



WORTHING BOROUGH  
**C O U N C I L**

**13 February 2019**

**WBC Licensing & Control Committees A & B Meeting  
13 February 2019**

Council Chamber  
Town Hall, Chapel Road,  
Worthing

**6.30 pm**

**Agenda**

**Date Not Specified**

**ALL MEMBERS OF THE COUNCIL are hereby summoned to attend for the following business:**

**Part A**

**1. Declarations of Interest / Substitute Members**

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

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

**2. Confirmation of Minutes**

To approve the minutes of the Licensing and Control Committee A meeting of held on the 12 December 2019, copies of which have been previously circulated.

**3. Public Question Time**

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

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

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Director for Communities:  
Mary D'Arcy  
Adur & Worthing Councils,  
Town Hall, Chapel Road,  
Worthing, West Sussex, BN11 1HA

**4. Animal Welfare Licensing Policy - The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. (Pages 1 - 34)**

To consider a report by the Director for Communities, copy attached as item 4

**5. Hackney Carriage and Private Hire Licensing Handbook Review (Pages 35 - 194)**

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



Director for Communities

**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:

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WORTHING BOROUGH  
COUNCIL

Licensing Committee  
13 February 2019  
Agenda Item 4

Key Decision [No]

Ward(s) Affected: All

**Animal Welfare Licensing Policy  
The Animal Welfare (Licensing of Activities Involving Animals) (England)  
Regulations 2018.**

**Report by the Director for Communities**

**Executive Summary**

**1. Purpose**

- 1.1 To consider the introduction of an Animal Welfare Licensing Policy (Appendix A) pursuant to requirements under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, Dangerous Wild Animals Act 1976 and the Zoo Licensing Act 1981.

**2. Recommendations**

- 2.1 The Worthing Borough Council Licensing Committee considers the report and recommends that the Council adopts the Animal Welfare Licensing Policy.

**3. Context**

- 3.1 On 1 October 2018, The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 come into force. These regulations replaced a number of pieces of existing legislation set to be repealed at the end of 2018, and will provide a new single licensing regime for a number of animal licensing activities. Selling animals as pets, providing or arranging for the provision of boarding for cats or dogs (including day care), hiring of horses,

breeding of dogs and keeping or training animals for exhibition are activities that need to be licensed under the new regime.

- 3.2 The Animal Welfare Licensing Policy aims to ensure that the authority and prospective licence holders are informed on how the animal licensing regimes will be administered within the borough. The policy has been introduced pursuant to the commencement of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 on 1 October 2018.
- 3.3 Various pieces of legislation exists that gives the Local Authority the power to regulate animal establishments through licensing. These are the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 made under section 13(1) of the Animal Welfare Act 2006, Zoo Licensing Act 1981 and the Dangerous Wild Animals Act 1976.
- 3.4 The Authority will base its licensing regime on the following four principles:
- Responsibility to protect the welfare of all fellow creatures;
  - Ensuring the welfare of domestic or captive animals by implementing appropriate standards that promote the “five needs”;
  - Ensuring that persons responsible for the management of animal welfare observe recognised standards of good practice;
  - Ensuring that, so far as it falls within its powers, the requirements of all animal-related legislation, will be rigorously and pro-actively enforced in line with the enforcement principles within the Public Health & Regulation Enforcement Policy.
- 3.5 The “five needs” referred to above are:
- The need for a suitable environment;
  - The need for a suitable diet;
  - The need to be able to exhibit normal behaviour patterns;
  - Any need to be housed with, or apart from, other animals; and
  - The need to be protected from pain, suffering, injury and disease.
- 3.6 In conjunction with programmed inspections a risk based star rating system has been introduced which ultimately acts as a tool to determine how long a licence may be issued for. The only exception is the activity of “Keeping or Training Animals for Exhibition” where all licences are issued for 3 years. The rating is determined by the animal welfare standards adopted by a business as well as their level of risk, based on elements such as past compliance. The model will be used every time a licence is granted or renewed.

#### **4. Issues for consideration**

- 4.1 The Council adopts the Animal Welfare Licensing Policy. This Council currently does not have an equivalent policy in place.

#### **5. Engagement and Communication**

- 5.1 In developing this policy, the Council has consulted with the persons, businesses and professional bodies as set out in Appendix B. The consultation period was from 16 November 2018 to 31 December 2018.
- 5.2 Two responses to the consultation were received (Appendix C).

#### **6. Financial Implications**

- 6.1 The Head of Wellbeing approved the revised fee charging system in October 2018, in consultation with the relevant Executive Members. Fees are calculated on a cost recovery basis (Appendix D). Applicants and licence holders will also be required to pay vets fees for inspections, where this is required.
- 6.2 Fees payable consist of an application fee and a compliance fee. Both must be paid in total together, and the latter part of the fees will be refunded where an applicant is unsuccessful. Licences will not be issued until the full fee has been paid, including vets fees where applicable.

#### **7. Legal Implications**

- 7.1 The *Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018* provides that an application must be accompanied by a fee set by the Local Authority on a cost recovery basis. Under *Directive 2006/123 art.13(2)* and the *Provision of Services Regulations 2009 reg.18(4)*, the costs of enforcing a licensing system against unlicensed operators can be reflected in licence fees charged by a Local Authority; this was endorsed in the case of *Hemming v WCC (2013)*. DEFRA has circulated draft guidance on fees and charges as a guide for Local Authorities setting animal welfare licence fees under the *Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018*. The Head of Wellbeing has determined the fee, in consultation with the Executive Members for Health and Wellbeing and Environment, and her decision was recorded and published on 23rd October 2018 in decision notice HofW/008/18-19.

- 7.2 The Head of Wellbeing will carry out a review of the animal welfare licensing fees after the first year of operating, and on at least an annual basis thereafter, to assess whether they are appropriate and make any amendments, in consultation with the Executive Member for Resources, as necessary.
- 7.3 The new Regulations should be implemented in accordance with DEFRA guidance and the Worthing Borough Council Enforcement Policy. The impact the new licensing regime places on existing resources will need to be reviewed.
- 7.4 It is likely that there may be a number of appeals against imposed conditions, suspensions or refusals of license applications. To ensure sufficient independence in the decision making process and for there to be appropriate oversight and scrutiny of decisions, appeals should be determined by the Head of Wellbeing or the Public Health and Regulation Manager in consultation with the Chair of the Licensing Committee. (The Scheme of Delegations will be amended to reflect this). In rare situations where a conflict arises, an appeal will be referred to the Licensing Committee for determination. Any appeals against a decision to revoke a licence would be heard by the First Tier Tribunal in accordance with the legislation.
- 7.5 Equality Assessment - The decisions recommended through this paper have a remote relevance to the substance of the Equality Act. There is no perceived impact on end users.
- 7.6 Consultation: There is no specific requirement for formal public consultation as the fee is set on a cost recovery basis in accordance with guidance issued by the Government to accompany the regulations and guidance from the Local Government Association. It is however advisable for the Council to liaise with potentially affected trades on establishing process and practice and the affected trades are being provided with advice and guidance on complying with legal requirements. As per the body of the report a consultation process has been undertaken and the results are annexed to the report.
- 7.7 Failure to act appropriately under the legislation will make the Council non-compliant with legislation and prevent appropriate regulatory action being taken to safeguard the welfare of animals in the Council area.

## **Background Papers**

None.

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## **Sustainability & Risk Assessment**

### **1. Economic**

1.1 The introduction of this policy encourages competition between animal establishments in maintaining good standards in animal welfare practices. The administration of this function is based on cost recovery.

### **2. Social**

#### **2.1 Social Value**

The Star Rating Scheme allows customers to make informed decisions on which animal establishments they may wish to use which in turn may drive up standards on the less well performing establishments.

#### **2.2 Equality Issues**

Matter considered and no issues identified.

#### **2.3 Community Safety Issues (Section 17)**

Matter considered and no issues identified.

#### **2.4 Human Rights Issues**

Matter considered and no issues identified.

### **3. Environmental**

Matter considered and no issues identified.

### **4. Governance**

Matter considered and no issues identified.



WORTHING BOROUGH  
**C O U N C I L**

**The Animal Welfare  
(Licensing of Activities Involving Animals)  
Regulations 2018**

**Draft Licensing Policy Statement**

November 2018

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## Consultees

In developing this policy, the Council has consulted with the following persons, businesses and professional bodies:

All Sussex District, Borough and Unitary Councils  
RSPCA  
Trading Standards  
British Veterinary Association  
Royal College of Veterinary Surgeons  
Defra

This policy supersedes all previous policy decisions relating to the relevant areas made by the Council from the date of this policy being published.

This policy was ratified by Full Council on XX XX XX.



## 1.0 **How to contact us:**

1.1 All correspondence to be sent to [licensing.unit@adur-worthing.gov.uk](mailto:licensing.unit@adur-worthing.gov.uk) or:  
Adur & Worthing Licensing Team,  
Portland House  
44 Richmond Road,  
Worthing,  
BN11 1HS

## 2.0 **Introduction**

2.1 In carrying out its regulatory functions, the local authority will have regard to this policy when making licensing decisions regarding matters relevant to The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, the Dangerous and Wild Animals Act 1976 and the Zoo Licensing Act 1981. Where it is necessary to depart substantially from this policy, clear and compelling reasons will be given for doing so.

2.2 Worthing Borough Council is the licensing authority for the purposes discharging functions in accordance with the above mentioned legislation and is responsible for considering applications and administering a licence regime in respect of activities that are identified as licensable by the Regulations and Acts.

2.3 The Borough of Worthing is situated in the County of West Sussex which contains seven local councils in total. Worthing is a compact urban seaside borough. It is one of the largest towns in West Sussex with a population of around 100,000, covering an area of 3300 hectares. Adur District Council and Worthing Borough Council are served by a single officer structure, but remain separate Authorities.

### 2.4 Minor amendments

Minor changes to policy may be made by officers without consultation. This includes amendment of appendices.

## 3.0 **Aims and Objectives**

3.1 The aim of these guidelines is to ensure that the authority and licence holders (and other relevant persons) are familiar with how the animal licensing regimes will be administered within the district. This policy has been introduced pursuant to the commencement of the Animal Welfare (Licensing of Activities Involving) Animals Regulations on 1 October 2018. It will be reviewed 5 years following first approval, and/or to reflect significant changes in relevant legislation or other relevant policy and practice of the Council.

3.2 Various legislation exists that gives the local district council the power to regulate animal establishments through licensing:

- Dangerous Wild Animals Act 1976
- Zoo Licensing Act 1981
- Animal Welfare (Licensing of Activities Involving Animals (England) Regulations 2018 made under section 13 (1) of the Animal Welfare Act 2006.

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

- 3.3 Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take it into account as appropriate.
- 3.4 In adopting this policy the Council has set out the general approach that it will take when it considers applications under the Acts detailed above. The Council confirms that each application will be considered on its merits. In view of the wide range of premises and applications, the policy cannot set out all the factors which will result in appropriate licensing objectives being achieved.
- 3.5 These Guidelines are set to achieve the objectives of:
- ensuring any person who carries on, attempts to carry on or knowingly allows a licensable activity to be carried on holds a licence in accordance with the Regulations
  - the licence holder is not disqualified from holding a licence in accordance with the requirements of the Regulations,
  - that the five overarching principles of animal welfare, (known as the “five needs”) introduced by the Animal Welfare Act 2006 are upheld in any decision,
  - the safeguarding of any children or vulnerable persons in contact with a licensable activity is ensured
  - each application is considered on its merits
  - that the obligations of the Council’s Public Sector Equality duty under the Equality Act 2010, section 149 are fulfilled by eliminating discrimination, harassment, victimisation and other conduct prohibited by the Act, advancing equality of opportunity and fostering good relations between persons who share and those who do not share protected characteristics.

#### 4.0 **Principles of Licensing**

- 4.1 Existing legislation requires licence conditions to ensure acceptable animal welfare standards. The Animal Welfare Act 2006 introduces five

overarching principles of animal welfare, known as the “five needs” (see 4.3).

4.2 In addition the Council will base its licensing regime on the following four principles:

- a) Responsibility to protect the welfare of all fellow creatures;
- b) Ensuring the welfare of domestic or captive animals by implementing appropriate standards that promote the “five needs”;
- c) Ensuring that persons responsible for the management of animal welfare observe recognised standards of good practice;
- d) Ensuring that, so far as it falls within its powers, the requirements of all animal-related legislation will be rigorously and pro-actively enforced.

4.3 The “five needs” referred to in these Guidelines are:

- a) The need for a suitable environment;  
(by providing an appropriate environment, including shelter and a comfortable resting area)
- b) The need for a suitable diet;  
(by ready access, where appropriate, to fresh water and a diet to maintain full health)
- c) The need to be able to exhibit normal behaviour patterns;  
(by providing sufficient space, proper facilities and the company of an animal of its own kind, where appropriate)
- d) Any need to be housed with, or apart from, other animals; and  
(by providing the company of an animal of its own kind, where appropriate)
- e) The need to be protected from pain, suffering, injury and disease;  
(by prevention or rapid diagnosis and treatment, and ensuring conditions and treatment which avoid mental suffering).

4.4 Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018

Licensing Conditions and Codes of Best Practice

In promoting the principle of best practice detailed in these Guidelines, the Council will set general and specific licence conditions as set out in the relevant statute and accompanying guidance. Reference may also be

made to the codes of best practice and industry standards produced by organisations such as, but not limited to;

- a) Chartered Institute of Environmental Health
- b) Local Government Association
- c) Secretary of State, Dept. for Environment, Food and Rural Affairs
- d) British Veterinary Association
- e) Royal College of Veterinary Surgeons
- f) National Trade Associations

4.5 In promoting the Council's four licensing principles, general and specific conditions, codes of best practise and industry standards will be considered to be a minimum standard and additional conditions required to promote the "five needs" may be imposed as necessary.

4.6 Licence conditions may be reviewed where best practice codes are periodically reviewed to ensure they reflect current best practice. The Council will write to affected licensees advising them of any revised/new condition, giving them a fair and reasonable time to bring their premises and practices up to the required standard.

4.7 In exceptional circumstances, and if permitted by the relevant statute, a provisional licence may be issued where minor improvements need to be made. In these circumstances, the licence holder will be informed in writing of what action must be taken and the date for compliance. If compliance is not achieved by the prescribed date, the licence will be suspended until such time as compliance is achieved.

## **5.0 Licensable Activities**

5.1 On 1 October 2018 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 come into force. These regulations will replace a number of pieces of existing legislation set to be repealed at the end of 2018 and will provide a new single licensing regime for a number of animal licensing activities.

Those undertaking the following activities will need to be licensed under the new regime:

- Selling animals as pets
- Providing or arranging for the provision of boarding for cats or dogs (including day care)
- Hiring out horses
- Breeding dogs
- Keeping or training animals for exhibition

5.2 For avoidance of doubt, the above does not currently apply to Animal Rehoming Centres which are registered with the Charities Commission.

- 5.3 The Regulations replace previous licensing and registration regimes under the following legislation:
- Pet Animals Act 1951
  - Animal Boarding Establishments Act 1963
  - Riding Establishments Acts 1964 & 1970
  - Breeding of Dogs Act 1973 & Breeding and Sale of Dogs (Welfare) Act 1999
  - Performing Animals (Regulation) Act 1925

- 5.4 The Zoo Licensing Act 1981 (as amended) makes provision for the licensing of zoos which members of the public have access for seven days or more within twelve consecutive months, with the objective of the conservation of animals and their welfare.

- 5.5 The Dangerous Wild Animals Act 1976 (as amended) specifies a list of animals that require a licence in order to be kept, to ensure public protection as well as ensuring the health and safety of the species concerned. Information regarding which species require licensing under the Act can be found at **Appendix 1**.

- 5.6 A licence is required where any of the above activities are being carried on in the course of a business, whether the operator makes a sale or carries on the activity with a view to making a profit or earns commission or fee from the activity.

## 6.0 **Applicant Suitability**

- 6.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 and associated government guidance require local authorities to consider several factors before issuing or renewing a licence.

- 6.2 The Council will consider the conduct displayed by the applicant / licence holder to ensure that they meet the “fit and proper” test to carry out the proposed licensable activity and meet the conditions attached to the licence.

- 6.3 The term ‘fit and proper’ is not defined in legislation or guidance. For the purpose of these Guidelines, the Council would consider a ‘fit and proper person’ to be an individual who can demonstrate upon application that they have:

- the right to work in the UK
- no relevant convictions
- not been disqualified from holding a licence
- the knowledge, experience, compliance history and ability to comply with licence conditions and safeguard the welfare of animals in their care

- made suitable management and training arrangements to safeguard and protect any staff and/or members of the public who may be affected by the licence activity.

6.5 In the case of renewals we will consider any information received about the operation over the period of the existing licence, the Council will expect licensees to demonstrate appropriate professional conduct at all times, act with integrity and demonstrate the conduct befitting the trust that is placed on them to operate their premises and care for the animals.

6.6 In assessing this requirement the Council will require all applicants for either new licences or renewals to submit a basic disclosure (DBS) with their application, it must be dated no more than 1 calendar month prior to the application date. This requirement will be extended to other persons, if it is intended that they are in charge of the premises and are not the applicant. (i.e. manager). This disclosure can be obtained via :-

Disclosure and Barring Service.

Website:- <https://www.gov.uk/government/organisations/disclosure-and-barring-service>

Email:- [customerservices@db.s.gsi.gov.uk](mailto:customerservices@db.s.gsi.gov.uk)

Telephone: 0300 020 0190.

Officers will be able to provide further advice if required.

6.7 In determining suitability of an applicant, the authority may also request information from the police or other local authorities. Such requests will be undertaken in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998, which required that local authorities must have regard to the likely effect of the exercise of their functions on, and do all that they can to prevent crime and disorder in their area.

6.8 Schedule 8 of the Regulations is specific in respect of certain convictions, which if held, bar that person from applying for a licence under the regulations. A full list of those offences is contained at **Appendix 2** to this policy.

In reaching a decision on whether or not to issue a licence the Council will consider the inspectors report on the premises and will refuse to grant a licence if it:

- considers the applicant is not capable of meeting the licence conditions
- believes that granting a licence might negatively affect the welfare, health or safety of the animals involved in the activity
- believes the accommodation, staffing or management are inadequate for the animals well-being or for the activity or establishment to be run properly
- is established that the applicant has been disqualified from holding a licence as per Schedule 8 of the regulations.

## 6.9 Dangerous Wild Animals & Zoos

In order to ensure compliance with our duties to ensure that an individual has not been disqualified from holding a licence, upon application the Council:

- Will require the applicant to provide a basic disclosure (DBS) certificate issued within 3 months of the date of application; and
- May request information from Sussex Police under our information sharing agreement about any relevant convictions an applicant may hold.

## 6.10 Qualifications

Where required, applicants will need to possess appropriate specified qualifications.

6.11 In respect of riding establishments, vocational qualifications are regulated by sector skills councils and, for the equestrian industry, the relevant council is LANTRA. LANTRA determines national occupational standards for its industries and ensures that related vocational certified qualifications are relevant and at an appropriate standard.

6.12 Both the British Horse Society (BHS) grant recognised qualifications to suitable candidates, with the BHSAI (or equivalent) generally accepted as being the necessary minimum level. Other relevant qualifications include Equestrian Tourism Qualifications Ride Leader at appropriate level or Equestrian Tourism Qualifications Centre Manager. It is generally held that the certified qualifications should cover a basic standard in practical horse husbandry; so, whilst an applicant may present a theory-based qualification as evidence of suitability, these are not likely to be sufficient evidence of suitability in isolation if they have little practical content.

6.13 Other equine qualifications such as college diplomas and NVQs may be taken into consideration as proving the suitability of an applicant or manager. The following are considered minimal and equivalent to the above qualifications:

- At least an NVQ Level 3 in Horse Care and Management
- At least a BTEC Level 3 National Diplomas in Horse Management offered by Edexcel
- At least a Level 3 National (Advanced National) Certificate in Management of Horses offered by City & Guilds
- At least a British Horse Society Assistant Instructor Certificate (BHSAI);
- British Equestrian Tourism Ride Leader Qualification
- British Equestrian Tourism Riding Holiday Centre Manager Qualification

6.14 The above list is not exhaustive and may grow as other qualifying training courses and examinations become recognised. If the Council is unsure as to an applicant's suitability, it may contact the RCVS Riding

Establishments Subcommittee for advice. Association of British Riding Schools (ABRS) tests are not currently recognised by LANTRA.

6.15 If a new applicant has no recognised qualifications and is relying on practical experience the Council will obtain references to support the application and the Inspector should assess them. A CV will be requested to ascertain previous relevant responsibilities held by the applicant, in addition to a professional reference from a veterinary surgeon or farrier, and the inspector should keep in mind that the object of the Riding Establishments Acts is to ensure adequate minimum standards of management.

6.16 If the management of a riding establishment is to be entrusted to another person by the applicant (such as a manager), the suitability and experience of the manager must also be considered and reported upon.

## 7.0 **Safeguarding**

7.1 The regulations have the aims of maintaining and improving animal welfare standards. However there are other safeguarding considerations arising from licensable activities which the Council has a statutory duty to ensure, in particular surrounding the protection of children and vulnerable persons.

7.2 The Council is aware that some licensable activities may involve unsupervised contact with children and/or vulnerable persons. For example the tuition of a young person provided at a Riding Establishment, or entertaining at a children's party with an exhibition of animals.

7.3 To this extent, the Council would expect applicants and licence holders whose activities involve contact with children or young persons to:

- Have a written safeguarding policy and provide training for staff; and
- Have a procedure for vetting staff who have unsupervised contact with young/vulnerable persons.

## 8.0 **Application Procedures**

### 8.1 New/Renewal Applications

The Application is to be made via the council's published application forms. An additional fee will be required for more than one activity, please see our website for further information on costs.

8.2 Payment for vet inspections where required, will be charged to the applicant.

8.3 Applications must be submitted a minimum of 10 weeks prior to renewal or grant. This is to allow officers time to arrange to consider the application, make enquiries and inspect premises. We will not be able to guarantee



processing applications which have been made outside of this window, or have missing documentation.

- 8.4 Written reminders will be sent out by the Council three months prior to renewal of Licence. This will be sent by email where possible.
- 8.5 An application will only be accepted as a valid application if it is accompanied by the correct fee and any relevant documentation required as per the application form and these guidelines.
- 8.6 The Guidance stipulates that once a local authority receives an application for the grant or renewal of a licence it must take the following steps before granting or renewing a licence:
- The Council must consider whether the conduct displayed by the applicant indicates that they are a fit and proper person to carry out the licensable activity and meet their licence conditions.
  - The Council must inspect the site of the licensable activity and assess if it's likely to meet the licence conditions. The inspection must be completed by a suitably qualified inspector present (as well as a veterinarian for the initial inspection of a dog breeding establishment, or a listed veterinarian for inspections of horse riding establishments). The inspector must prepare a report, in accordance with the requirements of regulation 10 (or in accordance with applicable legislation), to be submitted to the local authority following their inspection.
  - The inspector's report will contain information about the operator, any relevant premises, any relevant records, the condition of any animals and any other relevant matter and state whether or not the inspector considers that the licence conditions will be met.
  - Ensure that the appropriate fees have been paid, these can include fees for the consideration of the application, the reasonable anticipated costs of consideration of a licence holder's compliance with these Regulations, the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator and any fees in relation to the provision of information to the secretary of state.
- 8.7 Once a valid application has been received, an appointment will be booked with the applicant to arrange a risk rating assessment /inspection to be conducted of the premises.

## 9.0 **Standards and Conditions**

### 9.1 Animal Welfare (Licensing of Activities Involving) Animals Regulations

DEFRA has produced mandatory conditions and associated guidance for each licensable activity. These are divided into two categories namely General Conditions (stipulated in Schedule 2) and Specific Conditions from the associated Schedule of the Regulations.

9.2 Applicants/licence holders will need to meet the requirements of all the minimum standards, although minor failings may be noted/recorded providing they do not compromise the welfare of the animals (these should be predominantly administrative in nature).

9.3 In addition each licensable activity (with the exception of the keeping or training animals for exhibition) also stipulates further optional conditions for “Higher Standards”.

9.4 For each activity (except keeping or training animals for exhibition) a number of “higher standards” have been agreed. Meeting the higher standards is optional but is the only way to gain the highest star rating. The higher standards are classified into two categories – required (mandatory) and optional. These will usually be colour coded into blue and red respectively. To qualify as meeting the higher standards the business must achieve all the required (mandatory) standards as well as a minimum of 50% of the optional higher standards.

9.5 Dangerous Wild Animals & Zoos  
The Council will usually impose Defra’s standard conditions, in addition to any premises/animal specific conditions deemed to be required by the Inspecting Officer/Vet.

9.6 Risk Assessment and Rating  
The result of this assessment is translated into a ‘Star Rating System’, which will be used to determine the length of the licence (between one and four years), with the exception of “Keeping or Training Animals for Exhibition” where all licences are issued for three years. Dangerous Wild Animals and Zoos do not require a risk rating.

9.7

**Table 1 – The Scoring Matrix**

Scoring Matrix	Welfare Standards		
	Minor Failings (existing business that are failing to meet minimum standards)	Minimum Standards (as laid down in the schedules and guidance)	Higher Standards (as laid down in the guidance)

Risk	<b>Low Risk</b>	<b>1 Star</b> 1yr licence Min 1 unannounced visit within 12 month period	<b>3 Star</b> 2yr licence Min 1 unannounced visit within 24 month period	<b>5 Star</b> 3yr licence Min 1 unannounced visit within 36 month period
	<b>Higher Risk</b>	<b>1 Star</b> 1yr licence Min 1 unannounced visit within 12 month period	<b>2 Star</b> 1yr licence Min 1 unannounced visit within 12 month period	<b>4 Star</b> 2yr licence Min 1 unannounced visit within 24 month period

## 10.0 Determining Applications

### 10.1 Granting an application

Where a licence is issued the Council will provide the following details:

- the Licence with the Star Rating;
- details of how the business has been rated including a list of the higher standards the business currently fails to meet or a list of the minimum standards the business is failing to meet and resulting in a “minor failing” category;
- a copy of the risk management assessment table;
- details of the appeals process and timescales.

10.2 Any fee(s) required upon the grant of the application must be paid in full prior to the grant of the licence.

### 10.3 Refusing an application

The Council will consider the report from the inspector and any comments made by the applicant when deciding whether to issue a licence.

10.4 The Council must refuse to issue a licence if it considers that the applicant cannot meet the licence conditions, the granting of a licence will have a negative impact on animal welfare or if the level of accommodation, staffing or management is inadequate for the well-being of animals.

10.5 The Council will also refuse an application if it considers that the applicant does not meet the ‘fit and proper person’ test.

10.6 A licence cannot be issued to an operator who is disqualified.

10.7 Any application fees or veterinary inspection fees paid will not be refunded for unsuccessful applications.

10.8 The applicant will have the right of appeal to a First-tier Tribunal within 28 days of the decision notice.

## 11 **Transfer, Variation, Suspension and Revocation**

### 11.1 Transfer of Licence

There is no provision for the transfer of a licence under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

### 11.2 Death of the Licence Holder

If a licence holder dies, the procedure in regulation 12 of the Regulations applies. It allows the personal representative of the deceased to take on the licence provided that they inform the Council within 28 days of the death that they are now the operators of the licensable activity. The licence will then remain in place for three months from the death of the former holder or for the rest of the time it was due to remain in force if that time period is shorter. The new licence holder should then apply for a new licence one month before the expiry of this new period.

11.3 Additionally a local authority can extend the three month period by up to another three months if requested by the representative and if they believe this time is needed to wind up the estate of the former licence holder.

11.4 If the personal representative does not notify the local authority within 28 days of the death of the licence holder the licence will cease to have effect after those 28 days.

### 11.5 Variation, Suspension or Revocation of a Licence

The Licensing authority may vary, suspend or revoke a licence without the consent of the licence holder if:

- (a) The licence conditions are not being complied with,
- (b) There has been a breach of the Regulations,
- (c) Information supplied by the licence holder is false or misleading,  
or
- (d) It is necessary to protect the welfare of an animal.

11.6 Such a suspension, variation or revocation of a licence will normally take effect 7 working days after the decision has been issued to the licence holder unless the reason is to protect the welfare of an animal in which case you may stipulate that the decision has immediate effect.

11.7 The decision to vary or suspend the licence must be notified to the licence holder in writing, explain the reasoning for the decision, and provide information regarding when the suspension, variation or revocation comes into effect and the rights of the licence holder, as well as any specific changes that you deem necessary in order to remedy the situation.

- 11.8 The decision to vary or suspend a license should be dependent on the severity of the situation, if an operator fails to meet administrative conditions or provide information when requested then this could potentially lead to the suspension of a licence if it happens repeatedly. Revocation of a licence should occur in an instance where poor welfare conditions are discovered or it would otherwise benefit the welfare of the animals involved to be removed from the activity. Variations can occur if adjustments need to be made, whether that is to the licence itself or to the premises/animals referred to in the licence.
- 11.9 If it is necessary to protect the welfare of an animal the local authority may specify in the notice that it takes immediate effect.
- 11.10 A local authority notice must be delivered in one of three ways, in person, by leaving or sending it by post to the person's current or last known postal address or by emailing it to the person's current or last known email address.
- 11.11 Following the issuing of the notice the licence holder will then have 7 working days to make written representation. Upon receipt of this you must decide whether to continue with the suspension, variation or revocation of the licence or cancel the decision to make changes to the licence. If the licence has been altered to protect the welfare of an animal then you must indicate that this is the reason and whether the change is still in effect.
- 11.12 The business will not be able to trade once the suspension of a licence has come into effect and cannot do so until the decision is overturned by either the council upon being satisfied that licence conditions are being met or by the First-tier Tribunal who may decide the Council's decision was incorrect.
- 11.13 If a licence is suspended for a significant period of time then the local authority should ensure that the animals are checked on regularly to ensure that the welfare of the animals is maintained.
- 11.14 As with applications the licence holder may appeal to a First-tier Tribunal if they do not agree with the decision made by the Council. This must be done within 28 days of the decision.
- 11.15 Note that if representation is not responded to within 7 working days of receipt then the initial decision the local authority made is deemed to be overturned, this is also the case if a licence which is initially suspended has no further action taken on it within 28 days.

## 12 Rating Scheme

- 12.1 A risk based star rating system has been introduced which ultimately acts as a tool to determine how long a licence may be issued for. The only exception is the activity of “Keeping or Training Animals for Exhibition” where all licences are issued for 3 years. The rating is determined by the animal welfare standards adopted by a business as well as their level of risk, based on elements such as past compliance. The model will be used every time a licence is granted or renewed.
- 12.2 Businesses will be rated from 1 to five stars, based on their risk rating and the results of their inspection (determining if the business meets higher or lower standards). The rating will appear on the licence issued by the local authority.
- 12.3 It is possible for a business to request a re-inspection following improvements being made and an appeal procedure exists against a rating.
- 12.4 To obtain a licence, as a minimum, the business must meet the required minimum standards for the activity/activities applied for. These standards are laid out in the Schedules of The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- 12.5 If an existing business has a number of minor failings with regards to the minimum standards laid down in the schedules and the guidance, they should receive a risk rating score of 1 star. These minor failings should be predominantly administrative or if they are in relation to standards, they must not compromise the welfare of the animals. If animal welfare is being compromised, a licence should not be granted or renewed or, if already in place, should be suspended or revoked.
- 12.6 Further information relating to the rating process can be found in eh procedural guidance for local authorities (see website for further details).
- 12.7 Appeals to star rating  
Businesses have 21 days (including weekend and bank holidays) following the issue of their licence in which to appeal the star rating if they consider the star rating awarded does not reflect the licence history and standards found at the time of inspection.
- 12.8 Any business that has made changes since the inspection and wishes for these to be taken into account should apply for a re-score.
- 12.9 Prior to making an appeal, we encourage applicants to discuss their rating with the inspecting officer should they disagree with it. This will afford the opportunity to explain the process that must be followed and may resolve matters without the business having to lodge an appeal. The business will be provided with the officers’ inspection report which will highlight the inspecting officer’s decision on how the risk rating, compliance level and

star rating has been determined. The business is encouraged to discuss the matter initially with the inspecting officer where possible.

- 12.10 If an applicant wishes to appeal their rating, this should be done in writing by emailing the licensing team (see contact details at section 1.0). The grounds for appeal must clearly be stated (i.e. the reasons why it is felt that the rating has been applied incorrectly).
- 12.11 Businesses should not appeal if they have made improvements to their business and wish for those improvements to be reassessed. This should be achieved by application for a re-inspection.
- 12.12 Appeals will be determined by the Licensing Manager or their appointed deputy, or by an equivalent person in another authority. No officer involved with the inspection or rating will determine an appeal.
- 12.13 A decision will be issued to the applicant for an appeal within 21 days of receipt of the appeal request.
- 12.14 The Council will determine the outcome of an appeal by considering the paperwork associated with the inspection and the past record of the business. In some circumstances, a further visit to the establishment may be required. The appeal process should be transparent. The costs of any additional inspections related to the appeal will be borne by the applicant unless it results in a higher rating being awarded. This will depend on the nature of the dispute and whether a decision can or cannot be made on the basis of the paperwork.
- 12.15 If a business disagrees with the outcome of the appeal, they can challenge the decision by way of judicial review. The business may also make a complaint via the council's corporate complaints procedure if they consider a council service has not been properly delivered.

### 13 **Inspectors**

- 13.1 All inspectors must be suitably qualified. This is defined in the Guidance as:
- Any person holding a Level 3 certificate granted by a body, recognised and regulated by the Office of Qualifications and Examinations Regulation which oversees the training and assessment of persons in inspecting and licensing certain animal activities businesses, confirming the passing of an independent examination. A person is only considered to be qualified to inspect a particular type of activity if their certificate applies to that activity;
  - Any person holding a formal veterinary qualification, as recognised by the Royal College of Veterinary Surgeons ("RCVS"), together with a relevant RCVS continuing professional development record;

- Until October 2021, any person that can show evidence of at least one year of experience in licensing and inspecting animal activities businesses.

## 14 **Inspections**

- 14.1 There will be reasons where inspections must be carried out during the term of a licence.
- 14.2 For the activity of hiring out horses, there is a requirement for an annual inspection by a listed veterinarian, regardless of the total length of the licence. The local authority must appoint a listed veterinarian to inspect the premises on which the activity is being carried on before the end of the first year after the licence is granted and then each subsequent year.
- 14.3 Unannounced inspections can also be carried out and should be used in the case of complaints or other information that suggests licence conditions are not being complied with or that the welfare of the animals involved in a licensed activity is at risk.
- 14.4 During the course of an inspection the inspector may choose to take samples for laboratory testing from the animals on the premises occupied by an operator. The operator must comply with any reasonable request of an inspector to facilitate the identification, examination and sampling of an animal including ensuring that suitable restraints are provided if requested.

## 15 **Enforcement**

- 15.1 The Regulations introduce a range of enforcement powers to allow the Council to issue a suspension, variation or revocation notice where licence conditions are not being complied with; there is a breach of the regulations or issues relating to the protection of the welfare of an animal.
- 15.2 The service of an enforcement notice is subject to a strict process and includes for the provision of the right to representation and appeal.
- 15.3 It is an offence to breach any license condition. It is also an offence not to comply with an inspector's request in the process of taking a sample from an animal. Samples should be as non-invasive as possible however inspectors may deem more invasive samples necessary if there are concerns over the welfare of the animals, the provision for sampling is primarily aimed at veterinarians carrying out inspections and it is not expected that samples be taken by those without the training to properly and safely do so.
- 15.4 It is also an offence to obstruct an inspector who has been appointed by a council to enforce the Regulations. Committing either of these offences could result in an unlimited fine.



- 15.5 Anyone who carries on any of the licensable activities without a licence is liable to imprisonment for a term of up to six months, a fine or both, section 30 of the Animal Welfare Act 2006 allows for local authorities to prosecute for any offences under that Act.
- 15.6 The post-conviction power from section 34 of the Animal Welfare Act 2006 is in place whereby a person convicted of an offence under the Act is disqualified from owning, keeping, participating in the keeping of animals and from being party to an arrangement under which they can control or influence the way an animal is kept, they are also may not transport or deal in animals. Breaching these disqualifications is an offence.
- 15.7 The post-conviction power from section 42 of the Animal Welfare Act is also in place whereby a court can cancel a currently existing licence and disqualify a person from owning a licence for any period it sees fit if that person is convicted of an offence under the Act.
- 15.8 The Council works closely with partners in accordance with a locally established joint enforcement protocol and will aim to promote the welfare of animals and safety of the public.
- 15.9 The main enforcement and compliance role for the council in terms of the Regulations will be to ensure compliance with the conditions placed upon the licence and investigate and take appropriate action on unlicensed premises.
- 15.10 In carrying out its enforcement duties with regards to the inspection of premises and the powers to institute criminal proceedings in respect of certain offences under the Act, the Council's Public Health & Regulation Team has adopted an enforcement policy, which is available on <https://www.adur-worthing.gov.uk/media/media,97402,en.pdf>

## 16 **Information Sharing**

- 16.1 In the interests of protecting public safety, the safety and wellbeing of animals and ensuring fitness and propriety of licence holders the licensing authority will share information with other enforcement agencies including the RSPCA, police and other local authorities. Information may also be shared with internal council departments including community safety, revenues and benefits and planning. The Council may also share information with other local authorities. All information will be exchanged in accordance with relevant statute as the law permits.

## 17 **Fees**

- 17.1 Fees in relation to these schemes are calculated on a cost recovery basis. Applicants and licence holders will also be required to pay vets fees for inspections, where this is required.
- 17.2 Fees payable consist of an application fee and a compliance fee. Both must be paid in total together, and the latter part of the fees will be refunded where an applicant is unsuccessful. Licences will not be issued until the full fee has been paid, including vets fees where applicable.
- 17.3 Applicants for licences under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 that require permission for more than one licensable activity should note that an additional fee will be due. Please see our website for further information.
- 17.4 If the licence is approved, any additional fees required (vet's fees etc.) must be paid before the licence can be granted or renewed. If the licence is not approved, the licensing authority will refund part A of the application fee.

## 18 **Primary Authority**

- 18.1 Primary Authority enables local authorities to improve compliance and build better relationships with big businesses that have branches across a large number of areas whilst supporting local economic growth. Under Primary Authority, a local authority partners with a business or group of businesses to provide them with regulatory advice that other authorities have to respect.
- 18.2 Primary Authority establishes statutory duties for all local authorities when they exercise regulatory functions that are within scope of the scheme in respect of any business that has a primary authority. These duties relate primarily to:
- Following an inspection plan for the business, where one has been issued by the primary authority, and providing any feedback required.
  - Notifying the primary authority of enforcement action in relation to the business.
- 18.3 The Council will consult the secure Primary Authority Register to identify if the business has a partnership in place, and will ensure that their officers have sufficient understanding of the responsibilities of an enforcing authority within Primary Authority.

## **APPENDIX 1 - KINDS OF DANGEROUS WILD ANIMALS REQUIRING A DWA LICENCE**

<i>Scientific name of kind</i>	<i>Common name or names</i>
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### **MAMMALS**

#### **Marsupials**

<b>Family Dasyuridae:</b> The species <i>Sarcophilus lanarius</i> .	The Tasmanian devil.
<b>Family Macropodidae:</b> The species <i>Macropus fuliginosus</i> , <i>Macropus giganteus</i> , <i>Macropus robustus</i> and <i>Macropus rufus</i> .	The western and eastern grey kangaroos, the wallaroo and the red kangaroo.

#### **Primates**

<b>Family Cebidae:</b> All species except those of the genera <i>Aotus</i> , <i>Callicebus</i> and <i>Saimiri</i> .	New-world monkeys (including capuchin, howler, saki, uacari, spider & woolly monkeys). Night monkeys (also known as owl monkeys), titi monkeys and squirrel monkeys are excepted.
<b>Family Cercopithecidae.</b>	Old-world monkeys (including baboons, the drill, colobus monkeys, the gelada, guenons, langurs, leaf monkeys, macaques, the mandrill, mangabeys, the patas and proboscis monkeys and the talapoin).
<b>Family Hominidae:</b> All species except those of the genus <i>Homo</i>	Anthropoid apes; chimpanzees, bonobos, orang-utans and gorillas.
<b>Family Hylobatidae.</b>	Gibbons and Siamangs.
<b>Family Indriidae:</b> All species of the genera <i>Propithecus</i> and <i>Indri</i> ( <i>Avahi laniger</i> is excepted).	Leaping lemurs (including the indri and sifakas). The woolly lemur is excepted.
<b>Family Lemuridae:</b> All species except those of the genus <i>Hapalemur</i> .	Large lemurs. Bamboo or gentle lemurs are excepted.

#### **Edentates**

<b>Family Dasypodidae:</b> The species <i>Priodontes maximus</i> .	The giant armadillo.
<b>Family Myrmecophagidae:</b> The species <i>Myrmecophaga tridactyla</i> .	The giant anteater.

#### **Carnivores**

<b>Family Canidae:</b> Includes all species of the genera <i>Canis</i> , <i>Chrysocyon</i> , <i>Cuon</i> , <i>Lycaon</i> and <i>Speothos</i> except the species <i>Canis familiaris</i> but including <i>Canis familiaris dingo</i> .	Wild dogs, wolves, jackals, maned wolf, bush dog, dhole. The domestic dog (but not the dingo) is excepted.
<b>Family Felidae:</b>	All cats including the bobcat, caracal, cheetah, jaguar, leopard, lion, lynx, ocelot, puma, serval,

All except the species <i>Felis silvestris</i> , <i>Otocolobus manul</i> , <i>Leopardus tigrina</i> , <i>Oncifelis geoffroyi</i> , <i>Oncifelis guigna</i> , <i>Catopuma badia</i> , <i>Felis margarita</i> , <i>Felis nigripes</i> , <i>Prionailurus rubiginosus</i> , <i>Felis silvestris catus</i> . A hybrid the ancestry of which is predominantly <i>Felis silvestris catus</i> and which does not have a kind of animal specified in this column as a parent is also excepted.	tiger. The wild cat, the pallas cat, the little spotted cat, the Geoffroy's cat, the kodkod, the bay cat, the sand cat, the black-footed cat, the rusty-spotted cat and domestic cat are excepted. A hybrid cat whose ancestry comprises predominantly the domestic cat is also excepted provided that neither parent of the hybrid is a species listed in the left hand column.
<b>Family Hyaenidae:</b> All except the species <i>Proteles cristatus</i> .	Hyænas. The aardwolf is excepted.
<b>Family Mustelidae:</b> All species of the genera <i>Amblonyx</i> , <i>Arctonyx</i> , <i>Aonyx</i> , <i>Enhydra</i> , <i>Lontra</i> , <i>Melogale</i> , <i>Mydaus</i> , <i>Pteronura</i> and <i>Taxidea</i> . The genus <i>Lutra</i> except the species <i>Lutra lutra</i> The species <i>Eira barbara</i> , <i>Gulo gulo</i> , <i>Martes pennanti</i> and <i>Mellivora capensis</i> .	Badgers (except the Eurasian badger), otters (the European otter is excepted) and the tayra, wolverine, fisher and ratel (otherwise known as the honey badger).
<b>Family Ursidae:</b> All species including the species <i>Ailuropoda melanoleuca</i> and <i>Ailurus fulgens</i> .	All bears including the giant panda and the red panda.
<b>Family Viverridae:</b> All of the genus <i>Civettictis</i> . All of the genus <i>Viverra</i> including the species <i>Cryptoprocta ferox</i> .	The African, large-spotted, Malay and Indian civets and the fossa.

#### Pinnipedes

<b>Family Odobenidae:</b> All species.	The walrus.
<b>Family Otariidae:</b> All species.	Eared seals.
<b>Family Phocidae:</b> All except the species <i>Phoca vitulina</i> and <i>Halichoerus grypus</i> .	True or earless seals. The common seal (or harbour seal) and grey seal are excepted.

#### Elephants

<b>Family Elephantidae:</b> All species.	Elephants.
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#### Aardvark

<b>Family Orycteropodidae:</b> The species <i>Orycteropus afer</i> .	The aardvark.
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#### Odd-toed ungulates

<b>Family Equidae:</b> All species except <i>Equus asinus</i> and <i>Equus caballus</i> .	Asses, horses and zebras. The donkey and domestic horse are excepted.
<b>Family Rhinocerotidae:</b> All species.	Rhinoceroses.
<b>Family Tapiridae:</b> All species.	Tapirs.

#### Even-toed ungulates

<b>Family Antilocapridae:</b> The species <i>Antilocapra Americana</i> .	The pronghorn.
<b>Family Bovidae:</b> All species except any domestic form of the genera <i>Bos</i> , <i>Bubalus</i> , <i>Capra</i> and <i>Ovis</i> .	Antelopes, bison, buffalo, gazelles, goats and sheep. Domestic cattle, buffalo, goats and sheep are excepted.
<b>Family Camelidae:</b> All species of the genera <i>Camelus</i> .	Camels.
<b>Family Cervidae:</b> All species of the genera <i>Alces</i> and <i>Rangifer</i> , except any domestic form of the species <i>Rangifer tarandus</i> .	The moose or elk and the caribou or reindeer. The domestic reindeer is excepted.
<b>Family Giraffidae:</b> All species	The giraffe and the okapi.
<b>Family Hippopotamidae:</b> All species.	The hippopotamus and the pygmy hippopotamus.
<b>Family Suidae:</b> All species except any domestic form of the species <i>Sus scrofa</i> .	Old-world pigs (including the wild boar and the wart hog). The domestic pig is excepted.
<b>Family Tayassuidae:</b> All species.	New-world pigs (otherwise known as peccaries).

#### Hybrids

Any hybrid of a kind of animal specified in the foregoing provisions of this column where one parent is, or both parents are, of a kind so specified.	Any mammalian hybrids with a parent (or parents) of a specified kind.
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#### BIRDS

##### Cassowaries

<b>Family Casuariidae:</b> All species.	Cassowaries.
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##### Ostrich

<b>Family Struthionidae:</b> All species.	The ostrich.
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#### REPTILES

##### Crocodylians

<b>Family Alligatoridae:</b> All species.	Alligators and caimans.
<b>Family Crocodylidae:</b> All species.	Crocodiles and the false gharial.
<b>Family Gavialidae:</b> All species.	The gharial (otherwise known as the gavial).

##### Lizards and snakes

<b>Family Atractaspididae:</b> All species of the genera <i>Atractaspis</i> . <b>Family Colubridae:</b> All species of the genera <i>Malpolon</i> , <i>Thelotornis</i> . The species <i>Boiga irregularis</i> , <i>Dispholidus typus</i> , <i>Rhabdophis subminiatus</i> ,	Burrowing asps, also known as mole or burrowing vipers and stiletto snakes. Certain rear-fanged venomous snakes, Montpellier snakes, African twig, vine, bird or tree snakes, the boomslang, the red-necked keelback, the yamakagashi (otherwise known
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<i>Rhabdophis tigrinus</i> , <i>Elapomorphus lemniscatus</i> , <i>Philodryas olfersii</i> , <i>Tachymenis peruviana</i> , <i>Xenodon severus</i> .	as the Japanese tiger-snake), the Argentine black-headed snake, the South American green racer, the Peruvian racer, the Amazon false viper.
<b>Family Elapidae:</b> All species. <b>Family Hydrophiidae:</b> All species.	Certain front-fanged venomous snakes including cobras, coral snakes, the desert black snake, kraits, mambas, sea snakes and all Australian poisonous snakes (including the death adders).
<b>Family Helodermatidae:</b> All species.	The gila monster and the (Mexican) beaded lizard.
<b>Family Viperidae:</b> All species.	Certain front-fanged venomous snakes (including adders, the barba amarilla, the bushmaster, the fer-de-lance, moccasins, rattlesnakes and vipers).

## INVERTEBRATES

### Spiders

<b>Family Ctenidae:</b> The genus <i>Phoneutria</i> .	Wandering spiders.
<b>Family Hexathelidae:</b> The genus <i>Atrax</i> .	The Sydney funnel-web spider and its close relatives.
<b>Family Sicariidae:</b> The genus <i>Loxosceles</i> .	Brown recluse spiders (otherwise known as violin spiders).
<b>Family Theridiidae:</b> The genus <i>Latrodectus</i> .	The widow spiders and close relatives.

### Scorpions

<b>Family Buthidae:</b> All species	Buthid scorpions.
<b>Family Hemioscorpiidae:</b> All species of the species <i>Hemiscorpius lepturus</i> .	Middle Eastern thin-tailed scorpion."

## **APPENDIX 2 - Persons who may not apply for a licence**

1. A person who has at any time held a licence which was revoked under regulation 15 of these Regulations.
2. A person who has at any time held a licence which was revoked under regulation 17 of the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014.
3. A person who has at any time held a licence which was revoked under regulation 13 of the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012.
4. A person who is disqualified under section 33 of the Welfare of Animals Act (Northern Ireland) 2011.
5. A person who has at any time held a licence which was revoked under regulation 12 of the Welfare of Racing Greyhounds Regulations 2010.
6. A person who is disqualified under section 34 of the Act.
7. A person who is disqualified under section 40(1) and (2), of the Animal Health and Welfare (Scotland) Act 2006.
8. A person who is disqualified under section 4(1) of the Dangerous Dogs Act 1991.
9. A person who is disqualified under Article 33A of the Dogs (Northern Ireland) Order 1983.
10. A person who is disqualified under section 6(2) of the Dangerous Wild Animals Act 1976 from keeping a dangerous wild animal.
11. A person who is disqualified under section 3(3) of the Breeding of Dogs Act 1973 from keeping a breeding establishment for dogs.
12. A person who is disqualified under section 4(3) of the Riding Establishments Act 1964 from keeping a riding establishment.
13. A person who is disqualified under section 3(3) of the Animal Boarding Establishments Act 1963 from keeping a boarding establishment for animals.
14. A person who is disqualified under section 5(3) of the Pet Animals Act 1951 from keeping a pet shop.
15. A person who is disqualified under section 1(1) of the Protection of Animals (Amendment) Act 1954 from having custody of an animal.
16. A person who is disqualified under section 4(2) of the Performing Animals (Regulation) Act 1925.
17. A person who is disqualified under section 3 of the Protection of Animals Act 1911 from the ownership of an animal.

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**Policy Consultees - Worthing**

All Worthing Councillors

Mike Wall

Sally Drury-Smith

Sgt Tom Carter

All Councils – East & West Sussex

Anvil Vets (Equine Specialists)

Born Free Foundation

British Veterinary Association

Cats Protection League

Defra

Dogs Trust

Grove Lodge Vets

Northdale Vets

Royal College of Veterinary Surgeons

RSPCA

Southdown Vets

The Kennel Club

Trading Standards (West Sussex)

Wadars

Worthing Animal Clinic

A & W Council (GDPR)

A & W Council (Legal)

Sussex Police (Animal Welfare)

Licensing Managers

Council Website for the general public

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Appendix A



WORTHING BOROUGH  
**C O U N C I L**

**Hackney Carriage & Private Hire  
Licensing Handbook**

- Approved 26 September 2016
- Appendix M approved 15 December 2016

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

### **3. Introduction**

- 3.1 The Borough of Worthing is situated in the County of West Sussex which contains seven local councils in total; Worthing is a compact urban seaside borough. It is one of the largest towns in West Sussex with a population of around 100,000, covering an area of 3300 hectares. Worthing Borough Council and Adur District Council are served by a single officer structure but remain separate Authorities.
- 3.2 Worthing Borough 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 borough 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 and dealing with Hackney Carriage & Private Hire matters.
- 3.3 As the Licensing Authority the Council's primary function is protection of the public whilst providing businesses with the relevant licences & permits necessary to carry out a legitimate business. Licensing is the tool used by Government to ensure the safety of the public and enforce standards.
- 3.4 The Council has responsibility for the licensing of vehicles, drivers and operators within the borough of Worthing.
- 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 10 October 2016 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 borough or at the Councils' Commerce Way workshops.

## **Signage & Advertising**

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

## **Security & Closed Circuit Television (CCTV)**

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

## **Application Procedures**

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

## **Consideration of Applications**

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

## **Grant and Renewal of Licences**

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

- 4.18 The Council sends reminder letters to taxi proprietors 4 to 6 weeks before an existing licence expires in order to assist proprietors in their prompt submission of renewal applications, however, the responsibility to ensure renewal applications are submitted on time remains with the proprietor.
- 4.19 The Council will only accept complete applications comprising of all the necessary paperwork. If an application is received late and the licence expires and if the vehicle is more 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 by 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 and any other legislation that 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, usually around October time with any change agreed by the Licensing Committee, and new rates are usually implemented on 1st December each year 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 procedure set out below and accompanied by the relevant supporting document and application fee.

### Criminal Record Checks

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

## **Conditions**

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

## **Licence Duration**

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

## **Operating address**

- 6.14 The Council will only grant an Operator's licence if the applicant proposes to operate from an address within the Borough of Worthing. 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 Borough Council or they may pass bookings on to another licensed operator. When using Hackney Carriages to meet their bookings such vehicles must meet the council's Private Hire Vehicle Licence conditions. Private Hire vehicles that have been licensed outside the district cannot legally work directly for the operator under the Borough 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) The rear bench seat of the vehicle must be a minimum of 1.2 meters (47 inches) measured across its narrowest part of the bench seat all other seats must measure 405 mm or 16 inches.
- c) 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.
- d) Not to be left-hand drive. Right hand drive passenger vehicles offer the driver clearer and safer vision in an overtaking manoeuvre.
- e) To have windows to the side and rear providing natural light to passenger compartment.

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

1.3 Vehicles licensed to carry 5 or more passengers must be fitted with a glass hammer.

1.4 Vehicles licensed to carry 5 or passengers must carry a cargo net to secure luggage.

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

1.6 The vehicle seats must have these specifications:

- a) The rear seat of the vehicle must be a minimum of 1.2 meters (47 inches) with no mouldings restricting the seating capacity. All other seats must measure 405 mm or 16 inches.
- b) The driver's seat fully pushed back there must be a minimum gap of 1.77mm (7 inches) between the front of the rear seat and the back of the front seat and 863 mm (34 inch) gap in height from the lowest part of the seat pad to the roof.
- c) All seats must be fitted with fully operational seat belts.
- 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.

## **2. Age of vehicle**

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

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

### **3. Wheelchair Accessible Vehicles**

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

### **4. Roof signage**

- 4.1 Roof signs must comply with the following criteria. The sign must:
- a) Measure 76cm in width x 15cm in length x 16cm in height.
  - b) Be of "Aero" type design
  - c) Include the Borough Council logo in colour on the left hand side of the front face the sign.
  - d) The logo must measure not less than 13cm in height by 13cm in width.
  - e) Display in the middle of the front face of the sign the following words in the prescribed format:
    - Hackney Carriages the word Taxi
    - Private Hire Vehicles the name of the operator
  - f) The letters comprising the word 'shall be not less than 3cm in height, and the letters comprising the 'word' shall be not more than 7cm in height.
  - g) Include the proprietor's licence number on the right hand side of the front face in numbers measuring not less than 6 cm in height.
  - h) The rear face of the sign there shall be displayed only the telephone number of the operator or proprietor of the vehicle, in digits measuring not less than 9cm in height. The rear face of the sign may be left blank if the operator or proprietor does not wish to display his/her telephone number.
  - i) All letters and numbers displayed must be solid black in colour and be in Flute B font.
  - j) The sign must be white on the front face. The sign may be red or white on the rear face but must be red at the rear when illuminated.
  - k) No words or numbers may be displayed on the sign except as set out above.

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

## **5. Door signage**

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

## **6. Advertising**

- 6.1 One of the standard conditions of licence is that the proprietor may affix advertising if they have first applied for and obtained the Council's permission. The Council will generally require that advertising complies with the following specifications before approval will be given for it to be affixed to the vehicle:
- a) Display screens on the rear of headrests are permitted.
  - b) Advertising may be displayed on the external sides of the rear panels providing the advertisement complies with the following criteria:
    - Purpose-built s (that is London-style black cab vehicles) may advertise inside the vehicle on the base of the occasional seats or along the bulkhead on top of the passenger/ driver partition.
    - Any advertisements shall not exceed 30 inches by 15 inches.
    - Advertisements must be of such a form as not to become easily soiled or detached.
    - Advertisements shall not contain matters relating to alcohol, smoking, or products or services likely to give offence to the public.

## **7. CCTV**

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

## Appendix B

### Hackney Carriage Vehicle Licence Conditions

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

#### 1. Internal and External Licence Plates

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

#### 2. Change of Use

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

#### 3. Vehicle Licence

- 3.1 In the event of loss or damage to any licence the Council must be informed immediately 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 Worthing Borough 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 doors, locks and windows are to be in full working order and in good condition.
- 5.3 All windows are to be kept free of dirt, grime and marks.

#### **6. Tinted Windows**

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

#### **7. Fire Extinguisher and First Aid Kit**

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

#### **8. Accidents**

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

## **9. Luggage storage**

- 9.1 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, regardless whether the vehicle is working for public hire or personal use.
- 13.2 A proprietor must not alter the sign without first applying for and obtaining permission from the Council to do so.
- 13.3 The illumination mechanism of the roof sign shall not be operated during any period for which the vehicle is hired.

### **14. Door Signage**

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

### **15. Pre-Booked Fares**

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

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

### **16. Garage Inspection Report**

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

### **17. Advertising**

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

## **18. CCTV Installation in Hackney Carriage Vehicles**

- 18.1 When CCTV has been installed in the vehicle with the Council's approval, the following conditions apply to the licence:
- a) The 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](http://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 to 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 Borough Council of Worthing with respect to hackney carriages in the Borough.

#### 2. Interpretation

- 2.1. Throughout these byelaws “the Council” means the Borough of Worthing and “the Borough” or “the District” means the Borough of Worthing.
- 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 Borough 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 borough 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 Borough 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 25<sup>th</sup> 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) The rear bench seat of the vehicle must be a minimum of 1.2 meters (47 inches) measured across its narrowest part of the bench seat all other seats must measure 405 mm or 16 inches.
  - c) 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.
  - d) Not to be left-hand drive. Right hand drive passenger vehicles offer the driver clearer and safer vision in an overtaking manoeuvre.
  - e) To have windows to the side and rear providing natural light to passenger compartment.
- 1.2 In the interest of safety each vehicle should have a minimum 4 doors, which are capable of being opened from the inside.
- 1.3 Vehicles licensed to carry 5 or more passengers must be fitted with a glass hammer.
- 1.4 Vehicles licensed to carry 5 or passengers must carry a cargo net to secure luggage.
- 1.5 The passenger carrying capacity will be at the discretion of the Council.
- 1.6 The vehicle seats must have these specifications:
- a) The rear seat of the vehicle must be a minimum of 1.2 meters (47 inches) with no mouldings restricting the seating capacity. all other seats must measure 405 mm or 16 inches.
  - b) The driver's seat fully pushed back there must be a minimum gap of 1.77mm (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.
  - c) All seats must be fitted with fully operational seat belts.
  - 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.
- 1.7 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.
- 1.8 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.
- 1.9 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.
- 1.10 The Council's Garage test must be carried out by an approved MOT testing station within the Borough or the Council's 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.
- 1.11 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 A vehicle will be considered to be in exceptional condition if all of the following apply:
- a) Mileage for the vehicle is no higher than the average mileage that could be expected for a similar vehicle if that vehicle was used solely for social, domestic and pleasure purposes.
  - b) The vehicle passes the Council's vehicle inspection.
  - c) Bodywork is in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips, or rust or any other abrasions that may detract from the overall appearance of the vehicle.
  - d) General paint condition should show no signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.
  - e) Interior trim, panels, seating and carpets and upholstery are in excellent condition, clean and free from damage and discolouration.
  - f) The boot or luggage compartment is in good condition, clean and undamaged.
  - g) Passenger areas are free from damp or any other odours that may cause passenger discomfort.

- h) The vehicle must be in excellent mechanical condition and in all respects safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or body work.
  - i) The vehicle must have a service record to show that it has been properly serviced and maintained in accordance with the manufacturer's service specification. The vehicle 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.
- 2.4 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.
- 2.5 The licensed vehicle shall be not be coloured white or silver or similar unless it is approved by the Council.
- 2.6 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.
- 2.7 The Councils Garage test must be carried out by an approved MOT testing station within the Borough or at the Councils' Commerce Way Workshops.
- 2.8 In the interests of safety and reassurance of passengers, tinted glass or mirrored glass that restricts all view into the passenger compartment will not be accepted on vehicles which are presented for licensing. Where a vehicle is licensed and subsequently the proprietor wants to affix tinting to the windows, one of the standard conditions of licence (see Appendix 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](http://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.
  - o) The system will automatically overwrite data after 30 days.
  - p) Appropriate signage displayed advising of the use of CCTV.

## **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 Worthing Borough 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 doors, locks and windows are to be in full working order and in good condition.
- 5.3 All windows are to be kept free of dirt, grime and marks.

## **6. Tinted Windows**

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

## **7. Fire Extinguisher & First Aid Kit**

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

## **8. Accidents**

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

## **9. Luggage in Estate Cars and Multi-Purpose Vehicles**

- 9.1 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 whilst working a non-illuminated roof sign approved by the Council. The signs will be in white unless authorisation has been approved for roof signs to be a different colours.
- 13.2 A proprietor must not alter the sign without first applying for and obtaining permission from the Council to do so.
- 13.3 The roof light must comply with the following criteria:
  - a) be 'point' type design
  - b) be 14cm in width x 25cm in length x 11cm in height.
  - c) all letters and numbers displayed must be solid black in colour and in Flute B font
  - d) the words 'ADVANCE BOOKINGS ONLY' must be displayed on the front of the sign at the top in letters not less than 2.5cm in height.
  - e) the company name must be displayed underneath in letters not less than 5cm in height.
  - f) the rear of the sign should display only the word 'WORTHING' in letters not less than 2.5cm in height and underneath, the telephone number of the company or

Private Hire operator through whom the vehicle can be booked, displayed in numbers not less than 5cm in height.

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

#### **14. Door Signage**

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

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

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

#### **15. Garage Certificate**

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

15.2 The proprietor must ensure the vehicle has a Certificate of Compliance from a MOT approved garage in the Borough of Worthing, or the Councils' Commerce Way Workshop, at all times whilst the vehicle is licensed.

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

#### **16. Advertising**

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

#### **17. 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](http://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/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 An 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.
- 1.6 Applicants must ensure that they bring the vehicle to the appointment

#### 2. Application Process for Private Hire Vehicle - Licence Renewal

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

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

- 3.1 Applicants must telephone the licensing office to make an appointment to transfer the licence to another vehicle.
- 3.2 Vehicles must comply with the conditions of licence outlined in Appendix D.
- 3.3 Applications for a Private Hire vehicle licence transfer must be submitted on the designated form.

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

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

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

## Appendix I

### Hackney Carriage & Private Hire Driver Licence Procedures

#### 1. Basic Principles

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

#### 2. Driving History

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

#### 3.0 Medical Certificate

- 3.1 A medical must be carried out on the Council's prescribed form by the applicant's own GP. The medical test will be carried out to PSV DVLA Group 2 specification. This medical must be completed to the satisfaction of the Council before a licence can be issued. The Council will only accept a medical certificate produced on the Council's prescribed form. No other form of certificate will be accepted. The Medical Form will be provided at time of application. A medical is required on initial application. Further medicals are required every 5 years from the age 45. Then annually after age 65.

## **5. Photographs**

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

## **6. Driving Standards Test(s)**

- 6.1 Private Hire Driver applicants will be required to pass the Driving Assessment 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 Driving Assessment Taxi/ Private Hire assessment and Driving Assessment Wheelchair Accessibility Test and provide certificated proof of both before the issue of the licence.
- 6.3 Contact details for the Driving Assessment 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 customer service, road signs and 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 Driving assessment 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. The driver shall be clean and tidy in appearance at all times and dressed smartly in long or short sleeved shirt or blouse and long trousers, tailored shorts or skirt. Suitable footwear for driving must be worn.
3. 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.
4. 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.
5. The licensed driver of a vehicle equipped with a taxi meter shall set the meter into operation at the point at which the hirer commences his journey unless the hirer expresses at the time of hiring his desire to engage by time.
6. 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.
7. Where any property is left in the vehicle by a passenger, the licence holder must take it to a police station in the borough of Worthing within 48 hours and deposit it with a police officer unless before he/she can do so the owner claims the property.
8. 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.
9. 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](mailto:taxi.licensing@adur-worthing.gov.uk)). The licence holder must ensure that the notification is delivered to the Council by the next working day.
10. 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:

11. Any change to the licence holder's personal details including home address, contact telephone number or email address.
12. If the licence holder is charged with any criminal offence including any motoring offence.
13. Any convictions or police cautions given for any criminal offence, including any motoring offence.
14. If they change from one Private Hire operator to another.
15. 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.
16. A licensed driver shall not between the hours of 23:30 and 07:00 sound his horn to notify the hirer of his presence.
17. A licensed driver shall not, without the consent of the hirer, convey any other person in the vehicle other than the hirer.
18. A licensed driver shall, if requested by the hirer, provide him or her with a written receipt for the fare paid.
19. A licensed driver must supply on request his badge number or plate number to any person who requires it.
20. 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.
21. 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.
22. 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 borough of Worthing.

- 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](mailto: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](mailto: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 (available on the Council's website at [www.adur-worthing.gov.uk](http://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.
- 4.0 **Drugs**
- 4.1 The Council will take a serious view of convictions for drug related offences.
- a) An application will normally be refused when an applicant has a conviction related to the supply of drugs and the conviction is less than 5 to ten years prior to the date of application. After 5 years have elapsed, consideration will be given if an applicant can provide evidence that they can be considered a 'fit and proper' person.
  - b) In the case of a licensed driver who is convicted of an offence linked to the supply of drugs, the Council may suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 5 years free from convictions of this type has elapsed.
- 4.2 An application will generally be refused where the applicant has more than one conviction relating to the possession of drugs and the last conviction was less than 5 years prior to the date of application.
- 4.3 An application from an applicant who has an isolated conviction for possession of drugs within the last 3 to 5 years will require serious consideration before a decision is made regarding their suitability. The Council may require the applicant to produce additional information in order to satisfy the Council that they are a fit and proper person to be granted a licence.

4.4 The Council will take a serious view of a licensed driver convicted of an offence for possession of drugs. An isolated incident will result in a strict warning about future conduct. More than one conviction for this type of offence in the last 5 years will raise serious doubts about the person's fitness to hold a licence. In such cases, the Council may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will normally be considered until a period of at least 5 years free from convictions has elapsed, and the Council may require that the person submit a medical examination report from their own GP addressing their drug-use problems when they re-apply for a licence.

4.5 See below for offences relating to driving under the influence of drugs and/or alcohol.

#### 5.0 **Sexual and indecency offences**

5.1 Hackney Carriage and Private Hire drivers frequently carry unaccompanied and/or vulnerable passengers. The Council will therefore take a serious view of any convictions for a sexual offence. A licence will not normally be granted if an applicant has more than one conviction for a sexual offence.

5.2 Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:

- Rape
- Assault by penetration
- Sexual offences involving children or vulnerable adults
- Or any similar offences (including attempted or conspiracy to commit offences), or offences which replace the above

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

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

- Sexual assault
- Indecent assault
- Possession of indecent photographs, child pornography etc.
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Or any similar offences (including attempted or conspiracy to commit offences), or offences which replace the above.

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

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

- Indecent exposure
- Soliciting (kerb crawling)
- Or any similar offences (including attempted or conspiracy to commit offences), or offences which replace the above.

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

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

## 6. **Alcohol Related Offences**

### 6.1 With motor vehicle:

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

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

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

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

If a licensed driver is convicted of driving or attempting to 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.

## 9.0 **Offences by licensed drivers, proprietors or operators**

- 9.1 Where a licensed driver is convicted of more than one offence for alcohol-related offence this will raise doubts about the person's fitness to hold a licence. In such cases, the Council may refuse to renew, suspend or revoke the licence. If a licence is revoked, the Council may require a medical examination to be undertaken and a report submitted to the Council to consider as part of a future re-application process.
- 9.2 Any conviction resulting from an offence committed by any person whilst working as a Hackney Carriage or Private Hire driver or operator, or when driving a Hackney Carriage or Private Hire vehicle even if not working as a professional driver, is regarded as extremely serious and may lead to a licence being suspended or revoked or an application to renew the licence being refused.
- 9.3 The Council also regards as extremely serious offences by licensed drivers and operators who commit licensing-related offences, especially the offence of illegally plying for hire, and may lead to a licence being suspended or revoked or an application to renew the licence being refused. Licensing-related offences in this context include any offences contrary to the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 or any breach of licence conditions or byelaws made under the relevant legislation, but especially the offence of illegally plying for hire.
- 9.4 More than one conviction for the above would almost certainly lead to the Council revoking the licence.

## 10.0 **Cautions and Endorsable Fixed Penalties**

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

## Appendix M Revised

### Penalty Points Scheme

#### 1. The Scheme

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



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

## Private Hire

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

All breaches of licence conditions shall attract 5 penalty points.

## Hackney Carriage

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

All breaches of hackney carriage byelaws shall attract 5 penalty points.		
<b>D Conditions of Licence</b>		
All breaches of licence conditions shall attract 5 penalty points.		
<b>Equalities Act 2010</b>		
<b>Section</b>	<b>Offence</b>	<b>Points</b>
168	Refusal to carry a guide, hearing, or other assistance dog in a hackney carriage without a valid certificate of exemption	<b>10</b>
168	Charging an additional cost for the carrying of an assistance dog in a hackney carriage	<b>10</b>
170	Refusal to carry a guide, hearing, or other assistance dog in a private hire vehicle without a valid certificate of exemption	<b>10</b>
170	Charging an additional cost for the carrying of an assistance dog in a private hire vehicle	<b>10</b>
<b>Hackney Carriage and Private Hire Licensing Policy</b>		
<b>Breach of policy requirement</b>		<b>Points</b>
Failure to wear a driver's badge		<b>5</b>
Failure to ensure the safety of passengers		<b>5</b>
Concealing or defacing a vehicle Licence Plate		<b>5</b>
Failure to attend on time for a pre-arranged booking without reasonable cause		<b>5</b>
Conveying a greater number of passengers than permitted		<b>5</b>
Failure to give reasonable assistance with passenger's luggage		<b>5</b>
Private hire vehicle soliciting for hire or accepting a fare that is not pre-booked		<b>5</b>
Operating a vehicle that is not clean and tidy		<b>5</b>
Driving without the consent of the proprietor		<b>5</b>
Drinking or eating in the vehicle whilst carrying passengers		<b>5</b>
Smoking in a licensed vehicle at any time		<b>5</b>
Cause excessive noise from any radio or sound-reproducing equipment		<b>5</b>
Allowing a private hire vehicle to stand in such a position as to suggest that it is plying for hire or using a hackney carriage stand		<b>5</b>
Using a non-hands free mobile telephone whilst driving		<b>10</b>
Failure to advise of a relevant medical condition		<b>5</b>

Failure to provide a receipt for a fare when requested	5
Failure to operate the meter from the commencement of the journey and/or charging more than the fixed charge for hire of hackney carriages	5
Failure to notify the Council of any amendment to the details of a licence within fourteen days	5
Failure to surrender a driver's licence, badge or plate upon request	5
Failure of a licence holder to disclose pending prosecution or convictions within seven days of notification	5
<b>Breach of policy requirement</b>	<b>Points</b>
Failure to take found property to the Police	5
Failure to report an accident within seventy two hours	5
Failure to comply with the requirements for the safe carrying of a Wheelchair	5
Operating a vehicle which is not maintained in a sound and roadworthy condition	5
Failure to carry an approved fire extinguisher	5
Failure to carry an approved first aid kit	5
Operating a vehicle which is not maintained in a clean and/or safe condition internally or externally	5
Modifying a vehicle without the consent of the Council	5
Displaying a sign or advertisement on a licensed vehicle contrary to the Policy requirements or has not been approved by the Council	5
Driving with no insurance or inadequate insurance for the vehicle	10
Failure of a private hire operator to ensure that all vehicles operated by him are adequately insured	5
Any other contravention of the Policy not covered above	5



WORTHING BOROUGH  
COUNCIL

**Hackney Carriage & Private Hire Handbook**

**REVIEW CONSULTATION**

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/>

## **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
- Worthing Borough Council - Licensing Authority
- Home Office Immigration

## **Other Authorities**

- Adur & Worthing Councils – Community Safety & Anti-Social Behaviour Team
- Adur & Worthing Councils – Licensing Team
- Worthing Town Centre Initiative
- Worthing Street Pastors
- Worthing Pubwatch
- Worthing Late Night Partnership
- West Sussex County Council - Community Safety & Wellbeing
- West Sussex County Council – Drug & Alcohol Support

## **WBC Licensing & Control Committee**

- Paul High
- Sean McDonald
- Mike Barrett
- Keith Bickers
- Karen Harman
- Lionel Harman
- Joshua High
- Charles James
- Richard Mulholand
- Louise Murphy
- Jane Sim
- Robert Smytherman
- Paul Westover
- Mark Withers
- Tom Wye
- All Adur & Worthing Councillors via the Members Bulletin

## **WBC 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 Worthing 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
- Regency Corporation
- Driving Miss Daisy
- Proto Restaurant Group
- Tesco
- Co-Op

## **Resident Groups**

- Becket Residents' Association
- Broadwater (Worthing) Community Association
- Charmandean Residents' Association
- Findon Valley Residents' Association (FVRA)
- Goring Residents' Association
- Heene Residents' Association
- High Street Tarring Residents Association
- High Salvington Residents' Association
- South Broadwater Residents' Association

## **Other Stakeholders**

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

- Information Commissioners Office
- Local Government Association
- 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  
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[www.sussex.police.uk](http://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

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**Taxi Handbook Reviews**

1 message

diane guest <dianeguest1@hotmail.co.uk>  
 To: "Taxi.Licensing@adur-worthing.gov.uk" <Taxi.Licensing@adur-worthing.gov.uk>

27 November 2018 at 23:02

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

27 November 2018

To the Adur District Council &amp; 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** [colhig@colhig.co.uk](mailto:colhig@colhig.co.uk) via gmail.com

**29 Nov 2018**

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.



**Comments / Representation(s)  
Worthing Borough Council  
'Taxi Handbook' Review Nov 2018**



Having now taken advice, Unite the Union Worthing (Taxi) member's representation(s) and comments on the Council's review of the Worthing 'Taxi Handbook' follow within this document. Any reference to "Taxi" or "Taxis" is a reference to include all Worthing '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 Worthing;

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 Borough of Worthing. 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. 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 Taxi licensing policies.

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 effect(s) of austerity are being felt by the local Community at large and this is now being felt in turn, by the Worthing 'Taxi' Trade.

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

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

## CCTV

To quote from the Worthing Website; '...There is a compulsory requirement for all Worthing Hackney Carriages & Private Hire vehicles to have CCTV fitted by the end of 2018. The Worthing Licensing & Control Committee having resolved that in the interest of public safety CCTV should be compulsory in all Worthing licensed vehicles...'

In short, the Committee resolved for its installation to be '...in the interest of public safety...'

The law states that the processing of personal data should be necessary for its purpose and proportionate. We do not know of, and our members inform us that they have not been supplied with any documented evidence during the initial 'Consultation at the Local Level', of any justifying incidents from the local (Worthing Borough) area that supported and provided evidence (at the inception of the policy change) that a mandatory CCTV system would be a 'necessary, justified and effective solution'.

Unite (Taxi) members locally question what evidence was used and considered by the Committee in order to properly 'justify' the introduction of a policy for the mandatory installation of CCTV in vehicles at the time?

We are informed by our members locally that no evidence of any incident(s) from the local (Worthing Borough) area was shared or 'consulted upon' with the local trade at the time.

We would have expected this in order to ascertain that the policy was proportionate, necessary in purpose and represented the least restrictive path or alternative available.



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.

We also question whether the Committee took 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. We would be most interested in the specific nature of the, '...problem identified...' by the Council, that required and justified the policy of mandatory CCTV as a proportionate response?

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

Our members do not accept that there is a justified or necessary requirement for the mandatory installation of CCTV in Worthing Taxis, given what we believe is the absence of documented historical problems or complaints. It is disproportionately expensive, intrusive 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.

The mandatory requirement for CCTV is extremely unpopular with our members for a variety of reasons including;

- The disproportionate financial cost (either by purchase or recurring ongoing rental charges) of the installation and upkeep of such systems.
- The detrimental effect on 'the right to' privacy (Article 8 ECHR) of drivers and others.
- Our members believe that they were not adequately and properly consulted 'at the local level' and that the policy was not justified by evidence of being '...a proportionate response to the problem identified...'

In view of the foregoing, our members ask that this Policy be amended to allow the installation of CCTV to be at the proprietor's discretion. However any vehicle so equipped at the proprietor's discretion, shall comply in full with the Council's specification.

### Window Tinting

Unite members question what documented evidence there is from the local area, of incidents, or to support 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 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 Borough of Worthing 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 that the Council has been requiring drivers/proprietors to '...change glass...', due to this unworkable specification. As members can see, this is in polar opposite to the DfT's advice/guidance (above) on this specific matter. Source: DfT!

Many Authorities have recently overturned their previous policy on 'Tinted Windows' and 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 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 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 are 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 manufacturer fitted glass, 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 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".

#### **Commercial Advertising on Rear Windows**

Our members wish the Council to consider allowing commercial advertising (governed by ASA Rules) on the rear windows of licensed vehicles in order to aid in trade revenue in these times of ongoing austerity.

#### **Silver Cars**

Our members wish the Council to consider allowing the use and licensing of "Silver" coloured vehicles as Private Hire vehicles. Any suggestion that a silver vehicle may look like white at night is negated by the required signage on a Private Hire vehicle, together with the differing roof-sign and licence plates. This added to the fact that "Silver" vehicles are in general use by neighboring authorities as licensed vehicles in a variety of roles. Precluding them from licensing in Worthing makes no useful sense and merely cuts down the choice of available vehicle(s) to Private Hire Proprietors when seeking to upgrade or change their vehicle.

#### **Side Loading of Accessibility Vehicles**

The narrow nature of the Wheelchair Accessible Vehicle (WAV) vehicle specification by the Council in terms of the method of passenger 'loading' has 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.

Tel: 01903-262002. 24 Burnham Road  
Worthing  
Date: 22nd Sept 2018. BN13 2NN

COPY

Dear Theresa,

Re. Rear Access Taxis.

Further to our conversation of last Wednesday (12<sup>th</sup> 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

(3)

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

Yours sincerely

Pat Malley (Mrs)



Tel: 01903-262002, 24 Burnham Road  
Worthing  
Date: 21st November 2018. BN13 2NN.

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 (a) "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 Tax is all 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  
Pat Melloy

Re. Rob Melloy, 24 Burnham Rd. BN13 2NN.

## 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 an  
ordinary  
car.*

---

## Hackney carriage and private hire handbook consultations

1 message

Info <info@mssussex.com>

7 November 2018 at 11:18

To: "taxi.licensing@adur-worthing.gov.uk" <taxi.licensing@adur-worthing.gov.uk>

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](http://www.mssussex.com)

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**Wheelchair taxi.**

1 message

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**Patricia Needham** <p.needham@scnh.co.uk>

19 November 2018 at 11:25

To: "taxi.licensing@adur-worthing.gov.uk" <taxi.licensing@adur-worthing.gov.uk>

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

[p.needham@scnh.co.uk](mailto:p.needham@scnh.co.uk)



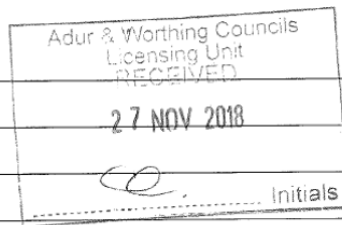
Pentlands Nursing Home

42, Mill Road,

Worthing,

West Sussex,

BN11 5DU



Flat 9 Henshale House

225 Coring Rd

WORTHING

BN12 4PL

26/11/18

RE:- TAXIS STANDARDS.

Refer to above we have a very good taxi services in Worthing the majority of the taxis are of a good standard I notice most have now installed cameras in the vehicles a good thing.

The big problem is accessible vehicles especially for wheel chair users.

Because of the expense of fitting wheelchair accessible vehicles most drivers are unable to buy and refit a vehicle as they are only allowed to charge standard fare for specialist journeys.

It is exceptionally difficult to book a wheelchair accessible taxi for appointments and leisure which puts wheelchair users at a disadvantage when trying to access medical services and confines them to a life indoors when at leisure.

Is there no way these vehicles can be encouraged either with subsidies or being allowed to charge the cost effective fares.

Mr. S. STEPHENS

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

30/11/2018

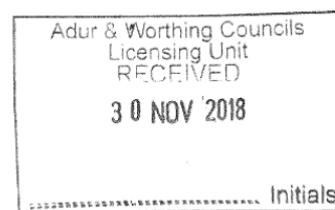
### Summary

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.

#### **b. Worthing**

Under Appendix M, under 'Hackney Carriage' and 'Equalities Act 2010', it states that failure to carry an assistance dog or charging more to carry an assistance dog will result in 10 penalty points. We are pleased to see this offence resulting in the maximum points a driver can receive before their license is reviewed. However, whilst this section refers to the failure of a hackney carriage and a private hire vehicle, due to this sitting under 'Hackney Carriage', it may be missed by private hire vehicle drivers. We therefore recommend including these offences under both 'Hackney Carriage' and 'Private Hire Vehicles'.

Further, there is no reference to prosecution of drivers who refuse a passenger. As mentioned, it is a criminal offence for any operator or driver to refuse to carry assistance dogs. We therefore recommend clearly stating that Worthing Borough 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 Worthing Borough 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 [katherine.copperthwaite@guidedogs.org.uk](mailto:katherine.copperthwaite@guidedogs.org.uk) or 0118 983 8121.**

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**Handbook review**

1 message

**steve** <steveofengland@googlemail.com>  
To: Taxi Licensing <taxi.licensing@adur-worthing.gov.uk>



21 November 2018 at 11:58

Dear licensing

These are my proposals for the alteration of the handbook.

CCTV should be optional.

Worthing has not had a spate of attacks or incidents that Warrants the intrusive nature of CCTV. It is likely to be deemed unlawful and in breach of act 8 of the 98 privacy act according to the ICO. As you saw in the meeting, a lot of drivers are against this and I have provided a petition of nearly 100 drivers. A lot of us feel that we can accept CCTV as long as we can turn it off in our Private Lives.

Also the price is too much. I have sent you a cheaper version but you have not replied to that email.

Advertising should be allowed on the rear window or the rear of the car.

We have had our wages slashed by around £200 a week on average in the last 2 or 3 years, so we feel back window advertising would help pay for any CCTV. Also if CCTV is in a vehicle then the argument for not seeing into the vehicle is irrelevant.

Tinted windows should be tested by a machine. So that the differences in a day times light or someone's Vision is negated. Also if CCTV is in the vehicle then the darkness of Windows is irrelevant.

We should be allowed silver vehicles.

Silver vehicles should be allowed because they are abundant and reasonably priced and we are being discriminated against because of silver being allowed Adur.

The calling in of drivers because they have pointed to our office is ridiculous. Customers are allowed to ask us where our office is, and we have a duty to help the public.

You're punishing drivers for helping the public and the company that they work for. This Petty points system that can be applied to us, is not needed, we are adults, treat us like adults please.

I'll be happy to speak about any of these points to you or a committee in the future.

I really hope you take our suggestions on board. And understand that you are here to protect our job aswell as enforce it.

Regards Steve Powell. Driver rep at Arrow.

Worthing Hackney Carriage and Private Hire Handbook Consultation 2018

Please provide as much information by using the titles as guidance

Name M. A. ROBERTS

Address 79, PALATINE ROAD WORTHING Post Code BN12 6JR

Appendix	Page Number	Number point on page	Representation
			<p style="text-align: center;">AS ATTACHED.</p> <div data-bbox="678 1048 1141 1377" style="border: 1px solid blue; padding: 5px; margin: 20px auto; width: fit-content;"> <p style="font-size: small;">Adm: 2 Worthing Councils Licensing Unit</p> <p style="color: red; font-weight: bold; font-size: small;">26 NOV 2018</p> <p style="font-size: small;">..... Initials</p> <p style="font-size: x-small; margin-left: 20px;">(Handwritten initials)</p> </div>

**Worthing Private Hire Plate 3188**

**Mr M. A. Roberts**

**79 Palatine Road**

**Worthing**

**West Sussex**

**Bn12 6JR**

**To Teresa Bowley**

**C.C**

**Simon Jones**

**Paul High**

**Lionel Herman**

**Sean McDonald**

**I am writing to you to request that I be exempt from the CCTV being installed in my vehicle, which as stated above is W.B.C hire plate 3188.**

**I have been a part time private hire driver and the owner of a sunbed company since 1996.**

**The majority of my work comes from people who hire a sunbed in preparation for their holiday and once the hire is complete a large percentage of them book me to take them to the airport.**

**I have in addition too those above a few customers who are professional business employees which also use my services.**

**I do not advertise for any private hire work at all, my work is all gained through personal contacts.**

**I have been through my personal contacts and advised them that as of December the vehicle is likely to have CCTV in it, To date from the information I have received back from them I currently will definitely loose £6500 worth of business and a possible further £2000, this is due to people feeling uncomfortable about being filmed.**

**The reason for the £6500 loss is that I have a customer whose employer has told them to find another taxi service when the CCTV is installed. This is on the grounds that during their journey they work on their laptops and do not wish to be filmed when working.**

**The others are customers that realise they have a choice and will refuse to get into he car if it has CCTV in it (We hire a private car and that's what it should mean).**



I have been told that if the CCTV is installed I cannot turn it off. So a £6500 loss plus installation gives me a large loss on what is a part time basis.

I personally believe that with the type of work I do there is no need for CCTV in my vehicle.

It was proposed for Adur Borough but due to the type of work that these vehicles carry out and the area that they cover it was deemed un-necessary for the CCTV to be installed.

Due to cross border hiring both Adur and Arun vehicles can be widely seen operating in Worthing.

If I have to have CCTV, the work that I lose will undoubtedly go to either Adur Borough Drive or Arun and this seems grossly unfair as I cannot compete with this.

I have requested that my car has an executive plate but was told that only BMW or Mercedes cars are allowed this and no CCTV has been authorised for these cars as I am aware.

I believe Elite cars have a Skoda Estate which is plated as an executive car with no CCTV required so I ask you how did that get through?

I would also like to mention that a new ruling has been issued and all cars must have the company name stuck on the side of the cars with a contact telephone number, I am now getting phone calls at 1am / 2am from people requesting a taxi which is something that I do not do!

I do not need to advertise my telephone number because as I said my work all comes from personal contacts.

My phone is always on through the night as I do have an elderly mother of 85 years old that lives alone and over 40 miles away, So I am asking that I can remove this from my car?

I look forward to your feedback for which then I can make a business decision regarding how and if my company operates in the future.

Yours Sincerely  
Mike Roberts





Adur & Worthing Councils  
Licensing Unit  
RECEIVED

19 NOV 2018

## Handbook Consultation Representations

1 message

**Daniel Aherne** <danaherne8@googlemail.com>  
To: Taxi Licensing <taxi.licensing@adur-worthing.gov.uk>



19 November 2018 at 11:58

Dear Taxi Licensing,

I am writing to make the following representations regarding the Taxi Handbook Consultation.

First: I have only recently become a taxi driver, as such I have not been able to make any representations to previous consultations. In accordance with the Freedom of Information Act I would like any and all evidence upon which decisions were made regarding the Adur & Worthing Taxi & Private Hire Handbooks.

Second: Appendix A, Section 2, "Age of Vehicle"

In the case of purpose-built taxis, especially electric ones, this timeframe should be twenty years for two reasons. One, they have both better build quality than most cars and less mechanical susceptibility than internal combustion-driven vehicles. Two, at around £60,000, one would be a very long time getting any return on such a significant investment.

Third: Appendix A, Section 7, "CCTV"

I can see no reason for this to be mandatory and request all evidence used in the decision being made. If CCTV is to be used, it is imperative the "authorised persons" able to access footage should include and be limited to the owner of the vehicle and the police. During the meeting we were told CCTV must conform to ICO Standards, I would like to know who determines this requirement and on what grounds.

Fourth: It has come to my attention that the use of rear access wheelchair vehicles is being considered. I must object to this idea, it would be completely impractical due to the amount of space it would take up on the ranks.

In reference to electric vehicles, I am considering financing either a Metrocab or a TX5, however due to the cost I would need written confirmation either would have a Hackney license lifespan of 20 years before I could go ahead.

Whilst emailing I would also remind you I have a completed taxi test form to submit, my contact no. is 07557121549.

Thanks and kind regards,  
Daniel Aherne

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**Handbook**

1 message

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**lisa stanbridge** <lisastanbridge123@hotmail.co.uk>

8 November 2018 at 06:53

To: "taxi.licensing@adur-worthing.gov.uk" &lt;taxi.licensing@adur-worthing.gov.uk&gt;

Dear licensing I hope you are all well.

Thank you for giving us the chance to review our handbook and hopefully make some changes for the better.

First of all I'd like to say I think CCTV should be an optional choice.

I would like to suggest that if we have CCTV, we can have advertising on the back windows or the rear of the vehicle to help pay for CCTV.

I believe the argument against advertising and tinted windows was to do with you couldn't see inside the car from outside but surely the camera system solves that now.

The cost of CCTV is large as you know and I feel that having advertising is good for local business and helps us out as well.

Also I feel that having door signs or a roof light is ok but not both could we have the option to have either?

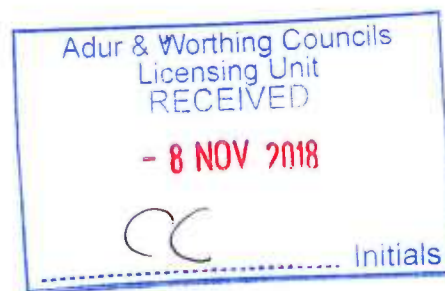
I personally haven't had a problem with my windows being too dark but I understand other drivers have. Is there not a machine that you can have to test these windows?

I can't afford to take time off to come to the meetings. Can we be sent a voting form for ideas in the future?

Thanks

Lisa Stanbridge

Get [Outlook for Android](#)





Richard Holland

Hackney Driver HD5371

26<sup>th</sup> October 2018

To: The Members of Worthing Borough Council Licensing Committee and the Taxi Licencing Team

Subject Matter: Compulsory CCTV

I hereby wish to object to the outrageous imposition and financial cost being foisted upon Worthing Taxi and minicab drivers.

The burden of such an extortionate cost during a period of financial hardship brought on by the constant stream of more and more cabs working our streets is just too great. Only last week one driver was forced to pay £600 to the company that seems to hold a monopoly on this equipment for what is a very basic system, in fear of the licencing team refusing to issue him a licence in the run up to the Christmas period!

The licencing team have constantly stated that we have been given much consultation and that expert witnesses have given their testimony to the benefits of such a system in our area.

Well, sorry, but no! We drivers have been given no formal notification of requirements, dates, or even how to voice an objection until today. I myself, back when this so called handbook update began, emailed in and asked the licencing team for a copy of the said expert witness testimony and to be supplied with proof of his/her qualifications in such a field; needless to say no such documentation has been forthcoming to this day.

I shall be circulation a copy of this letter amongst my fellow hackney drivers and will be urging them to voice their opinions upon this outrageous matter.

Yours sincerely

R HOLLAND





Taxi Licensing &lt;taxi.licensing@adur-worthing.gov.uk&gt;

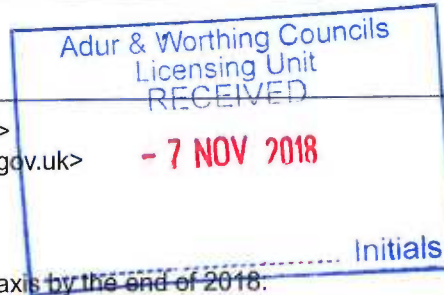
**CCTV Taxi Handbook**

1 message

mikejohnbishop <mikejohnbishop@yahoo.co.uk>  
 To: Taxi Licensing <taxi.licensing@adur-worthing.gov.uk>

7 November 2018 at 11:59

Dear Sir/Madam,

Re the issue of compulsory CCTV in Worthing taxis ~~by the end of 2018.~~

1) The drivers were never consulted regarding this ruling, thus not allowing for any their opinions or objections to be put forward.

2) The issue of the drivers privacy, let alone the passengers, appears not to have been addressed..... Have the council spoken to our fare paying customers and asked for their views?

3) I personally transport nearly all wheelchair and special needs passengers and virtually to a person they are against CCTV being introduced into the taxi, indicating that it will make them feel even more vulnerable.

\* I myself had an incident a few months ago when a passenger decided to walk away from my cab without paying. My phones camera had clear photos of this passenger, I also had their address and this was all given to the Police..... Their emailed reply was, "it wouldn't be a good use of our resources to investigate" & "maybe next time ask for the fare upfront"!

The idea of forcing taxi drivers to pay out around £500 for a CCTV system when you get that sort of response from the Police is laughable!

4) Why are Adur taxi drivers exempt from the CCTV ruling but Worthing drivers are not?  
 Clearly the council can't believe it's an overwhelming necessity for CCTV when they're neighbour is exempt!

5) In your letter dated 15th January 2018, regarding the implementation of CCTV, you state that you intend to introduce it "in the interest of public safety". This strongly infers that you believe Worthing taxi drivers(who are regularly DBS checked) are or could be untrustworthy and/or, a verbal or physical threat to their passengers.

This is insulting at best and possibly actionable!

6) The compulsory CCTV instillation in taxis would result in a tracking of the driver & vehicle 24/7 (even when the vehicle is being driven in the taxi drivers leisure time).

This would be a blatant disregard of the privacy of the taxi driver and their family or friends, who may well be travelling in the vehicle.

7) Putting all the other points to one side for a moment..... The cost of installing such a system will be astronomical to the individual taxi driver(around £500), particularly in view of the increased number of drivers coming into the trade in Worthing & the resultant dilution of work.....There has been a noticeably steady down turn in business over the past few years.

The Licencing Committee needs to look again at the CCTV proposal and try and put themselves in the taxi drivers position and withdrawl the forced implementation of CCTV in taxis!

140 Regards  
 Mike Bishop. HD5065

Worthing Hackney Carriage and Private Hire Handbook Consultation 2018

Please provide as much information by using the titles as guidance

Name GILLIAN MARTON

Address 54 MUIRFIELD ROAD Post Code BN13 2NB

Appendix	Page Number	Number point on page	Representation
		CCTV	<p>I FEEL THAT I DO NOT NEED, OR WANT TO HAVE CCTV FITTED IN MY CAR.</p> <ol style="list-style-type: none"> <li>1. I WORK <u>PART TIME</u> DAYS.</li> <li>2. I AM HOPING TO GET A SCHOOL RUN.</li> <li>3. HAVING SPOKEN TO PARENTS IN THE PAST, NOT ONE SINGLE PARENT IS HAPPY TO HAVE THEIR CHILDREN FILMED.</li> <li>4. I HAVE BEEN A TAXI DRIVER FOR NEARLY 20 YEARS. I HAVE NEVER HAD ANY PROBLEMS.</li> </ol>

Adur & Worthing Councils  
 Licensing Unit  
 RECEIVED  
 21 NOV 2018  
 Ce. Initials

Continue on additional paper if required

Worthing Hackney Carriage and Private Hire Handbook Consultation 2018

Please provide as much information by using the titles as guidance

Name PAUL MARTEN

Address 54 MUIRFIELD ROAD WORTHING Post Code BN14 2NB

Appendix	Page Number	Number point on page	Representation
		CCTV	<p>I DONT FEEL THE NEED FOR CCTV. AS I HAVE BEEN A LICENCED TAXI DRIVER IN WORTHING FOR OVER THIRTY YEARS. NEVER ONCE IN ALL MY DRIVING HAVE I EVER FELT UNSAFE. I HAVE DONE DAY, NIGHT AND OVERNIGHT DRIVING. I FIRMLY BELIVE IT'S HOW YOU DEAL WITH THE SITUATION THAT WOULD RESULT IN A SITUATION BEING SORTED.</p> <p>I ONLY DRIVE ON DAYS NOW SO KNOW MOST OF MY CUSTOMERS EVEN THE ONES THAT <del>REGULARLY</del> GO TO THE PUBS REGULARLY. I DO AIRPORTS AND HOPE TO DO SCHOOL RUNS ONLY.</p> <p>TO HAVE CCTV FITTED WOULD BE AN EXTRA EXPENCE FOR ME AND COMMITMENT OF FUTURE EXPENCE (AS YOU HAVE TO SIGN UP FOR THREE YEAR CONTRACT)</p> <p>ADUR CARS DO NOT HAVE TO HAVE CCTV. AND THERE ARE LESS RESTRICTIONS PTO</p>

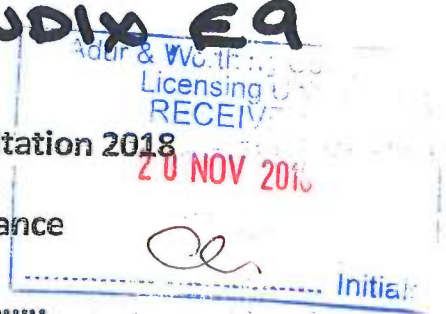
Adur & Worthing Councils  
Licensing Unit  
RECEIVED  
2.1 NOV 2018  
CC. Initials

Continue on additional paper if required

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ON THEIR CARS. IT SHOULD BE ONE RULE  
FOR ALL. AFTER ALL IT IS ADUR AND WORTHING  
BOROUGH COUNCIL.





## Worthing Hackney Carriage and Private Hire Handbook Consultation 2018

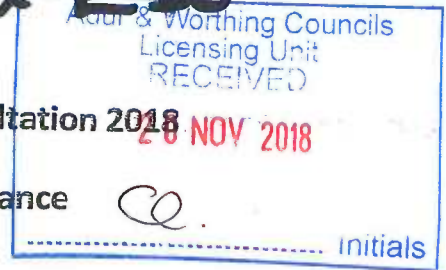
Please provide as much information by using the titles as guidance

Name Jane Enticknap - Hawkins

Address 74 Willow Crescent, Durrington Post Code BN13 2SY

Appendix	Page Number	Number point on page	Representation
F	38	17	<p>I am a single mother of two children of school ages and my time at work is limited, therefore, for myself CCTV cameras being installed would not be a viable cost. I only work doing corporate and private airport and long distance of 97% customers that I already know.</p> <p>Why does one size have to fit all?</p> <ul style="list-style-type: none"> <li>• I am exempt from a Radio</li> <li>• I am exempt from a Pda</li> <li>• I work for myself and if that changes to town work I have to notify Worthing Borough Council</li> </ul> <p>Therefore I could also be exempt from CCTV installation.</p>





Worthing Hackney Carriage and Private Hire Handbook Consultation 2018

Please provide as much information by using the titles as guidance

Name R. D. FENTICKNAP

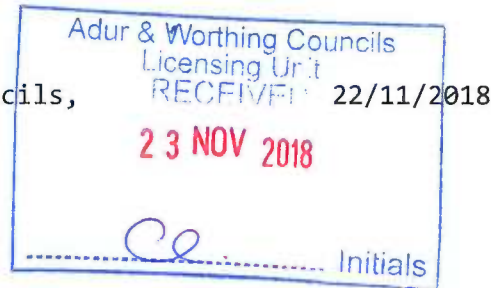
Address 14, HUDSON CLOSE, DURRINGTON, WORTHING Post Code BN13 2SS

Appendix	Page Number	Number point on page	Representation
F	38	17	<p>I am sixty six years old and I am semi retired. The only work I do these days is Airports and out of town long distance runs. This amounts to between 8-10 jobs a week.</p> <p>With this in mind and the fact that I know all of my customers I don't see the need for. c.e.t.v. cameras in my minibus and the customers don't either.</p> <p>Also it would not be financially viable for me with the cost of having it fitted is £500 if I buy it and £250 per year if I rent it and I have to sign a contract for three years. There is no way I can recoupe this money by price increase as there are other people working in the area under different licensing councils who don't have this expense.</p> <p>A good reason for exemption would be</p> <ol style="list-style-type: none"> <li>① I don't have a meter fitted</li> <li>② I don't have a two way radio or a P.D.A. system</li> </ol>

Dear Taxi Licensing Team Adur & Worthing Councils,

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 fulfillment 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

**Worthing Hackney and Private Hire Handbook**

1 message

**Glen Harris** <glen.scp@gmail.com>

12 November 2018 at 16:05

To: Taxi Licensing &lt;taxi.licensing@adur-worthing.gov.uk&gt;, Glen Harris &lt;glen.scp@gmail.com&gt;

Good afternoon,

I would like to bring to your attention the subject of taxi meter clock settings for use in Private Hire Vehicles.

A number of my colleagues have brought to my attention that, when presenting their vehicle for re-plate and or new plate, they have had to go to the Taxi Meter supplier (in most cases in Lewis) and have their clocks adjusted to show the correct time on the meter.

This is in my opinion, unnecessary and costly for private hire drivers.

When we (Private Hire drivers) change our "rate" setting to an applicable different "rate" we do not use the meter's clock setting to change the rate. To my knowledge all private hire taxi meters are not programmed to change the tariff rate in line with the inbuilt clock and calendar.

We change the tariff rate by our watches or clocks in our cars or on our phone, the operation is totally manual and down to the driver to change the tariff rate.

By sending the driver all the way over to Lewis to change the inbuilt clock time setting, and pay for this service is a waste of time and money.

Could you please look at this requirement, and review whether it is necessary.

Best Regards

Glen Harris

PD7001



**APPENDIX E13****From Janet Jacks (Worthing) PD7067 Ref: Recent handbook consultation.**

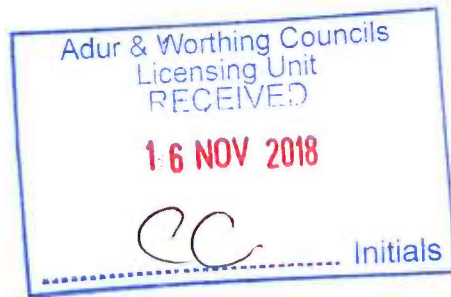
1 message

**jannie yum** <yumjung2003@yahoo.co.uk>  
Reply-To: jannie yum <yumjung2003@yahoo.co.uk>  
To: Taxi Licensing <taxi.licensing@adur-worthing.gov.uk>

15 November 2018 at 13:04

Hi,  
I was unable to attend the recent public meeting but wanted to add my name to the petition against the CCTV that was in the Arrow office, I was on holiday at the time and missed doing it.  
I also wanted to write and express again my objection to being forced to pay out £400 for a CCTV device, especially as we the drivers are not in operation of said device and personally I cannot afford such an outlay, which I think is unfair.  
I would appreciate it if you could take note of my objections and hope to hear an e-mail response from yourselves about the current CCTV issue.

Sincerely,  
Janet Jacks. (PD7067)  
Flat 1,  
11, Moat Way,  
BN12 4DR.  
Tel - 01903 600163.



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**Cctv**

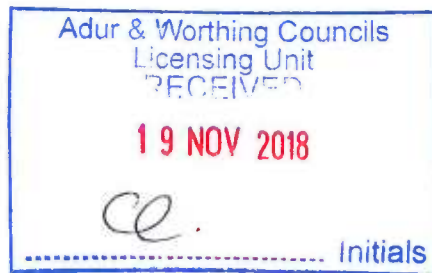
1 message

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**Gary Bazley** <garybazley56@gmail.com>  
To: taxi.licensing@adur-worthing.gov.uk

18 November 2018 at 10:12

I feel making cctv compulsory and not voluntarily is wrong because in my 30 years experience I think it would not warrant the expense





---

**Re: Cctv objection**

1 message

---

**Gary Bazley** <garybazley56@gmail.com>  
To: taxi.licensing@adur-worthing.gov.uk

12 November 2018 at 17:13

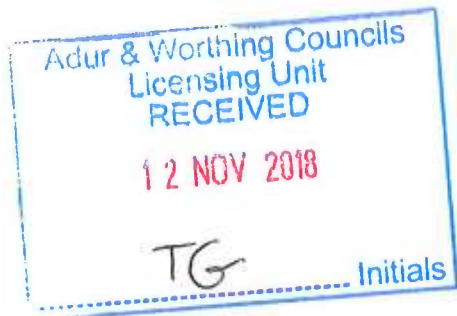
I would like to object to being made to having cctv fitted as it is an expense I feel in my 30 years experience us not necessary . Tours objectively Gary Bazley

On 12 Nov 2018 3:30 pm, "Gary Bazley" <garybazley56@gmail.com> wrote:

Dear taxi licensing office,

Please accept this as my objection.to.having. compulsive CCTV as it very expensive to.have and in.30 years experience, I find it unnecessary as I only work days





Mr R D Enticknap  
14 Hudson Close  
Durrington  
Worthing  
West Sussex  
BN13 2SJ

11<sup>th</sup> November 2018

To  
The Taxi Licensing Team

I am writing to express my comments to the introduction of CCTV in all private hire Vehicles as I am unlikely to be able to get back in time for the meeting tomorrow. I am not happy with the prospect of having to spend a minimum of £500 to have These fitted as for the work I and my daughter do these days which is Airports and Out of town Corporate Work.

Where I am concerned I feel this is a big expense at a time when as I said earlier that the Minimum cost to buy one is £500 and to rent one would be as much if not more and I Have to sign up for a minimum three year contract when at my age of 66 I am not sure I will be able to carry on for that long.

With this in mind I feel that you should be able to look at what work is being carried out by quite a few independent drivers and operators and not make it compulsory for us to have CCTV installed

R D ENTICKNAP

Worthing Hackney Carriage and Private Hire Handbook Consultation 2018

Please provide as much information by using the titles as guidance

Name EDWINA KOSKA - RUCO

Address 52, LITTLEHAMPTON Rd Wx Post Code BN13 1QH

Appendix	Page Number	Number point on page	Representation
	CCTV	⇒	<p>1 WISH TO NOT HAVE THE SYSTEM PUT IN AS 3</p> <p>1) - I only work 3 shifts ANSWER - so expensive</p> <p>2) You HAVE to pay to cancel THE SYSTEM!?</p> <p>3) ONLY HAVE two Company Local to use - so <u>no</u> option</p> <p>4) AS WE HAVE to keep our vehicle - why need this camera due a DVSA so it could be cheaper</p> <p>5) why <del>not</del> Does it have to be a two year contract</p>

Adur & Worthing Councils  
Licensing Unit  
RECEIVED  
17 MAY 2018  
TG Initials

Continue on additional paper if required



To,  
Worthing Borough Council,  
Adur & Worthing Taxi Licensing,  
Portland House,  
44 Richmond Road, Worthing,  
BN11 1HS.



Subject:- Worthing Borough Council Hackney/Private hire Licensing Handbook review/  
Concerns/issues

Respected sir/Madam,

**Name: Ravindra Atluri**

**1. Appendix E,F Point 5,17 Page number of Handbook 34,38,39- Regarding :CCTV**

CCTV installation being imposed in Hackney & Private hire trade in Worthing is not necessary there hasn't been a spate of attacks or incidents that warrants the Intrusive nature of CCTV

The Information Commissioners Office (ICO) advises that taxi trade drivers have a right of privacy, as well as family members of drivers, that filming during our private and personal life is deemed to be unlawful and breach of ACT 8 of the 1998 Privacy Act.

It is also burdening on us the cost of equipment, Installation, transferring from one vehicle to another, recurring cost for retrieving data/footage when necessary.

Annual increase of license fees, other Bills, raising fuel costs, which increases lot of pressure, stress on my daily life, which demands have to work more and more hours/unsociable hours to ends meet, which effects my personal and Family life.

Year on year increasing number of new drivers, less work, sharing by more and more drivers, slow economy, uncertainty due to Brexit, these are contributing my life harder, which also affects my livelihood in great extent.

Due to all above reasons, Installation of CCTV policy should not needed, however, it should be optional who ever wish to have them, its personal choice, not compulsory.

**2). Appendix E, Point 6, Page number of Handbook 34- Regarding: Tinted Windows**

Vehicles are manufactured with tinted windows should be allowed, you have to adopt proper mechanism to measure the thickness/transmission of light with proper equipment with great transparency.

**3). Appendix E, Point 2.3a, 2.5 Page number of Handbook 32,33- Regarding: Age of vehicle**

10 years vehicle mileage is comparing with similar vehicle was used solely for

Social, domestic and pleasure purpose is unfair, not level playing field, because even up to 10 Years vehicle which are running as taxi/Business/Commuting to work have higher mileage, as Long as met other conditions of safety, Garage certificate, MOT and etc, should be allowed for 1year.

According DVSA MOT is valid for one year, its roadworthy, Garage certificate is also valid for 1year, 10 years vehicle required to produce at 6months, another Garage certificate

Unnecessary cost to driver despite of both certificate are valid for 1year, which is unfair.

**For the point 2.5:** Silver vehicle for private hire should be allowed, because it has different Roof sign,

Different Colour License plates etc.

Whereas in Adur district has no colour restrictions for vehicles for Hackney or PH

**4). Appendix F, Point 14,14.1-14.2 Page number of Handbook 38- Regarding: Door signage**

Referring to Appendix F, point number 13 under heading ROOF Sign page number 37 serves Same purpose as Appendix F Point14 page number 38.

Most of Councils fallow standard signs as Roof sign, Licence plates one rear& one inside

So It must not be compulsory Door sign, however it should be optional or choice to proprietor,

Door signs are affecting my personal and family life when I am off work, when you pick up my Family members from Public places like Train station, Cinemas, etc.

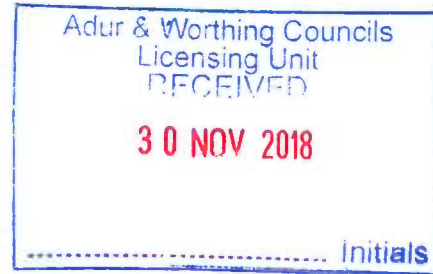
If you can develop website for online processing of applications, which makes everybody life easier and saves time & money.

Looking forward to hear your reply. If you need any clarification get back to me.

Yours sincerely

Mr R Atluri

To,  
Worthing Borough Council,  
Adur & Worthing Taxi Licensing,  
Portland House,  
44 Richmond Road, Worthing,  
BN11 1HS.



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Appendix E  
PIE XIDU399A

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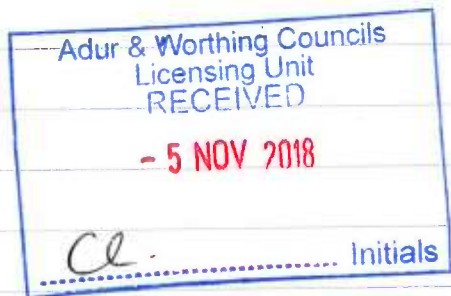
Looking forward to hear your reply. If you need any clarification get back to me.

Yours sincerely

Rajendra C Patel



# APPENDIX E20



Brought in by hand.

6 Willowbrook cent.

Old Dalls Farm Pt.

Hove

West Sussex

Bn 15 8 95.

Mr P. CHEAL.

Hacking Plate no 56.

07986460307.

To The Horse Licensing team.

I MR Philip Cheal wish to voice  
my opinion on the points of the handbook below

CCTV

My opinion is it should be amended.

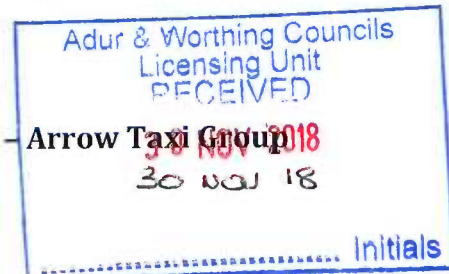
The Points register

I don't think it will work because  
you don't have the main power to check things.

MOT & Hacking test.

Can't see the Point is a gauge to  
do both tests, and pay twice when you the horse team  
decide if the car is on or off the road.

Many thanks



## Worthing Private Hire / Hackney Consultation – Arrow Taxi Group

### Statement

As operators / proprietors we propose three potential amendments to the Worthing handbook towards improving public safety & interest.

### 1) **Taxi Fare Calculator (PDA device)**

#### Proposal

Remove the mandatory requirement for Private Hire vehicles to be fitted with traditional “taximeters” which would then allow the use of modern “taxi fare calculators”

#### Reasoning

Traditional taximeters pose an ongoing and unnecessary expense to all drivers, which could be used to subsidise costs of new CCTV requirements. Additionally, operators and licensing authorities have no ability to log or inspect fares calculated by taximeters, which is possible with modern taxi fare calculators. This would provide licensing authorities with a simple method of gathering evidence should they receive complaints of overcharging for a particular booking.

#### Justification

In London (TFL) it is illegal for a Private hire vehicle to be fitted with a taximeter. In neighbouring licensing authorities such as Brighton, Arun, Chichester & Portsmouth there are no mandatory requirements for Private Hire vehicles to be fitted with a traditional taximeter. Private Hire operators nationally with specific examples in London, Brighton, Chichester & Portsmouth have already permitted the use of modern taxi fare calculators.

In 2015 the high court in London declared that smartphone apps used to calculate fares are by definition not “taximeters” and can be lawfully used. Lord Justice Ouseley ruled that such a device does not constitute a taximeter. “A taximeter, for the purposes of section 11 of the Private Hire Vehicles Act 1998 does not include a device that receives GPS signals in the course of a journey, and forwards GPS data to a server located outside of the vehicle, which server calculates a fare that is partially or wholly determined by reference to distance travelled and time taken and sends the fare information back to the device.” The landmark case was brought forward by UBER and the ruling has subsequently been applied throughout Europe & the UK.

Article: <https://www.independent.co.uk/news/business/news/uber-high-court-rules-that-the-app-used-to-calculate-fares-does-not-break-the-law-a6696446.html>

Article: <https://www.theguardian.com/technology/2015/oct/16/uber-wins-high-court-case-taxi-app-tfl>

**2) Card payment devices**

Proposal

Both Private Hire & Hackney licensed vehicles should be mandatory equipped with an approved card payment device.

Reasoning

Consumer choice is not only important, but goes without prejudice. Not all members of the public have access to cash payment (for example, mental health patients), whilst others are unable to access ATM machines either at all or safely without enduring additional “waiting time” costs (for example, wheelchair bound customers). Furthermore, drivers who hold significant cash within the vehicle could be at an increased security risk, which could be alleviated by encouraging card payments.

Justification

In London (TFL) it is a mandatory and legal requirement for Hackney vehicles to be fitted with a card payment device. The TFL board agreed on the 3<sup>rd</sup> of February 2016 that passengers should be able to pay by card, including contactless, from 31 October 2016 all licensed taxi drivers have been required to accept credit and debit card payments in accordance with their electronic payment guidance.

Article: <https://tfl.gov.uk/info-for/taxis-and-private-hire/accepting-card-payments>

**3) Silver Private Hire vehicles**

Proposal

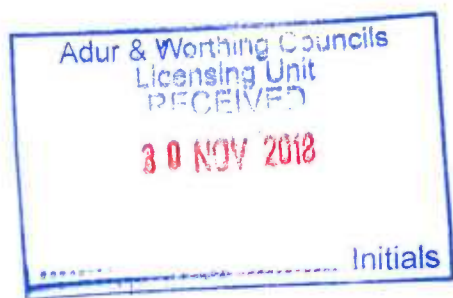
Removal of restrictions on silver Private Hire vehicles

Reasoning

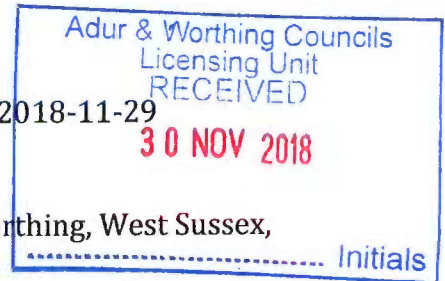
Unduly restrictive, unnecessary and further undermined by cross-border rules.

Justification

Majority of licensing authorities have no or minimal restrictions on the colour of Private Hire vehicles. Required signage on Private Hire & hackney vehicles are sufficient enough that members of the public can differentiate between the two.







Worthing Hackney and Private Hire Handbook Consultation 2018-11-29

Alan O'Donnell  
Elite Cars of Worthing, 33 New Broadway, Tarring Road, Worthing, West Sussex,  
BN11 4HP

Page number 37

Point number 10 Taxi Meters

We operate a very complex Computer System and the way work is sent to drivers is via an electronic PDA. This is the same system operated by Arrow and many large companies in this country and abroad.

Within the software is the opportunity to activate a meter system. Whilst not being able currently to use this system "Live" at present due to local licence regulations we would ask that the consideration be given to this being used as a fully approved system.

Using a highly trusted driver whom has a council approved traditional taximeter fitted we have done extensive trials alongside the regulatory meter and the following findings have been noted. It needs to be pointed out that at no time was this meter used for charging customer only for monitoring purpose. The way the system works is by using a very accurate GPS system similar to that used for navigation and from claims made by manufacturers this is accurate to about 1 meter anywhere on the globe. Thus as you can see it makes a highly accurate and reliable unit.

The benefits are many over traditional Taximeters.

It allows the dispatcher/ computer operator to be able to see where the drivers are at all the time. Each driver has his own individual identity number, which is visible on screen the whole time the driver is on shift. If you have drivers that are regularly moving from area to area it could indicate "Flipping" or the driver taking un-booked fares.

If the company has a driver whom he is unsure of it is very easy to monitor the prices being charged which on a more traditional meter is not possible for the company. When a job is booked the computer tells the operator and driver where the pick up is, any pick ups on route, where the final destination is and the anticipated fare [or fixed fare if appropriate]. If a driver keeps on finishing on a much higher price then further investigation can be undertaken to allow the company to interview and deal with any dishonesty that prior to the availability of this system [and currently using traditional taxi meters] was not possible to check or stop at an early stage.

If a query was brought up by a member of the public it is possible to bring up a full history of any job showing all details about the job including the final fare charged.

The charging tariff is only possible to access by the operator and again this can be restricted to only key personnel or the proprietors. This obviously demonstrates that it is not possible for just anybody to change tariffs only

persons whom have been trusted by the Council to operate the respective companies anyway.

The benefits to the drivers are also evident. The cost of a taximeter can be saved and for some whom only work part time or restricted hours this may make the difference between the job being viable and not. With the anticipated need for CC TV to be fitted this helps with making the job more financially viable. No holes have to be drilled in the vehicle thus increasing the cars value upon sale.

Worthing Hackney and Private Hire Handbook Consultation 2018.



Alan O'Donnell

Elite cars of Worthing & Airports 2 Go, 33 New Broadway, Tarring Road,  
Worthing, West Sussex, BN11 4HP

Page 46

Point number 7-1 Private Hire Knowledge Test

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.

There was the opportunity in the past for prospective drivers to pass a "restricted licence" thus only requiring the applicant to have all of his background checks completed and pass the various courses, child exploitation, disabled awareness and driving standards test.

I do understand the availability of this licence was removed due to enforcement officers finding some persons also using this licence for local driving. We have been licensed by the Worthing Council for about 25 years now providing Airport and Long distance services to the public of Worthing and have in that time had and indeed do have some very good drivers. None of these drivers have any interest in providing local services. We have of recent had many applicants from local drivers whom want to only do Long Distance and Airport Driving and do not have good enough local knowledge to pass the test.

It would seem that again we are not serving the public's interests fully due to a shortage of drivers. A more suitable knowledge check could include that the driver understands the access roads [main roads and motorways] to get to say Gatwick or Heathrow Airport. From the point of view of a Long Distance operator this is of far more importance than knowing where for example Terringes Avenue is. The local roads in Worthing can be checked prior to commencement of the job if the road is not familiar as all work is pre booked and allocated.

Ways to ensure that Restricted Licence holders only complete the right work could include

The licence could be jointly issued to the driver and the operator. Thus if they wish to have the benefit of this type of licence they would need to commit to working for a specific company and the control would then be with the company and the honesty of the driver.

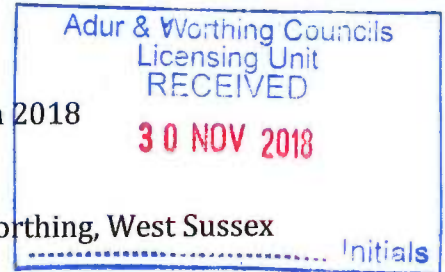
The driver could be issued with a different colour of vehicle plate. If this was made aware to the PHV drivers of Worthing then this could be self-policing. I am sure most local drivers will let the council licensing unit know as they don't want to lose their work. If there was extra cost for the plate this should be passed on to the driver. A bright red plate would stand out well.

Due to the long time we have been offering these services we have many customers coming back year after year for our services. Many of these loyal customers we had to reject due to lack of drivers. This happened regularly last year and it was not uncommon to have to say no to 600 plus enquiries. This is not a problem that is unique to us as we work with many other companies and individuals and everybody has similar problems.

We would ask that the officers look favourably upon this request as it would help with supplying employment for local people and indeed satisfy the needs of the local residents.



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BN11 4HP.

Page number 46

Point number on page 7-3 Private Hire Geographical Knowledge Test

I would ask that the Council Panel look at whether the current tests satisfy the need of the Taxi Licence unit and indeed the Public.

It is appreciated that drivers do need to have a good knowledge of the Worthing area. The knowledge test though does not take into consideration the wide use and availability of digital maps. Google maps or Apple maps to name a couple of the more popular ones are available on almost every phone and built into many cars. Thus having to know where the very small roads and closes are makes the test overly difficult.

Little Pembrokes, Trevor Close, Chesham Close, Courtlands Way are examples of roads that have such a small amount of houses in the road consequently the amount of times that a driver would need to know these roads is very unlikely. I have drivers whom work for myself and in 30 years of having held a licence in Worthing have never been asked to go to these destinations and other such small roads. It would seem knowing the more regularly used roads and where they are in the town is of equal or greater importance.

For example I interviewed a driver whom had a Lancing Adur licence and was asked where Heene Road was in relation to our office in Tarring Road. He did not have a clue. This obviously shows up a huge problem of having cross boarder cars working in Worthing due to a shortage of Worthing Licensed vehicles. I am sure even the other local taxi companies would rather have a locally licensed driver. Otherwise the constant complaints will occur, that I hear regularly about other companies, the driver did not know where he was going or over charging occurs due to the lack of even the most basic local knowledge.

Having taken the opportunity to study at length the "Department of Transport best practice guide for taxi and private hire licensing" I would like to point out some of the advice that is given.

Section 8 and 9

#### THE ROLE OF LICENSING POLICY JUSTIFICATION

The aim of local authority licensing of the Taxi and PHV trades is always to protect the public. Local licensing authorities will also be aware the public should have reasonable access to taxi and PHV services, because of the important part they play in local transport provision. Licensing requirements, which are unduly stringent, will tend to unreasonably restrict the supply of taxis and PHV services, by putting up the cost of operation and restrict entry to the trade. Local

licensing authorities should recognise that to 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 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 persons safety might be put at risk by having to wait on late night streets for a taxi or PHV vehicle, he or she may even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.

## Section 75

### Topographical Knowledge

Taxi Drivers need a good working knowledge of the area for which they are licensed, because they can be hired immediately, directly with the driver at ranks or on the street.

However, PHVs are not legally available for immediate hiring in the same way. To hire a PHV the would be passenger has to go through an operator, so the driver will have an opportunity to check the details of a route before starting a journey. So it may be unnecessarily burdensome to require a would be PHV driver to pass a knowledge test as a taxi driver. It may be thought more appropriate to test a candidate's ability to read a map and to assess their knowledge of key places such as main roads and railway stations etc. The department is aware of circumstances where, some people whom drive school children only on school contract routes have been deterred from doing so by overly burdensome topographical tests.

As a company we are in constant need of good licensed drivers to satisfy customer demand. We have been very well received by the public and have a high demand. We do not want to go the way of other companies and have out of town drivers working for us due their lack of local knowledge. But it does seem to leave the public unserved when we have people willing to wait one hour plus at peak times. We have had some very good candidates, ex police and military persons whom have not pursued their interest in PHV driving due to the time it takes to go through the process and difficulty of knowledge test thus it leaves people unemployed whom otherwise would have not been.

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## Review of Handbook

1 message

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**Ravindra Atluri** <ravindra\_atluri@hotmail.co.uk>  
To: Worthing/ Licensing Licence <taxi.licensing@adur-worthing.gov.uk>

30 November 2018 at 21:00

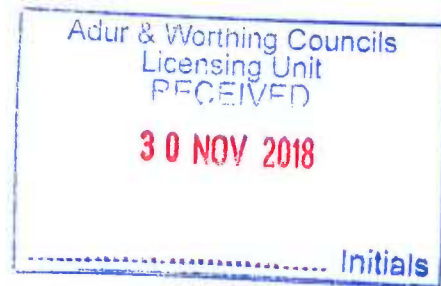
Hello sir,

With reference to Handbook Appendix M Revised under Heading as "penalty points scheme", page no's 62-66,

Before implementing this good discussion/debate on this issue is required.

Yours sincerely,  
Mr R Atluri

Sent from my iPhone



**Handbook review**

1 message

Adur & Worthing Councils  
Licensing Unit  
RECEIVED

steve <steveofengland@googlemail.com>  
To: Taxi Licensing <taxi.licensing@adur-worthing.gov.uk>

21 NOV 2018 11:58 21 November 2018 at 11:58

 Initials

Dear licensing

These are my proposals for the alteration of the handbook.

CCTV should be optional.

Worthing has not had a spate of attacks or incidents that Warrants the intrusive nature of CCTV. It is likely to be deemed unlawful and in breach of act 8 of the 98 privacy act according to the ICO. As you saw in the meeting, a lot of drivers are against this and I have provided a petition of nearly 100 drivers. A lot of us feel that we can accept CCTV as long as we can turn it off in our Private Lives.

Also the price is too much. I have sent you a cheaper version but you have not replied to that email.



## Petition against CCTV from the Worthing taxi and private hire trade

We, the undersigned, believe CCTV being imposed on the taxi and private hire trade in Worthing is unnecessary.

There has not been a spate of attacks or incidents that warrants the intrusive nature of CCTV.

The ICO website states that taxi drivers have a right to privacy as well, and that filming during our Private times is likely to be deemed unlawful and in breach of act 8 of the 1998 Privacy Act.

We ask today for you to halt the enforcement of CCTV until a proper legitimate consultation with the trade has been undertaken at the soonest possible opportunity.

Yours truly

on behalf of Worthing Hackney and Private Hire Trade

Name	Address & Post Code	Badge No:	Signature
CLIFF SIM	3 CANTERBURY COURT	7020	
LEE BOWEN	13 WILLOW COURT	7113	
Clive MASTERS	18 White House Place	7002	
MAT WHITING	23 PAYMEAD EVERSCENT	7102	
✓ MINE DELVAUX	23 HIGHDOWN AVE WORTHING	<del>7025</del>	
NEAL ROSS	39 GAISFORD ROAD WORTHING	7174	
Rich WHITING	32 Montreal WAY.	7217	
Steve Powell	12 BRIDGENORTH CLOSE <sup>BN13 3QW</sup>	7354	
✓ DAVID ROBINSON	5 CLYDE CL DURRINGTON <sup>BN13 3QW</sup>	<del>3098</del>	
Nordine Hocine	23 Church way BN13 1HD	7333	
Sam JACK	56 Amberley Dr. BN12 4QT	7262	
N. COURTINADU	408 MUIRFIELD RD BN13 2ND	7032	
✓ V. SAUNDERS	257 FINEAN RD WONG	7051	
ROGER CHRISTENSEN	44 THE AVENUE BN12 6JA	7015	
T. RAYNOR	197 DOMINION RD BN14 8LH	7119	
	1/2 West St BN11 3HD	7058	
✓ MICK PEARCE	82 BRAMLEY ROAD BN14 9DT	7040	
Keith Lewis	33 Leeward Rd. Worthing	7505	
RAVINDRA ATWAL	3 The Mole Lane	7466	

Name	Address & Post Code	Badge No:	Signature
KEVIN PIPER	3, VANCOUVER CLOSE	7042	
MARK COURTINADGE	27 NEWTUMBER AVE	7218	
GARY MILLS	114 KING EDWARD AVE	7339	
GARY MARWOOD	30 ST ANDREWS	7338	
D. NORRIS	14 FERWINDUST CT	7702	
C. PAYNE	38 WHITEBEAM RD BN133PJ	HD5010	C. Payne
M. COURTINADGE	142 TERRINGS AVENUE	7501	M. Courtinadge
FLORENTIN KAE	25 HASTINGS COURT	PD7470	
MARC RASHBROOK	6 OAK WAY MANNING'S HWAY	PD7896	
Oleg's Jevstajevs	51 Langbuey Ln BN126QA	PD7178	
ANTHONY HOBWOOD	16 QUARTER ROAD BN1324G	PD7824	
MARK THORNTON	7, LONG CLOSE BN133LP	PD7355	
RAJ PATEL	32 HARROW RD BN114RB	7143	
GLEN HARRIS	82 WISTON AVE	7001	
MARK JONES	1 WARNERS PRD	7237	
SR ANAND	72 NEWLAND ROAD	PD2809	
TARAN HAFEEZ	18 BRIDGE ROAD, BN147BU.	HD5051	
FALSAK KHAN	22 GULLSFORD RD BN147L	PD7460	
Léigh COBB	46 GRANWICKS RD	PD7050	
James Burtis	40 BOLSOVER RD	PD7043	
MAZHAR-UL-HAQ	67 Southam Rd.	PD7471	
G. COHEN	56 CULTEBN AL	PD7449	





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on behalf of Worthing Hackney and Private Hire Trade

Name	Address & Post Code	Badge No:	Signature
F HORRIS	SMILL RD BN11 4JX	HD5025	
P. Birca	55 HIGH ST TANNIC	HD5015	
S. HIND	BULLY CROSS LANE	HD 5019	
P. HAYES	11 THE STREET LANCING	HD5011	
P. Hope	150 GORING ROAD	HD 5054	P Hope
D BRADLEY	27 LONG MEAD FINESTON	BN14 0HX	
A. ASSADI	39 CLIFTON COURT	HD5070	
G BRADLEY	43 SONNINGDALE	HD5013	G Bradley
LONG CB	73 QUEEN ST BN14 7BH	HD 5006	
P. GAZZ	4 Terrace Ave Wg	HD 5362	
FEHATWAY	12 MAGNOLIA CH DURREINGTON BN13 3PT	HD 5018	
R HOLLAND	LYDIA CHERRY WALK BN13 3BA	HD 5371	
P. T. GIBBS	4. THE PLANT BN12 642	HD 5201	
S. DAVIS	208 GORING RD BN12 4PQ	HD 5042	
Nordine Haine	23 church way	3777	W Haine
S. NOSHAD	6 HERON COVE BN11 1XS	HD 5220	
MOYNA MATH	180 KING EDWARD AV	HD5401	
IBSAH CHONGHAY	28 CHESTERFIELD ROAD	PD 8813	

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Name	Address & Post Code	Badge No:	Signature
JASON HARWOOD	49 Mandale Rd, BN13 2AY	32	<i>Harwood</i>
STELLA MCLUSKEY	38, HAYNES ROAD.	HD 5151	<i>S. Mccluskey</i>
Jan Rensay	Feltham	68	<i>Jan Rensay</i>
A. M. KHAM	24 SIMPSON AV	60	<i>A. M. Kham</i>
EMMA MACE	5, PEBBLE WAY. BN43 6AQ	PD7276	<i>Emma Mace</i>
BRIAN MARCHANT	77 B. ALLYNDALE AVE ANNACLA PO21 2ET	7212	<i>B. Marchant</i>
EDWINA KOSLA-RULB	52. Hillside Road WY	PD 2569	<i>E. Kosla-Rulb</i>





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*on behalf of Worthing Hackney and Private Hire Trade*

Name	Address & Post Code	Badge No:	Signature
MWHITING	23 PARADE crescent	7012	
ADRIAN	SKELWIS	2299	
SRAHMED	BANBULAND ROAD		
S. SOUTER	227A TANNING RD	BD7188	
Roshid	51 ASHACRE LANE	PD7048	
Muhammad	69 HIGH STREET	PD7169	
TROTTER	27, NORFOLK ROAD	PD 7510	
M. ADIL	68A, Newland Road	HD5029	
K. McCLUSKEY	38 HAYNES ROAD	5051	
N. KHAN	36 BRITANNY ROAD <sup>BN147DZ</sup>	HD5039	
ADRIAN THOMAS	1 LANSDOWNE ROAD	HD5200	
E. Serhan	Ashdown RD	PD7046	
GUL FIAZ	48 Normand Road	PD 7259	
STUART MIMICR	39 COMBROVE RD	PD2352	
AKSAR UDDIN Sulek	9 ALTON DR BUNNELL	HD5143	
SHAM SUR RAHMAN	16 CHISTERFIELD ROAD	PD7017	

(16)

Steve Lowell  
07448410556

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Name	Address & Post Code	Badge No:	Signature
BARBARA O'Donnell	33 New Broadway BN11 4HP	8812.	
PAUL MARTEN	" " " "	7153	
KEN DORE	" " " "	7122	
GILL MARTEN	" " " "	7151	
CHRIS MARTIN	111, BROMFIELD AVE	5211	
MIKE BISSETT	6FF, 196, GORING RD, WORTHING	5065	
JANE ENTICKNAP	74 NILLON CRESCENT	7056	
RAYMOND ENTICKNAP	14 HUDSON CLOSE	7036	
MIKE ROBERTS	79 PALATINE ROAD	7140	

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on behalf of Worthing Hackney and Private Hire Trade

Name	Address & Post Code	Badge No:	Signature
M. IRFAN - UL-HAB	52 ABRUOD WATER ROAD WORTHING BN14 8AG	PD 7194	<i>M. Irfan</i>
ASIF NAVEED	23 GAISFORD CLOSE	HD5110	<i>AS</i>
Nick Bond	2, VINEY COURT ROGATE RD	PD7106	<i>Nick Bond</i>
P. Spinks	66 VANDERWAY RD	PD7458	<i>P. Spinks</i>
R. HUTCHBY	16 UPLANDS AVE BN13 3AA	PD 2208	<i>R. Hutchby</i>
D. Raman	11 MILL HSE GARDEN	PD 2027	<i>D. Raman</i>
W. FRANK	Flat 4 Beech court	PD7313	<i>W. Frank</i>

(7)

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# 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

Worthing Borough 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 requiring mandatory CCTV installation in Worthing Borough 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
- Passengers making off without payment
- Investigation on inappropriate behaviour
- Rape allegations

## **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

The introduction of CCTV allows the Licensing Authority with strategic partners to work with the trade, taxi marshals and street pastors 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 would enable 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 a serious allegation of rape and was arrested, an interview under police caution and the licensed vehicle was seized and impounded for DNA analysis. A police investigation was undertaken and Driver A was unable to work, he returned to work after a 10 week investigation and the charges were dropped by the police. If CCTV had been installed at the time in Driver A licensed vehicle, it would have eliminated the driver earlier and he could have returned to work. The driver has since had CCTV installed immediately to ensure his own safety and the protection to his income and business.

**Case 2:** Driver B was reported to the licensing office for failing to carry 2 wheelchair passengers in a correct and safe manner. Investigating officers had to rely on the statements from the passengers that had travelled with the 2 wheelchairs unsecured in the licensed vehicle. The Licensing Committee determined that Driver B to have CCTV installed in the vehicle and to attend additional disability access training.

**Case 3:** Driver C 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

**Case 4:** Driver D Complaint made by passenger, accusing the driver of asking for sex, no CCTV available to corroborate the passengers accusation and the councils licensing office was unable to verify the claim or prove that the driver was innocent. The complaint was dealt with based on the balance of probability without CCTV any offence(s) remain unproven and the driver remains a holder of a driver licence.

**Case 5:** Driver E had CCTV running whilst the licensed vehicle was parked with no one in the vehicle. The vehicle was hit by a hit and run driver and was recorded by the CCTV installed within the vehicle. The footage confirmed the identity of the offender and allowed the driver to make a non-fault claim on his insurance.

**Case 6:** Driver F of a small Private Hire Operator company allowed his Private Hire Vehicle licence to expire which would have made the licence holder's insurance invalid if the vehicle was used for hire & reward. Without CCTV the Licensing Authority was unable to prove whether the vehicle continued to be used for private hire work without a licence and therefore no insurance. If it had this would be putting the public at risk.

**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
- Misuse of taxi ranks outside of the district

## 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 Borough 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 no commercially available option to switch the system on and off as this would leave it 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 Crime.</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 anyone attempts to</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>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>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 \(2013\)](#)

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## Appendix G

	Taxi licensing type and compliance dates	Emission standard
1.	<p><b>All new registrations (i.e. vehicles which have not previously been licensed by the Council)</b></p> <p><b>From: 1 January 2020</b></p>	<ul style="list-style-type: none"> <li>• ULEV Petrol Hybrid Euro 5 +</li> <li>• Petrol Euro 5 + (Any vehicle registered from 1st Sept 2009 onwards)</li> <li>• Diesel Euro 6 + (Any vehicle registered from 1st Sept 2014 onwards)</li> </ul> <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><b>All licence renewals (i.e. renewal of a licence for a vehicle which was previously granted by the Council)</b></p> <p><b>From: 1 January 2022</b></p>	<ul style="list-style-type: none"> <li>• ULEV Petrol Hybrid Euro 5+</li> <li>• Petrol Euro 5 +</li> <li>• Diesel Euro 6 +</li> </ul> <p>(including vehicles adapted with a retrofit to an agreed approved standard)</p>
3.	<p><b>All licence renewals (i.e. renewal of a licence for a vehicle which was previously granted by the Council)</b></p> <p><b>From: 31st December 2025</b></p>	<ul style="list-style-type: none"> <li>• ULEV Petrol Hybrid Euro 5+</li> <li>• Petrol Euro 6 +</li> <li>• Diesel Euro 6 +</li> </ul>
4.	<p><b>All licence renewals (i.e. renewal of a licence for a vehicle which was previously granted by the Council)</b></p> <p><b>From: 31st December 2028</b></p>	<ul style="list-style-type: none"> <li>• ULEV Petrol Hybrid Euro 5+</li> </ul>

+ 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)

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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



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