(will not apply to existing proprietors whose vehicle is taken off the road due to unforeseen circumstances. Existing licensed vehicles that need to be replaced must be either an equivalent, or an improved euro standard)</p>
2.	<p>All licence renewals (i.e. renewal of a licence for a vehicle which was previously granted by the Council)</p> <p>From: 1 January 2022</p>	<ul style="list-style-type: none"> • ULEV Petrol Hybrid Euro 5+ • Petrol Euro 5 + • Diesel Euro 6 + <p>(including vehicles adapted with a retrofit to an agreed approved standard)</p>
3.	<p>All licence renewals (i.e. renewal of a licence for a vehicle which was previously granted by the Council)</p> <p>From: 31st December 2025</p>	<ul style="list-style-type: none"> • ULEV Petrol Hybrid Euro 5+ • Petrol Euro 6 + • Diesel Euro 6 +
4.	<p>All licence renewals (i.e. renewal of a licence for a vehicle which was previously granted by the Council)</p> <p>From: 31st December 2028</p>	<ul style="list-style-type: none"> • ULEV Petrol Hybrid Euro 5+

+ Includes all vehicles that will meet a higher standard than the euro emission standard specified

ULEV = Ultra Low Emission Vehicle (<75g/km and 10km zero emission capability)

72% Light - 28% Tint



72% Light - 28% Tint



73% Light - 27% Tint



24% Light - 76% Tint



79% Light - 21% Tint



30% Light - 70% Tint



76.3% Light - 23.7% Tint



73.7% Light - 26.3 Tint



82% Light - 18% Tint



79.6% Light 20.4% Tint



Appendix F

Privacy Impact Assessment (PIA) for CCTV within licensed Hackney Carriage & Private Hire Vehicles.

1. Introduction to Privacy

Privacy, in its broadest sense, is about the right of an individual to be left alone. It can take two main forms, and these can be subject to different types of intrusion:

- Physical privacy - the ability of a person to maintain their own physical space or solitude. Intrusion can come in the form of unwelcome searches of a person's home or personal possessions, bodily searches or other interference, acts of surveillance and the taking of biometric information.
- Informational privacy – the ability of a person to control, edit, manage and delete information about themselves and to decide how and to what extent such information is communicated to others. Intrusion can come in the form of collection of excessive personal information, disclosure of personal information without consent and misuse of such information. It can include the collection of information through the surveillance or monitoring of how people act in public or private spaces and through the monitoring of communications whether by post, phone or online and extends to monitoring the records of senders and recipients as well as the content of messages

This assessment is concerned primarily with minimising the risk of informational privacy - the risk of harm through use or misuse of personal information. Some of the ways this risk can arise is through personal information being:

- inaccurate, insufficient or out of date;
- excessive or irrelevant;
- kept for too long;
- disclosed to those who the person it is about does not want to have it;
- used in ways that are unacceptable to or unexpected by the person it is about;
- not kept securely.

2. Identifying the need for a PIA

Adur District Council, as the Licensing Authority, currently requires Hackney Carriages and Private Hire Vehicles are fitted with CCTV. As part of a review of it's Hackney Carriage & Private Hire Handbook the Licensing Authority is undertaking a review of it's Privacy Impact Assessment (PIA) to ensure the initiative is lawful, proportionate, and to ensure that privacy risks are minimised while allowing the aims of the CCTV in licenced Hackney Carriage & Private Hire Vehicles to be met whenever possible. Risks can be identified and addressed at an early stage by analysing how the proposed uses of personal information and technology will work in practice.

As part of the assessment it is necessary to determine who is the 'data controller. The recording and storage of CCTV images is personal data and falls within the Data

Protection Act 2018 (DPA). The DPA defines a “data controller” as the individual or organisation which has ultimate responsibility for how personal data is collected and processed. For the purpose of the installation and operation of in-vehicle CCTV, the council considers that the “data controller” is the Council as it has decided to have a CCTV system installed and operating within the vehicle. The ‘data controller’ is responsible for processing and exercising control over personal information together with how images are stored and how they should be disclosed. Data controllers must ensure that any processing of personal data for which they are responsible complies with the DPA. Failure to do so risks enforcement action, even prosecution, and compensation claims from individuals.

It is important to recognise the purpose for allowing CCTV installation in Adur District Council licensed Private Hire and Hackney Carriage vehicles and the policy is made in accordance with evidence and local requirements.

3. Describing the information flows

Purpose

The implementation of CCTV within licensed vehicles will serve multiple purposes which ultimately will enable the prevention and detection of crime and promote a safe experience for both drivers and the travelling public

The purposes include:-

- The protection of licensed drivers
- The protection of the travelling public
- The protection of contracted support
- To ensure that licensed drivers continue to be ‘fit and proper’ in line with the licensing conditions

The protection of licensed drivers

Information obtained from the last 2 years have terminated 4 taxi licenses being reviewed as a consequence of hearsay evidence. CCTV footage would have allowed the hearing to consider the CCTV evidence and make a more informed assessment before reaching their decision.

Drivers work alone, often at antisocial hours, visiting areas that may be poorly lit or away from safe routes, and could be carrying any amount of cash within the taxi cab. These factors could increase the risk posed to the driver.

Since the implementation of the CCTV in licensed vehicles in 2017 we have been required to access CCTV footage to provide evidence for:-

- Racial abuse of drivers
- Physical assaults
- Misuse of Hackney Carriage Ranks
- Hit and run
- Investigation on inappropriate behaviour of a minor

Fouling in vehicle

The protection of taxi passengers

Licensed vehicles are used extensively to service the late night economy, the period of which extends well beyond the availability of other forms of public transport. Patrons often have little choice but to use licensed vehicles. Some customers may be vulnerable if they have consumed excessive amounts of alcohol, and or, become separated from their friends. Licensed vehicles are often the only option for vulnerable people who have no direct transport links, or who have special transportation requirements.

Without the benefit of CCTV an example of risks identified are evident in the following case studies:-

1. Police often have insufficient information to take a prosecution.
2. Victims do not receive appropriate restitution.
3. Drivers may continue to trade for extended periods; whilst any appeal is determined, potentially placing other vulnerable people at risk.
4. The availability of a more robust evidence base would have, in all likelihood secured a more timely resolution in both cases

CCTV allows the Licensing Authority with strategic partners to work with the trade to signpost people towards vehicles which operate to the highest standards of public safety. The availability of CCTV would increase the fear of sanction and reduce the likelihood of an incident occurring. In the event that a serious incident was to occur, or an allegation be made, then the availability of CCTV enables an evidence based decision to be made, as to whether a crime has been committed, and increase the likelihood of securing an appropriate sanction.

An alternative is to rely on existing controls to safeguard the public and to protect drivers and not to use CCTV.

As the local authority has a statutory requirement to ensure that hackney carriage and private hire driver licences are issued to fit & proper persons and rely on existing control measures which include the requirement for Disclosure & Barring Service (DBS) checks for drivers upon application and then every three years. However, incidents continue to be reported to Sussex Police despite these DBS checks.

The DBS check provides a snapshot at that time of categories such as unspent convictions, depending on whether a basic or enhanced check is undertaken. If an incident occurs after a successful check has been undertaken, this would not necessarily be picked up unless the organisation requested another DBS check to be undertaken.

Where the Licensing Authority receives a complaint or allegation, it currently has no option but to suspend the driver pending an investigation. The implementation of CCTV would provide the Licensing Authority with the means to have a quicker overview of any alleged incident.

What enforcement activity is there?

The Council's Licensing Team carry out periodic enforcement operations in conjunction with other partner agencies e.g. Sussex and Surrey Road Policing Unit,, Fraud Officers,, VOSA Vehicle Examiners, Immigration, and other Licensing Authorities. These enforcement operations include, vehicle maintenance checks, airport checks on vehicles, benefit fraud, road fund and fuel tax evasion, Rights to live and work in the UK.

What these activities cannot take into consideration is the exploitation and trafficking of people, money laundering, inappropriate behaviour and other offences.

Case Studies

Study 1: Driver A was the subject of a serious assault from inside the vehicle. A police investigation was undertaken and Driver A was unable to work due to the injuries and emotional effect of the assault. The police have been able to identify the assailants from the CCTV footage from the licensed vehicle and CCTV evidence will be used in the prosecution of the assailants.

Case 2: Driver B was reported to the licensing office for using taxi rank outside of the district and inappropriate behaviour the driver was given a warning and education was provided.

Case 3: Driver C driving a child to school as part of a West Sussex County Council school contract, the child stripped defecated in the back of the car and then threw and smeared it around the car and at the driver. The use of CCTV proved the misbehaviour of the passenger and the driver acting appropriately with a vulnerable child. This was a safeguarding issue the driver was protected from further investigation and loss of earnings as a result of the footage.

Case 4: Driver D was involved in a collision in his/her licensed vehicle. It was a non-fault collision. CCTV proved that it was a non-fault accident to his insurance company which entitled the licence holder to a temporary vehicle whilst repairs were carried out, this enabled him to carry on working

Other Cases: There have been various incidents where CCTV installation has provided evidence for investigating officers including incidents where:

- Passenger being racially abusive to the driver
- Aggressive passenger refusing to pay
- Assault on driver

Consultation

Existing licensing trade: The Taxi Licensing Team has recently carried out 2

handbook consultations in 2016 and 2018. All licence holders in the hackney carriage

and private hire trades within the District were written to. The Consultation included an

outline of the Licensing Authority's proposed policy, which included the implementation of CCTV.

All responses to a Licensing Consultation are considered and evaluated by the Licensing Authority before a handbook is adopted.

Elected Members: The Taxi Licensing Team has carried out 2 handbook consultations in 2016 and 2018 with all members consulted.

Internal stakeholder: The Taxi Licensing Team has carried out 2 handbook consultations in 2016 and 2018 and relevant officers and the council's legal team were consulted.

External stakeholders: The Taxi Licensing Team has carried out 2 handbook consultations in 2016 and 2018 with external stakeholders and the general public consulted.

Police: The Taxi Licensing Team has carried out 2 handbook consultations in 2016 and 2018. A detailed representation was received supporting the implementation of CCTV on Crime & Disorder and Public Safety Grounds.

4. Identifying the privacy and related risks

Risks to individuals

- Inadequate disclosure controls increase the likelihood of information being shared inappropriately.
- The context in which information is used or disclosed can change over time, leading to it being used for different purposes without people's knowledge.
- New surveillance methods may be an unjustified intrusion on their privacy.
- Measures taken against individuals as a result of collecting information about them might be seen as intrusive.
- The sharing and merging of datasets can allow organisations to collect a much wider set of information than individuals might expect.
- Identifiers might be collected and linked which prevent people from using a service anonymously.
- Vulnerable people may be particularly concerned about the risks of identification or the disclosure of information.
- Collecting information and linking identifiers might mean that an organisation is no longer using information which is safely anonymised.
- Information which is collected and stored unnecessarily, or is not properly managed so that duplicate records are created, presents a greater security risk.

- If a retention period is not established information might be used for longer than necessary.
- Not recording at all times of a journey could impact on the comfort and safety of the passenger

Corporate risks

- Non-compliance DPA or other legislation can lead to sanctions, fines and reputational damage.
- Not recording and an incident occurring could have reputational damage and impact on internal and external investigations
- Problems which are only identified after the project has launched are more likely to require expensive fixes.
- The use of biometric information or potentially intrusive tracking technologies may cause increased concern and cause people to avoid engaging with the organisation.
- Information which is collected and stored unnecessarily, or is not properly managed so that duplicate records are created, is less useful to the business.
- Public distrust about how information is used can damage an organisation's reputation and lead to loss of business.
- Data losses which damage individuals could lead to claims for compensation.

Compliance risks

- Non-compliance with the Data Protection Act 2018
- Non-compliance with human rights legislation.
- Non-compliance with the Privacy and Electronic Communications Regulations (PECR).
- Non-compliance with sector specific legislation or standards.

5. Identifying privacy solutions.

Privacy issue	Risk(s)	Solution(s)	Evaluation
Excessive recording of members of the public in the vehicle	<p>New surveillance methods may be an unjustified intrusion on their privacy.</p> <p>People may be concerned about the risks of identification or disclosure of information.</p> <p>Non-compliance with the DPA or other legislation can lead to sanctions, fines and reputational damage.</p> <p>Public distrust about how information is used can damage an organisation's reputation.</p>	<p>The system will automatically overwrite data after 28 days.</p> <p>Public are using a commercial vehicle which is used for public transport and would be expected to abide by the terms and conditions governing the use of the vehicle.</p> <p>Appropriate signage displayed advising of the use of CCTV.</p>	<p>The individual will be aware that they are using a commercial vehicle which is used for public transport and that they must abide by the terms and conditions governing the use of the vehicle. Signage will advise of the use of CCTV. The system to be installed is to protect the public and as such the recording of the data is not considered to be excessive.</p>
Intrusion from recording of members of the public outside the vehicle.	<p>New surveillance methods may be an unjustified intrusion on their privacy.</p>	<p>There will be limited collateral intrusion outside of the vehicle as the camera will be positioned accordingly.</p> <p>Signage will be displayed on the vehicle which will be visible from the outside.</p>	<p>The cameras will be installed in a way that ensures that there will be minimal 'over spill outside of the vehicle. The risk is considered to be minimal. The measure is considered to be justified, compliant and proportionate on this basis..</p>
Intrusion of recording of taxi drivers whilst working.	<p>New surveillance methods may be an unjustified intrusion on their privacy.</p> <p>If a retention period is not established information might be used for longer than necessary.</p> <p>Non-compliance with the DPA or other legislation. can lead to sanctions, fines and reputational damage</p>	<p>The system has been installed to protect drivers who are using a commercial vehicle.</p> <p>The driver should be operating the vehicle in accordance with the terms and conditions of the Licence.</p> <p>Data is encrypted.</p> <p>Data will only be accessed securely in the event of an incident by approved and restricted staff</p>	<p>Drivers are operating a commercial vehicle, which is used for public transport and must already abide by the terms and conditions of their licence. The data is encrypted and will be overwritten after xx days.</p> <p>The CCTV system is designed to help to protect the welfare and integrity of the drivers.</p>
Intrusion of taxi drivers whilst not working	<p>New surveillance methods may be an unjustified intrusion on their privacy.</p>	<p>A licensed vehicle remains a commercial vehicle, used for public transport 24 hours a day.</p> <p>Data is encrypted.</p> <p>Data will be overwritten</p>	<p>A licensed vehicle remains a commercial vehicle to be used for public transport 24 hours a day. The data is fully encrypted and data would only be accessed in the event of an incident. Only those images related to the incident will be</p>

		after 28 days.	<p>accessed. All other data would be overwritten.</p> <p>There is an option to have on and off switch, put on the system. This would have to be installed in the boot to ensure it would not leave the system open to abuse, which would result in uncontrollable risks.</p>
Storage of data within the vehicle	<p>Should the data be accessed it will display video images of passengers and driver for the previous 28 days(+).</p> <p>Data could be accessed and/or destroyed illegally to inhibit prevention/detection of crime.</p> <p>Data losses which damage individuals could lead to claims for compensation.</p>	<p>The data is stored within a secure unit.</p> <p>The data is encrypted</p>	<p>The data is stored within a secure, encrypted device, that only an appropriate and authorised licensee can access via the CCTV provider where there is a clear and defined purpose</p>
Disposal of data	<p>Unsecure disposal of data could lead to a DPA Breach.</p> <p>If a retention period is not established information might be used for longer than necessary.</p> <p>Non-compliance with the DPA or other legislation can lead to sanctions, fines and reputational damage.</p>	<p>Data will be automatically overwritten after 28 days.</p> <p>Any data accessed and stored for the purposes of detecting crime and disorder will be kept in accordance with existing policies of retention.</p>	<p>The Council and the service have appropriate data retention policies in place. Any data that has not been accessed for the purposes of detecting crime and disorder will be automatically be overwritten within 28 days.</p>
Wilful destruction of The data/unlawful access.	<p>Inadequate disclosure controls increase the likelihood of information being shared inappropriately. Wilful destruction may prevent the detection of</p>	<p>The data is held securely and cannot be accessed directly by the driver. Action can be taken under the conditions of the licence in the event that</p>	<p>The system is held securely and the data is encrypted. Action can be taken under the terms and conditions of the licence.</p>

	<p>Crime.</p> <p>Data not stored or disposed of in line with the Data Protection Act 2018</p> <p>Non-compliance with the DPA or other legislation can lead to sanctions, fines and reputational damage.</p>	<p>anyone attempts to interfere with the system.</p> <p>The council has disciplinary arrangements in the event of any misconduct by a licensee of member or member of staff</p>	
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Background papers

[ICO : A data protection code of practice for surveillance cameras and personal information version 1.2 \(2017\) \(0609\)](#)

[ICO Conducting privacy impact assessments code of practice \(Draft November 2013\)](#)

[SCC : Surveillance Camera Code of Practice \(2013\)](#)