



ADUR DISTRICT COUNCIL

Licensing Committee

17 January 2022

Ward: N/A

Review of Taxi & Private Hire Handbook

Report by the Director for Communities

1.0 Summary

1.1 Members are invited to review the Hackney Carriage & Private Hire Licensing Handbook following a wide consultation exercise. Members are requested to consider the document and the representations received and any other appropriate amendments.

2.0 Background

2.1 The council issues licences subject to specific conditions that are placed on hackney carriage and private hire licences to ensure minimum standards and public safety. Public Safety being the authority's overriding concern.

2.2 Adur District Council has operated with the current formal handbook since 2017 and a handbook is now seen as a common practice within all Local authorities. The content has been regularly updated to reflect legislation and good practice and this is a planned and general overview of the whole document.

2.3 The Handbook sets out the principles the Council will apply when carrying out its hackney carriage and private hire licensing functions. It acts as a guide to drivers, vehicle owners, operators, officers and councillors involved in the trade.

3.0 Consultation

3.1 From 1 September - 26 October 2021 The Taxi and Private Hire handbook has been the subject of an 8 week public and trade consultation exercise.

- 3.2 The first exercise has received 6 representations from various stakeholders and trade.
- 3.3 As a result from the consultation period a representation instigated a further consultation to take place for 4 weeks from 30 November 2021 to 29 December 2021 with all Private Hire and Hackney Carriage drivers in the district of Adur.
- 3.4 The second exercise received 1 trade representation made from a licence holder. NB: The Consultation period closed after the written report. Any further representations will be made available at the hearing.

4. Representations

4.1 Representation Appendix A

Tinted window conditions

Remove this condition for these reasons

- Creates stress to licence holders
- All modern cars are now made with a heavy tint
- Impossible to find an acceptable car on the second hand car market
- Additional £1000 cost to replace the glazing
- Licensed drivers going to other authorities where tinted windows are allowed
- Tinted glazing reduces harmful rays improving passenger safety
- Tinted glazing reduces glare improving passenger comfort
- Tinted glazing reduces the temperature in the vehicle
- Tinted glazing reduces the use of air conditioning reducing harmful emissions
- Remove any set limit on tinted windows

4.2 Licensing Information & Response

Current Tinted Windows condition:

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.

Tinted glass where fitted to a vehicle must be light enough to allow enforcement officers & the public to have clear view of the passengers and the light transmission of the glazing must meet the following criteria:

- Front windscreen at least 75% light transmission
- Front side door glass at least 70% light transmission
- All remaining glass at least 55% light transmission These transmissions can be measured using the Taxi Licensing Team's 'tint meter' when presented for testing for their initial vehicle application. Vehicles can be presented for an informal test with the tint meter at no cost by appointment.

- 4.3 It has always been of the opinion of the Police and Licensing Officers that it is vital to public safety that they and members of the public have a clear view into the passenger compartment of a licensed vehicle.

- 4.4 The current window tint measurement was approved by this committee in January 2020. The Committee took into account Sussex Police's representations stated that you should have a clear view into the passenger compartment for public safety regarding tinted windows. Prior to this condition being imposed, officers were given the discretion to determine if the level of tint on passenger windows restricted the view into the passenger compartment of the vehicle.
- 4.5 All new modern cars have some form of light tint as standard. Often referred to as Sundym glass, this light tinting meets the current conditions of licence. Heavier tinting to vehicle glazing has become more popular in recent years but is always an 'option' that is chosen at the ordering of a new vehicle (though sometimes a no-cost option). The issue identified for the trade is the majority of proprietors rely on the second car market, therefore they do not have the control over the extras that have been applied to the vehicle when ordered from new. This sometimes reduces the selection of vehicles that are suitable to be licensed, at the price they want to pay.
- 4.6 Generally proprietors have sought advice from the Licensing Unit before purchasing new or replacement vehicles. Consequently, when advice has been sought vehicles are being replaced with vehicles that have glazing with acceptable tint measurements. Some proprietors have purchased vehicles without reference to the handbook or seeking officer's advice. However, this is rare and only 5 vehicles have been refused licence after being purchased and subsequently required the glazing to be replaced. Adur District currently issues 152 vehicle licences.
- 4.7 The cost of replacing a vehicle's glazing varies from £250 to £1000 depending on where the glazing is sourced and purchased. The reason for the price difference is often linked to which supplier the glazing is purchased from. The highest prices paid appear to be for glazing purchased directly from the vehicle manufacturer's main dealer but other sources, such as autoglazing companies, can be significantly cheaper.
- 4.8 The vast majority of licensed vehicle proprietors are self employed sole-traders, which gives them flexibility on which local Licensing Authority they choose to apply for a licence to. If a licence holder transfers to another local authority this can be for many and varied reasons. The licensing unit has no evidence to suggest that licence holders are choosing to licence with other authorities based on an authority's window tint conditions, however our neighbouring authorities Arun and Brighton & Hove has no restriction on vehicle window tints.
- 4.9 All modern vehicles have a tint to their windows, the difference is in the amount of light that is allowed into the vehicle on average a 18 - 30% tint and even clear window film or a light tint offers UV protection that can block out both damaging UVA and UVB rays.
- 4.10 The carbon content window tinting can block up to 40% of the infrared rays that can cause a vehicle to get too hot. Blocking infrared rays doesn't just reduce heat, it also prevents upholstery from fading. This can be achieved with a tint allowing 70 - 75% of light transmission into the vehicle.
- 4.11 Air conditioning unfortunately does contribute to global warming issues and the use of the air conditioning in extreme heat or while sitting idle in traffic is inevitable, high

grade ceramic films can be installed even to the windshield that remain very clear but will reject up to 43% of the incoming heat to the cabin.

- 4.12 Tinted Window condition at 6.2 requires an amendment for clarity and should read
- All remaining glass to the seated passenger compartment(s) allow at least 55% light transmission

4.13 **Representation Appendix B**

Introduce an Intended use policy and conditions:

- 4.14 An intended Use policy does not allow a Hackney Carriage to predominantly work outside its licensed area.

- The vehicle must return to the licensed area
- Prevents the licensed area being deprived of vehicles
- The licensed vehicles service the streets and ranks they are licensed in
- The authority retains local control
- Prevents 'surge pricing'
- Prevents licensing conditions from being flaunted
- Lewes, Eastbourne, Mid-Sussex and Brighton & Hove have this policy

4.15 **Licensing Information & Response**

Adur District's current licensing application questions

- Do you intend the Hackney Carriage Vehicle to be used to ply for hire within the area of Adur District Council
- Do you intend that the Hackney Carriage / Private Hire vehicle will be used entirely or predominantly outside the district of Adur Council

The questions are asked to ensure the applicant is applying in the correct district and they intend to work predominantly in the district they are applying for.

- 4.16 Adur District does not have a policy or condition beyond the questions asked and solely relies on the legislation, byelaws and conditions of licence in regards to compliance and regulation.
- 4.17 A policy would be supportive in the case of refusal and any further appeal against the council's decision.
- 4.18 The trade should be consulted on any consideration on changes to the conditions of licence and be given the opportunity to make representation to any suggestions
- 4.19 Suggested licensing condition

Hackney Carriage Intended Use Policy

- *A hackney carriage vehicle licensed by one local authority may be used to fulfil pre-booked hirings in another licensing authority as well as on behalf of private hire operators licensed by another local authority.*
- *In order that the Council may retain local control and enforcement over the hackney carriages it licences and assist other licensing authorities with local control and enforcement, the proprietor of the vehicle will be asked as part of the application process as to which area the vehicle is intended to entirely or predominantly operate from for the purposes of fulfilling pre-booked hirings. It will be incumbent upon the*

proprietor of the vehicle to demonstrate to the Council's satisfaction that it is intended for the vehicle to undertake hirings predominantly within the licensing authority area.

- *If the applicant indicates that the vehicle will not predominantly work within the licensing authority area the application will normally be refused or if found to be acting in such a way the vehicle licence may be revoked.*

4.20 Representation Appendix C

Objects to any further amendments to vehicle identification.

- Adur licensed vehicles have signs
- Over regulation
- unsure why it is important
- Additional cost to the trade

4.21 Licensing Information & Response

4.22 Identification marks are critical for passenger safety

- Adur licensed vehicles have the operator name and telephone number on the front door panels, the licence plate number is on the rear of the vehicle and plate details are on a badge attached to the windscreen.
- There is one condition on roof signs that requires clarifying. The position of the roof sign placed on the roof of the vehicle is important, this is to ensure a Private Hire vehicle does not appear in the same way as a Taxi which enables the public to identify and understand the difference between a Taxi and Private Hire vehicle. Condition the position of the roof sign to be placed on the rear side of the vehicle roof above the front passenger seat and forward of the B post.
- The statutory standards and best practice guidance for taxi and private hire licensing authorities. Annex staying safe: Guidance for passengers might include: What a private hire vehicle looks like e.g signage, colour, licence plates. Having the plate number in a more obvious place. ie on the back door, will assist with passengers visual impairment and public safety to all passengers.
- No public safety can be an over regulation.
- Worthing Borough has door plate signage the same as our neighbouring licensing authorities, this condition will fall in line and provide the travelling public a consistent message.
- Additional costs will be incurred at the cost of £25.50 and the majority of the time they remain on the vehicle during its service.

4.23 Representation Appendix D

Sight Support Worthing & RNIB various representation and suggestions to support sight loss and disabled passengers travelling in Taxi and Private Hire licensed vehicles.

- Mandatory disability training for all Taxi and Private Hire drivers, Ensuring all drivers are aware of the law and the consequences for not complying with.
- Mandatory training every 2 years.
- Ensure all communications on or within the vehicle are accessible to people with sight loss.

- The vehicle plate number in a large heavily contrasted print on the rear doors and the back of the seats.
- CCTV Recording mandatory for every journey
- Minimum % of WAVs in the licensing policy and for no further licences to be issued until the minimum is met.

4.24 Licensing Information & Response

- Training is applied to all applicants and existing drivers to undertake Disability Awareness training every 3 years. If a complaint or investigation resulted in cause for concern or a breach in legislation the local authority has the powers to prosecute, suspend, revoke and or educate during this period.
- Vehicle plate numbers on the doors See appendix C at 4.17 to 4.19
- A review of signage may be a requirement. RNIB and other sight support agencies could evaluate the appropriateness of the current signage and advise if necessary.
- Headrest advertising is currently permitted in vehicles future consideration on advertising vehicle details to the passenger when travelling in the vehicle could be considered.
- CCTV recording is compulsory for every journey and every booking made through the licensed private hire operator call handler or booking app is recorded and will include all details of the journey including GPS map tracking.
- **Current CCTV conditions and specifications**

The proprietor shall check the system for malfunction at least once a month and, if a repair or download is required, the vehicle may continue to be used provided any malfunction is rectified within 24 hours.

- The equipment must be permanently wired to the vehicle power supply;
- The equipment to have a clear serial or other unique identification number;
- The equipment must not obstruct the driver's view of the road ahead;
- The camera(s) must record both forward and rear facing images;
- Images to be clear, date and time stamped, in colour and in high definition;
- There must be no facility to view previously recorded images from within the vehicle;
- The equipment must be tamper proof;
- The equipment must have a built in battery backup;
- There must be an auto record function whether by ignition switch turn, door opening, person motion sensor or vehicle in motion sensor and NOT just activated by the driver alone;
- The equipment to have a minimum of 28 days image recording and storage capacity;

Unfortunately this condition and specification is not full proof. Police and Local authority officers have on more than 1 occasion been unable to obtain footage due to the CCTV not working to a sufficient standard where the footage has either been completely or partially lost, corrupted and or equipment tampered with, fuses removed or cables disconnected.

Additional specifications are required to eliminate the failure of CCTV equipment. An option for this committee to consider is for all licence holders to have a screen installed into their vehicle which will enable them to instantly know that the CCTV equipment is recording and consideration should also be made on the CCTV system being serviced annually.

- Wheelchair Accessible vehicles (WAV's) in Adur District are at an all time low, the current policy was amended to address the decline. Currently all Hackney Carriage saloon vehicles if ownership was transferred then the vehicle would need to be changed to a WAV at the next renewal.
- Adur conditions also allow rear loading vehicles which are less expensive to purchase.
- Adur currently has 3 Hackney Carriage WAV's and 0 Private Hire WAV's In order to increase the fleets, alternative methods need to be sought and a consultation with the trade and stakeholders.
- An option may be to condition the Private hire operators to add a % of their fleet to be wheelchair accessible.

4.25 **Representation Appendix E**

Guide dogs for the blind association representation

- Highlights the law
- Zero tolerance
- Medical exemption,
- Sample purchasing
- Disability equality training
- Disclosure and Barring service
- CCTV

4.26 **Licensing Information & Response**

- The handbook document contains the Council's policy on procedures and standards relevant to the licensing of the Hackney Carriage & Private Hire trade within the district of Adur and is in accordance with the relevant legislation and best practice The drivers undertake Equality training that includes Equality Act 2010.
- Zero tolerance to offences. Officers follow Public Health & Regulation enforcement policy and work within the time parameters within the legislation.
- Medicals including exemptions are assessed by the council independent medical advisor, who advises the licensing team on any course of action or further assessments are required.
- Test (sample) purchasing is carried out if the local council receives a complaint or suspects that there is noncompliance with either the law or conditions of licence. Investigating any possible breaches of licensing legislation and taking the appropriate enforcement action to ensure compliance with that legislation and the terms of individual licences and permits.
- Training is applied to all applicants and existing drivers to undertake Disability Awareness training every 3 years. If a complaint or investigation resulted in cause for concern or a breach in legislation the local authority has the powers to prosecute, suspend, revoke and or educate during this period.
- Statutory standards July 2020 have been implemented by the Adur council Licensing committee and incorporated DBS checks are carried out every 6 months.
- CCTV recording is compulsory for every journey and every booking made through the licensed private hire operator call handler or booking app is recorded and will include all details of the journey including GPS map tracking. The Information Commission Office does not allow compulsory sound, Adur Council has a condition that assists this issue by allowing the driver to have an On Off button fitted within the vehicle.

4.27 **Representation Appendix F**

Sompting Parish Council representation

- Add the name of any individual that is in contact with the booker
- Provision of a monthly register of all booking staff taking calls for an operator and any changes must be notified immediately
- All booking staff dispatching vehicles to provide a DBS check every 12 Months
- Passenger Carrying Vehicles and Public Service Vehicles not to be permitted under the Private Hire Vehicle operator licence.

4.28 **Licensing Information & Response**

- The person making the booking is a condition of licence and must be recorded on the booking records and maintained by the licensed operator.
- The licensing office requires the operator as a condition of their licence to provide a monthly record of all staff that will take bookings or dispatch vehicles
- All staff that take bookings or dispatch vehicles must be DBS checked every 12 months.
- These items were previously addressed by the licensing committee and will be included in the updated version of the Taxi and Private Hire Handbook.
- Public service vehicles and Passenger carrying vehicle section at 8.16 and 8.17 in the Statutory Taxi and Private Hire update to the handbook required

4.29 **Representation Appendix G**

The insight team representation

- More wheelchair accessible vehicles
- Allow wheelchair vehicles after 10 years old

4.30 **Licensing Information & Response**

- Wheelchair Accessible vehicles (WAV's) in Adur District are at an all time low, the current policy was amended to address the decline. Currently all Hackney Carriage saloon vehicles if ownership was transferred then the vehicle would need to be changed to a WAV at the next renewal.
- Adur conditions also allow rear loading vehicles which are less expensive to purchase.
- Adur currently has 3 Hackney Carriage WAV's and 0 Private Hire WAV's In order to increase the fleets, alternative methods need to be sought and a consultation with the trade and stakeholders.
- An option may be to condition the Private hire operators that a % of their fleet has to be wheelchair accessible.
- Age of vehicle condition is in place that allows the maximum age limit of 10 years may only be exceeded if the vehicle presented is in exceptional condition.

4.31 Any policies in place may be amended without a full review and or consultation for clarity and if legislation requires or if there are no significant impacts on passengers and or the trade.

4.32 Various amendments have been made to the handbook in accordance with, legislation, implementation of new standards or procedures with third parties,

product availability and for clarification. The following amendments have taken place and are highlighted in blue

4.33 Appendix I at 2.4

Additional guidance on renewal of DVLA driving licence applications

It is the responsibility of the licence holder to ensure that the DVLA licence remains valid and any renewals to the DVLA are submitted before the expiry. Applications online to the DVLA is the fastest way to apply for a renewal. Retain proof that application to renew an expiring or expired DVLA licence has been completed. Online applications will issue you with a unique code and by post obtain a receipt and proof of posting. Failure to renew may result in suspension or revocation of your licence.

4.34 Section 5 at 5.15 and Appendix I at 2.2

Updated: The applicant must submit a completed DVLA driving licence check code on application for checking on the DVLA website.

4.35 Appendix K at 3.3

Additional condition from the Taxi and Private Hire Statutory Standards : Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

4.36 Appendix L Enforcement at 9

Additional condition from the Taxi and Private Hire Statutory Standards Using a hand-held device whilst driving. Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

4.37 Section 5 at 5.13 & 5.14 and Appendix at 6.12 Conditionality tax checks

This will be introduced 4 April 2022 to check on tax registration for applications to renew

- Hackney Carriage (Taxi) driver licence
- Private Hire driver licence
- Operate a Private Hire business

An applicant who wishes to renew a licence will need to carry out a tax check. The licensing body Adur District Council will have to obtain confirmation from HMRC that the applicant has completed the check before being able to consider their renewal licence application.

5.0 Proposals

5.1 In light of the representations members are invited to make a decision as to whether the changes to the handbook are necessary and of extreme importance.

5.2 Approve all recommendations published in the Taxi and Private Hire Statutory Standards.

- 5.3 The changes are an attempt to formulate standards addressing
- Neighbouring consistent and fair approach with neighbouring authorities
 - Consideration to the National Disability Strategy (July 2021)
 - The Taxi and Private Hire standards (June 2021)
 - Assistance to the trade with clear guidance and understanding

6.0 Legal

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

7.0 Financial implications

- 7.1 The costs in respect of officer time will be met from within the approved staffing budget and are covered by the relevant fee charged to the taxi trade.

8.0 Recommendation

The Committee is asked to consider the representations received and information on the Hackney Carriage & Private Hire Handbook. Members are requested to make any necessary and compulsory amendments as guided by the DfT statutory standards or recommend any further amendments to the Taxi and Private Hire handbook that is used by the local industry, new applicants, council officers and members when considering Hackney Carriage & Private Hire Licensing matters and or to recommend further consultation for review at a future committee hearing.

Provide reasons for the decision.

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SUPPORTING DOCUMENTATION

Taxi and Private Hire Handbook

Departments for Transports (DfT) Statutory Taxi and Private Hire Vehicle Standards

[National Disability Strategy July 2021](#) (note to save on publication costs this has not been reproduced with the agenda and can be accessed vi the link above or upon request to democratic services)

Representations

Trade

Appendix A - Tinted Window condition

Appendix B - Door plates

Appendix C - Intended use policy

Stakeholders

Appendix D - Sight support Worthing & RNIB

Appendix E - Guide Dogs UK

Appendix F - Sompting Parish Council

Appendix G - Insight team

Schedule of Other Matters

1.0 Council Priority

1.1 Licensing of taxi and private hire drivers is directly related to public safety issues.

2.0 Specific Action Plans

2.1 Matter considered and no issues identified.

3.0 Sustainability Issues

3.1 Promoting sustainable and inclusive economic growth – Improving the economic wellbeing of local people and businesses boosting the local economy.

4.0 Equality Issues

4.1 There are no impact assessments associated with this report.
The aim of any new policies would be to reduce the risk posed by licence holders to the travelling public, and to increase the confidence of the public that their taxi and Private hire drivers can be trusted.

5.0 Community Safety Issues (Section 17)

5.1 The Council is committed to community safety.

6.0 Human Rights Issues

6.1 All applicants have the right to expect that their application will be properly and fairly considered.

7.0 Reputation

7.1 The Committee must balance the rights of the trade against the potential risk to the Council's reputation if it should transpire that the wrong decision has been taken.

8.0 Consultations

8.1 Matter considered and any further consultations will take place with taxi and private hire trade, public and representatives.

9.0 Risk Assessment

9.1 Matter considered and no issues identified..

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

